



# CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City  
Monday, February 24, 2025 at 7:00 PM

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Attend the livestream of the meeting on the City's YouTube Channel:

<https://www.youtube.com/user/CityofOregonCity>

- Register to provide electronic testimony (email [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

## 1. CONVENE MEETING AND ROLL CALL

## 2. APPROVAL OF MINUTES

- a. Approval of January 27, 2025 Meeting Minutes

## 3. PUBLIC COMMENTS

*Please see the public comment guidelines below.*

## 4. DISCUSSION ITEMS

- a. 2024 Annual Report of Planning Commission Activities
- b. Planning Commissioner Legal Training

## 5. COMMUNICATIONS

## 6. ADJOURNMENT

### PUBLIC COMMENT GUIDELINES

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

### ADA NOTICE

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

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

Video Streaming & Broadcasts: The meeting is streamed live on the [Oregon City's website](https://www.cityoforegoncity.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, January 27, 2025, at 7:00 PM

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## 1. CALL TO ORDER AND ROLL CALL

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

Present: 5 – Chair Paul Espe, Commissioner Greg Stoll, Commissioner Bob LaSalle, Commissioner Karla Laws, Commissioner Dirk Schlagenhauser

Absent: 1 - Vice Chair Brandon Dole

Staffers: 2 - Community Development Director Aquilla Hurd-Ravich, Senior Planner Christina Robertson-Gardner, Deputy City Attorney Carrie Richter (virtual)

## 2. MEETING MINUTES

A. Meeting Minutes for Approval: January 13, 2025.

**A motion was made by Commissioner Schlagenhauser, seconded by Commissioner LaSalle to approve the meeting minutes for January 13, 2025.**

**The motion carried by the following vote:**

**Yea: 5 - Commissioner LaSalle, Commissioner Laws, Commissioner Schlagenhauser, Commissioner Stoll, Chair Espe**

**Nay: 0**

## 3. PUBLIC COMMENTS

None

## 4. PUBLIC HEARINGS

A. Glua-24-00027: MAS-24-00002 (Master Plan Revision to CP 14-02) MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001 (Detailed Development Plan to build street network) 419 Main Street, Oregon City, OR 97045

Chair Espe read the quasi-judicial script. He asked for Commissioners to declare any ex parte contact or conflicts of interest. The only disclosure was from Commissioner Laws regarding a recent email and attending the neighborhood association meeting. There were no questions about any of this from the public.

Deputy City Attorney Carrie Richter provided some legal commentary regarding the differences between a “legislative action” and a Quasi-judicial action” and why this file falls under the Type III Quasi-judicial review instead of legislative.

Senior Planner Christina Robertson-Gardner presented the staff report. This project was last before the Planning Commission back in 2014 associated with a zone change. This proposal is to create a framework for future site development that reflects the values of the Confederated Tribes of Grand Ronde Community of Oregon. There is an updated DDP for streets and infrastructure.

Christina covered the revision areas which included: 1) An amendment to Development Review Process, 2) Revision to Framework Plan Map, 3) Public Access/Riverwalk, 4) Retention of structures onsite; 5) transportation and 6) Modifications to fences, streets and interim parking.

There was a presentation from a team from the Confederated Tribes of Grand Ronde Community of Oregon. Kristen introduced the team and presentation. David Harrelson spoke about what this project means to the Grand Ronde community. This effort is about healing this sacred landscape while building a modern tribal village for their descendants.

Kristen acknowledged the great amount of teamwork between many groups to get this project to where it is today and to get the desired modifications information before the Planning Commission. She covered Development Goals, Public Outreach and then the modifications from the 2014 file being requested. There will be spaces on the site for cultural activities and gatherings and foremost, it will connect the land and the people back to the water. Grand Ronde cultural identity will be integrated into the design of buildings and open spaces and infrastructure. There will be lush native plantings and habitats created throughout the site.

Mark Raggett, a planner from GBD architects. They have worked to balance the space. Balancing public access and open space, balancing mixed use development in a series of uses. There will be economic development but with significant restoration to the land as well. They are looking to develop a renewed appreciation and understanding of the falls and landscape of the historic falls site.

Ben Schoenberger, plan use planner, who was involved in the 2014 plan highlighted more recent changes to the site as some of the buildings have gone away. They updated the approval process and now there is a lot more detail which falls back on what the code says and so more things are approvable at staff level with a few exceptions. It refines the timing of the riverwalk and the economic development.

Ryan Webb, engineering and planning manager for the Grand Ronde Tribe, spoke about the Detailed development plan for Block 1. There are new drawings showing the infrastructure and utilities. This will be the first new construction on the site which is exciting. They have received \$2M in congressional funds and in combination with funds the tribe has set aside, they are hoping to break ground this summer.

Commissioner asked about the tribe being accountable to other jurisdictions, such as ODOT and how that works with City codes. Response was that they have been working with ODOT about the frontage on McLoughlin Blvd and making sure that what they are doing works with ODOT and the City. Commissioner further questioned about the construction done on the site, and the response was that they are working with the City to make sure codes are met.

Commissioner asked why the 't' in tumwata is not capitalized. Response was that in the language of the tribe, the written language is all small case, so they kept it as 'tumwata village'.

Commissioner asked about timeline for the actual building construction to start. Response was there is none, but they see the construction of the streets around block one as being a catalyst.

Commissioner asked about the restoration of plants, etc. Response was that they are actively working on remediation work as they are doing restoration and clean-up work. They are looking for more funding sources and hope in the next couple of years to see more of that transformational work to be done but it is funding dependent.

Commissioner asked the materials palette in the packet. Wondering if the tribe is limited to the palette or what is to be reviewed. Senior Planner Christina responded that the palette is not clear and objective. It was included only as background discussion so the Commission and public could understand the depth and level of design that had come into play over the last couple of years. It will not be part of City review.

Public Comment #1: Sarah Thompson, Grand Ronde Tribal Member. She spoke in support of the tumwata village project.

Public Comment #2: John Lewis, Oregon City. He spoke in support of the Planning Commission reviewing this file as a quasi-judicial project. He spoke in support of the tumwata village project, and the changes being proposed.

Public Comment #3: William Gifford, Oregon City. He spoke in support of the master plan revision.

Public Comment #4: Paul Edgar, Oregon City. He spoke about concerns regarding the impact of the travel/trips on McLoughlin Blvd with this project.

Chair Espe closed the public hearing.

Chair Espe re-opened the public hearing so that the applicant could rebut any public comments.

Applicant responded in agreement to the quasi-judicial decision. They are in concurrence with the Conditions of Approval. The Conditions of Approval outlines a methodology should the trip count exceed what has been proposed. They are building less than initially proposed, so they are expecting less trips.

Chair Espe closed the public hearing.

Commissioners deliberated.

**A motion was made by Commissioner LaSalle, seconded by Commissioner Schlagenhauser to approve Glua-24-00027: MAS-24-00002 (Master Plan Revision to CP 14-02) MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001 (Detailed Development Plan to build street network) 419 Main Street, Oregon City, OR 97045.**

**The motion carried by the following vote:**

**Yea: 4 - Commissioner LaSalle, Commissioner Schlagenhauser, Commissioner Stoll, Chair Espe**

**Abstain: 1 - Commissioner Laws**

**Nay: 0**

**B. GLUA-24-030/LEG-24-04 Flood Management Overlay District Code Amendments**

Chair Espe read the legislative script. He asked for Commissioners to declare any ex parte contact or conflicts of interest. There were none.

Director of Community Development, Aquilla Hurd-Ravich, presented on behalf of Planning Manager, Pete Walter. Updating code to remain in compliance with the National Flood Insurance Program which allows property owners to receive flood insurance at a discounted rate. Development regulations are split between three departments, Building, Planning and Engineering with the Building Official being the Flood Plain Administrator.

Aquilla provided background information about FEMA getting sued by environmental groups, and they are currently going through a NEPA process. They notified cities and counties to take Pre-Implementation Compliance Measures (PICM) for development review in flood hazard areas.

We need to update the code to allow for a permit-by-permit review of new development within the 100-year Floodplain. The second step will be to adopt the relevant parts of the PICM model floodplain management ordinance by July 2025. Planning staff will be administering this permit-by-permit review. Since we are not experts in this area, we will ask consultants, David Evans and Associates, to review.

She explained “No Net Loss” which applies to floodplain storage, water quality and vegetation. Mitigation assessment goals were outlined.

Section 17.42.010, 17.42.060 and 17.42.080 are being updated. Aquilla covered the text changes and the next steps.

Commissioner asked about “Model” code from early 2020. We did not adopt that. Aquilla did an audit between the “model” code and our code and there were a few differences in definitions, etc.

Commissioner asked about this adding a cost to the developer to do the studies. FEMA is requiring the studies.

Commissioner asked about the burden of proof is on the applicant to come up with a mitigation plan. Response was that the burden of proof is on the applicant and the role of the consultant to review the plan. Deputy City Attorney also spoke to the reservation of the city staff to evaluate the quality or sufficiency of the NOAA net loss report because it is discretionary. And we can only apply clear and objective standards to housing, so we’re delegating that task to the applicant’s expert.

Commissioner asked what makes a person a qualified expert. Response was that the guidance document gives some qualification criteria through an example listed.

Public Comment #1: Ken Baysinger, Oregon City. He spoke not in opposition to what is being proposed as FEMA has not given an option. He spoke about the consequences that are going to fall out from this change.

Public Comment #2: Linda Baysinger, Oregon City. She spoke about the mapping issues and that Canemah has not ever flooded but is in the FloodPlain.

Commissioner asked about the city have a letter of map revision process. Response was that Josh Wheeler processes those and FEMA has put them on hold while this change with FEMA is happening.

Aquilla responded to the public comment that if someone came in wanting to develop and we looked at their property and it didn't show that they were in the Floodplain, they would not be subject to the Flood Hazard Overlay. Some people may have received the notice about the meeting because we mailed to everyone within 300 ft of the floodplain.

Commissioner spoke about the layers of protection. Applicant has to satisfy the City's clear and objective standards. Then there is the state level, water. Then there is FEMA. Questioned if it is up to the City to enforce the State and Federal levels of people's misdoings? Carrie responded is that it is up to what the legislation states. In this case, we need the insurance rates, so we are the sheriff.

Chair Espe closed the public hearing.

Commissioners deliberated.

**A motion was made by Commissioner Schlagenhauser, seconded by Commissioner Stoll to recommend GLUA-24-030/LEG-24-04 Flood Management Overlay District Code Amendments for approval to the City Commission.**

**The motion carried by the following vote:**

**Yea: 5 - Commissioner LaSalle, Commissioner Schlagenhauser, Commissioner Stoll, Commissioner Laws, Chair Espe**

**Nay: 0**

## **5. COMMUNICATIONS**

- A. No meeting on February 10<sup>th</sup>, but there will be an open house for the CFEC group from 6-7:00 PM.
- B. The next meeting will be February 24<sup>th</sup>.
- C. No update on Planning Commission interviews. City Recorder's office is working on an interview assignment.
- D. We have hired a new assistant planner to replace Molly. Melissa Lopez started on January 21.

## **6. ADJOURNMENT**

*Chair Espe adjourned the meeting at 9:40 p.m.*





## CITY OF OREGON CITY

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

### Staff Report

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**To:** Planning Commission **Agenda Date:** February 24, 2025  
**From:** Aquilla Hurd-Ravich, Community Development Director

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#### **SUBJECT:**

2024 Annual Report of Planning Commission Activities

#### **STAFF RECOMMENDATION:**

Receive a presentation of Planning Commission activities from calendar year 2024

#### **EXECUTIVE SUMMARY:**

In 2024 the Planning Commission discussed a variety of topics, received several informative presentations, and acted on multiple applications. Actions included recommending approval of five legislative amendments. Other actions included a parking adjustment, master plan review, and code interpretation and non-conforming use review. The bulk of the Planning Commission's time this past year was spent discussing code amendments for the Park Place Concept Plan area. The Planning Commission agreed on a work plan that sets their priorities through 2024 and 2025. Many of the items on the work plan are underway or completed.

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:**

See attached memorandum for a description of Planning Commission activities in the past year.

#### **NEXT STEPS:**

The 2024 Annual Report will be presented to the City Commission on March 19th, 2025.

#### **OPTIONS:**

1. Approve the annual report
2. Approve the annual report with revisions



## **M E M O R A N D U M**

To: Oregon City Planning Commissioners  
From: Aquilla Hurd-Ravich, Community Development Director  
RE: 2024 Annual Report of Planning Commission Activities  
Date: February 24, 2025

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### **Executive Summary:**

In 2024 the Planning Commission discussed a variety of topics, received several informative presentations, and acted on multiple applications. Actions included recommending approval of five legislative amendments. Other actions included a parking adjustment, master plan review, and code interpretation and non-conforming use review. The bulk of the Planning Commission's time this past year was spent discussing code amendments for the Park Place Concept Plan area. The Planning Commission agreed on a work plan that sets their priorities through 2024 and 2025. Many of the items on the work plan are underway or completed.

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 Paul Espee elected Vice Chair at the first meeting of the year on January 8, 2024. At the second meeting in January, Mayor McGriff swore in one new Planning Commissioner, Brandon Dole. At the January 2025 meeting Paul Espee was elected Chair and Brandon Doll 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.
- Land use planning legacy in the 1970s and 1980s was presented by Jerry Herman and Bob LaSalle
- Public Works staff presented an overview of the NPDES (National Pollutant Discharge Elimination System) and MS4 (Municipal Separate Storm Sewer System) program.
- McLoughlin Blvd Enhancement Project Update

- Public Works Director presented a review of the Transportation System Plan prioritization process. This was in response to questions asked about the collectors roads identified in the Park Place Concept Plan.

### **Discussion Topics**

- Planning Commissioners discussed a work plan with items they wanted to address in calendar year 2024.
- Climate Friendly and Equitable Communities was first discussed early in 2024

### **Action Items**

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

- Recommended approval for a zoning code text amendment to allow city managed recreational vehicle parks as an allowed accessory use in the Institutional Zone specifically for Clackamette Park.
- Recommended approval of an annexation and zone change on Maplelane Road
- The Planning Commission participated in multiple Park Place Concept Plan Code Amendment reviews from May through the first public hearing in September. Ultimately, after reviewing, discussing, and providing feedback to staff, the Planning Commission recommended approval to the City Commission.
- Recommended approval of a Transportation System Plan amendment to incorporate the McLoughlin Blvd Enhancement plan.
- Recommended approval of a zoning code text amendment to update language in Chapter 17.47 Erosion and Sediment Control
- Approved an adjustment to parking standards for a proposed middle housing triplex to allow increased on-site parking.
- Approved with conditions a Master Plan for Sportcraft Landing Marina that recognized the uses and structures both legal and nonconforming on the site.
- Approved a code interpretation and non-conforming use review request from Lithia Subaru

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

Over the course of several meetings in 2023 and 2024, 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.

### **Projects Underway include:**

- Climate Friendly and Equitable Communities

- Public engagement began in the fall of 2024 and concludes in February 2025
  - Public hearings are anticipated in April and May 2025
  - Code amendments are anticipated to go into effect by June 2025
- Thimble Creek Industrial Site Readiness
  - Planning, Economic Development, and Public Works coordinated work efforts and were awarded a grant to study development barriers along Beaver Creek Road. The final product will include tools and actions the City can take to incentivize employment development.

**Education/ Interdepartmental Coordination items were completed with the following presentations:**

- Affordable housing and housing affordability were presented to the Planning Commission by representatives from the Housing Authority of Clackamas County and Northwest Housing Alternatives.
- Parks Master Plan update from the Parks and Recreation Director and consultant.
- The Public Works Director and Senior Planner gave an overview of growth assumptions in infrastructure master plans and how that growth was accounted for in middle housing analysis.

**Future considerations for policy direction:**

- Planning Commission agreed to prioritize 7th Street/Molalla Corridor and look at:
  - Increasing/ attracting activity
  - Commercial uses on ground floor
  - View Corridor protection
- Work on this item has not started as staff has not had capacity due to other projects. There may be capacity this summer of 2025.

# Planning Commission 2023-2025 Biennium Work Plan

## Working 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	Staff has hired 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-Spring 2025	Resolution of acceptance from the City Commission is anticipated in Spring of 2025
	<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 worked with DLCD to finalize a scope of work and 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-Spring 2025	Mid-way through Public Engagement; Public hearings anticipated to begin in April 2025

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

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	Present 6/10/2024
As time allows	<u>Infrastructure and growth</u> <ul style="list-style-type: none"> <li>Review Sewer, Water, and Transportation Master Plans</li> </ul>	How do master plans support and account for growth?	Receive information from appropriate City	Minimal-staff will coordinate with	Receive presentations and engage in discussion	Spring/ Summer 2024	Present 6/24/2024

Priority=1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
	<ul style="list-style-type: none"> <li>• Transportation Funding</li> <li>• Public Works Street Design Standards</li> </ul>	<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>	staff about each master plan	appropriate City Staff			
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	Presented April 8, 2024

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>Encourage pedestrian activity along the corridor</p> <p><u>Considerations:</u></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 begin Spring and Summer 2025</p>	<p>Not started;</p>

Priority=1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
		<p>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	<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	<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.	Summer/Fall 2025	Not started



Priority=1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
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.	Summer/Fall 2025	Not started



## CITY OF OREGON CITY

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

### Staff Report

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**To:** Planning Commission **Agenda Date:** February 24, 2025  
**From:** Aquilla Hurd-Ravich, Community Development Director

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#### **SUBJECT:**

Planning Commissioner Legal Training

#### **STAFF RECOMMENDATION:**

Participate in a presentation from Assistant City Attorney, Carrie Richter on the legal parameters of being a Planning Commissioner

#### **EXECUTIVE SUMMARY:**

Planning Commissioners are decision makers who must weigh policy options considering the values of the community and evaluate code criteria. The process of Planning and decision making is bound by codes, rules, and regulations. There are rules that govern what Planning Commissioners can consider, how they can use the information, and what mitigating measures they can impose. This presentation will give a broad overview of the parameters within which the Planning Commission operates.

#### **BACKGROUND:**

This presentation will generally cover:

- Planning as a process
- Roles and Responsibilities
- Types of land use decisions: such as Administrative, Quasi-judicial, and Legislative
- The connection between conditions of approval and the impact of the proposal
- Effective participation

#### **NEXT STEPS:**

#### **OPTIONS:**





# Planning Commission 2024 Annual Report

Aquilla Hurd-Ravich, CD Director  
February 24, 2025





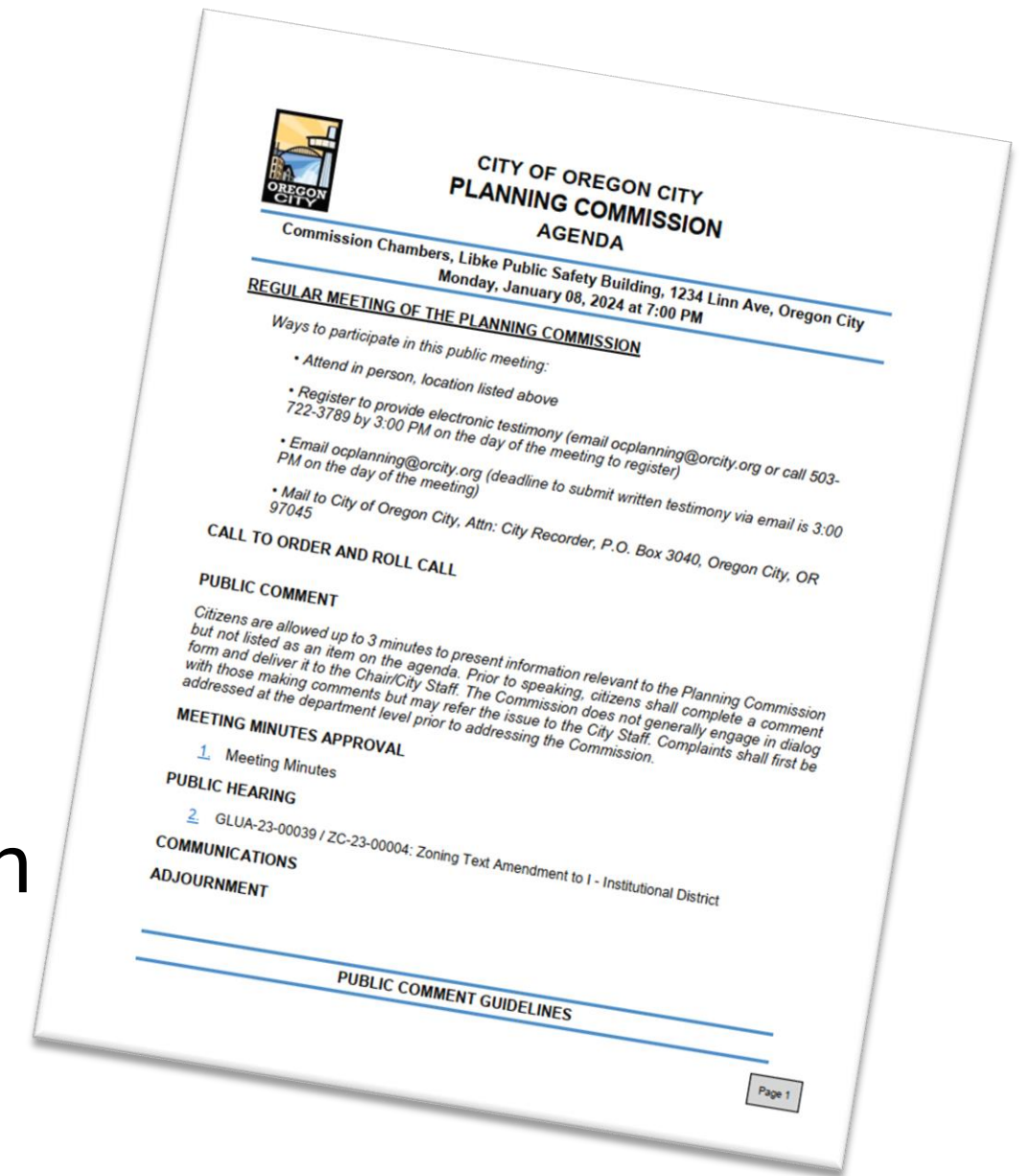
# Meeting Objective

- Review Planning Commission Activities in 2024
- Review the 2024-2025 Work Plan



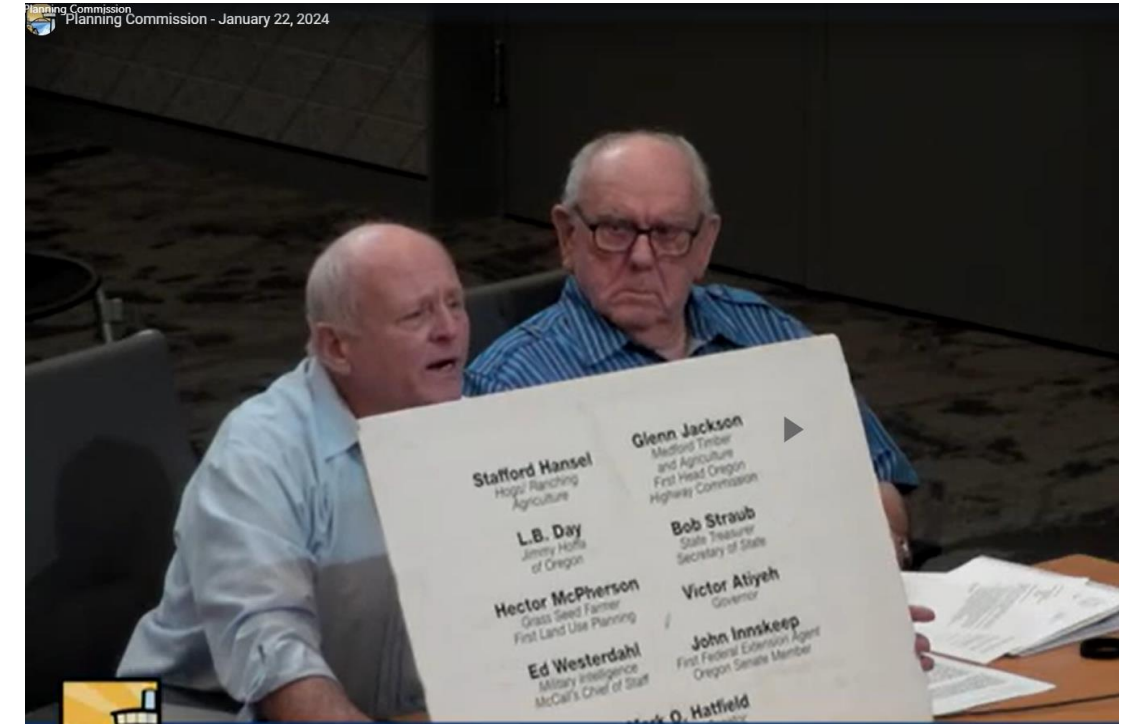
# Activities

- Presentations
- Discussion Topics
- Action Items
- Work Plan
  - ❖ Projects Underway
  - ❖ Education/Interdepartmental Coordination
  - ❖ Items for future consideration



# Presentations

- Legal training
- Land use planning legacy 1970s and 1980s
- National Pollutant Discharge Elimination System (NPDES) & Municipal Separated Storm Sewer System (MS4)
- McLoughlin Blvd enhancement project
- Transportation System prioritization process
- Work plan Education/Interdepartmental Coordination:
  - ❖ Affordable housing and housing affordability
  - ❖ Parks Master Plan update
  - ❖ Growth assumptions in infrastructure plans





# Discussion Topics

- Work plan items
- Climate Friendly Equitable Communities



# Action Items

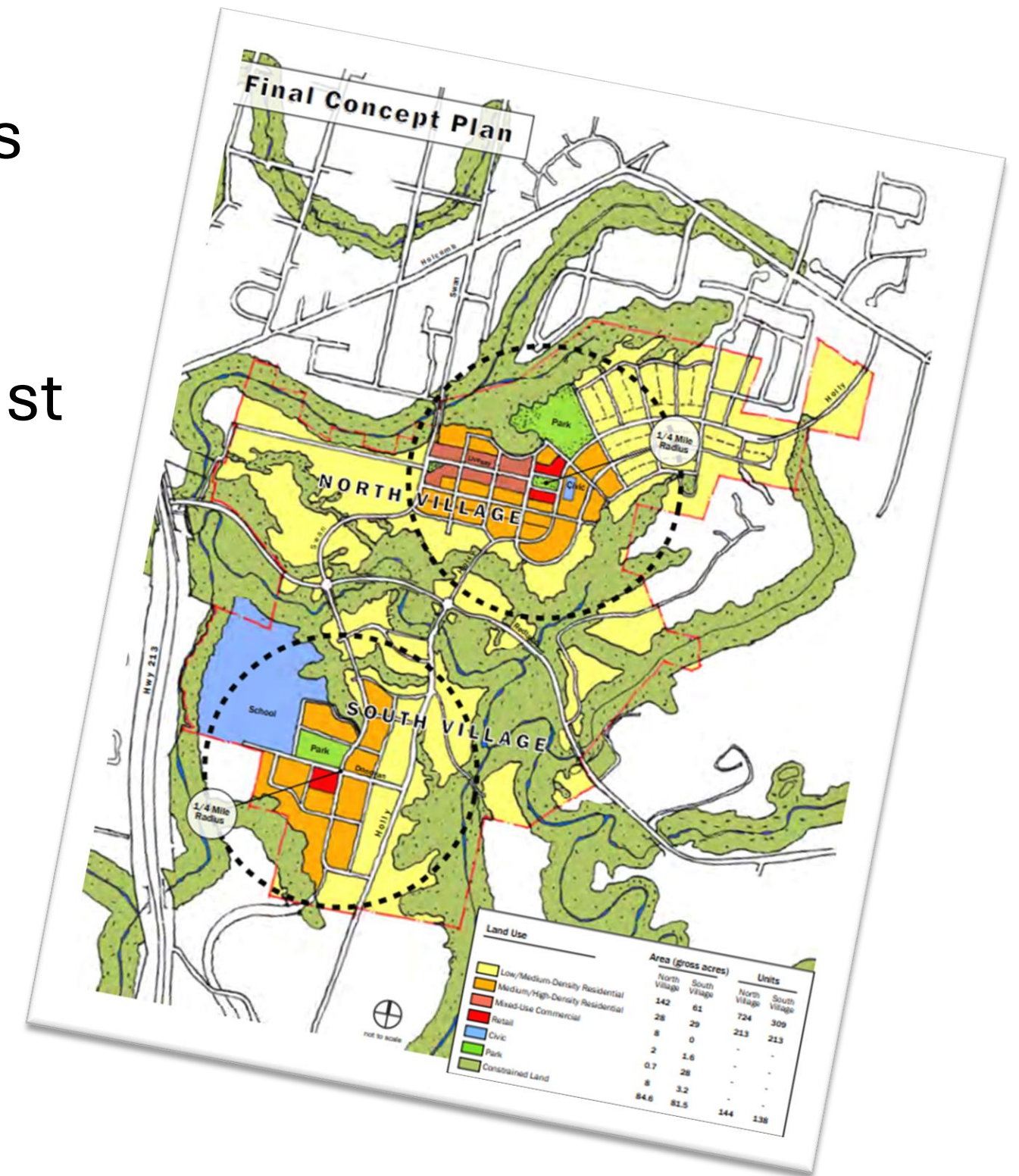
- Code amendment- allowing RV park at Clackamette Park
- Maplelane Rd annexation and zone change
- TSP amendment for McLoughlin Blvd Enhancement Plan
- Code amendment updating language in Ch 17.47 Erosion and Sediment Control
- Parking adjustment allowing increased parking on a middle housing project
- Master Plan for Sportcraft Landing Marina
- Code interpretation and non-conforming use review for Lithia Subaru





# Action Items

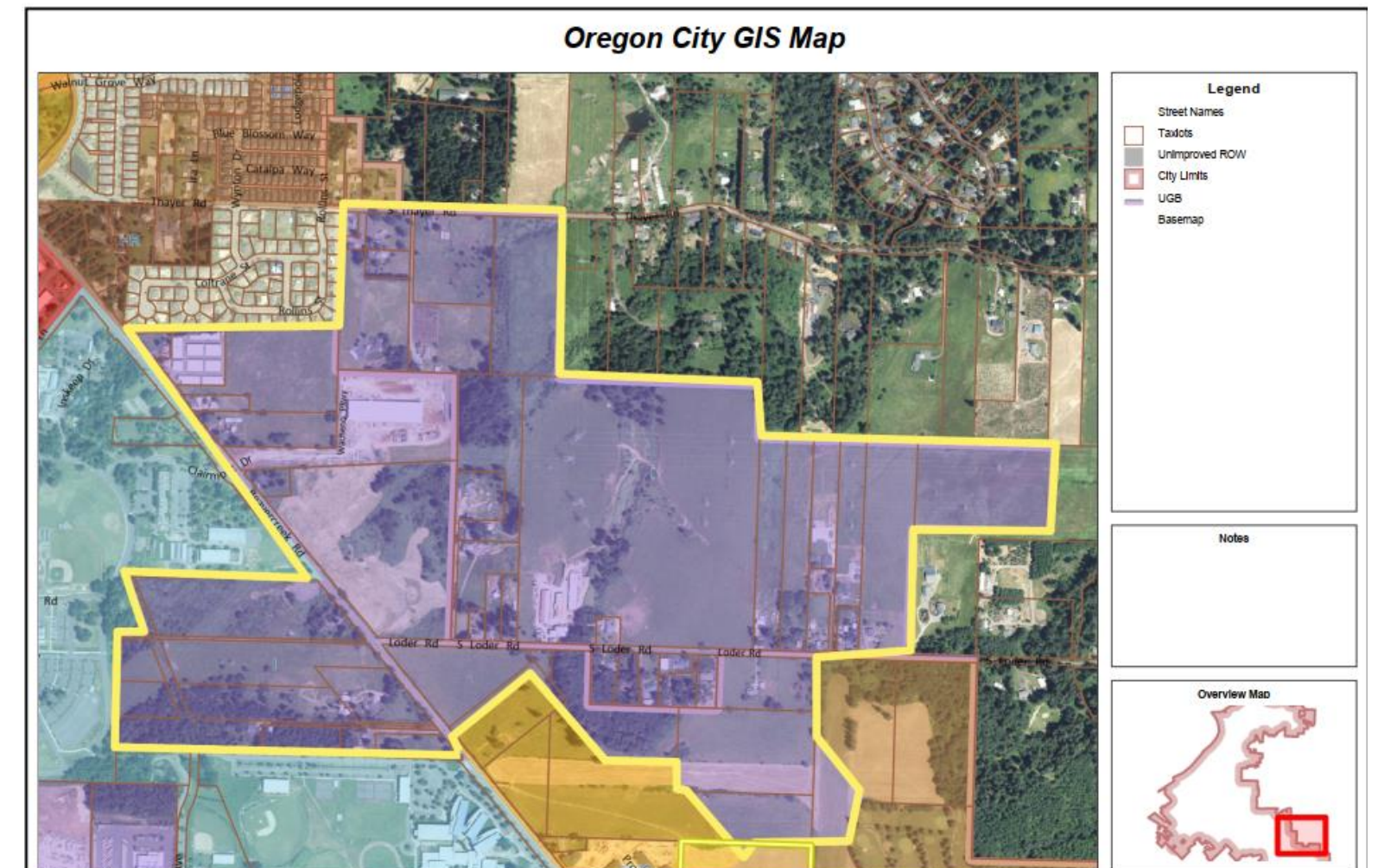
- Parking Place Concept Plan Code Amendments  
Special Mention:
  - ❖ Reviewed proposed code language in 7 working sessions from May through August
  - ❖ Held two public hearings for the code amendments in September and October
  - ❖ Recommended approval to the City Commission for the zoning code text amendments





# Work Plan Items

- Projects Underway:
  - ❖ Climate Friendly and Equitable Communities
  - ❖ Thimble Creek Industrial Site Readiness
- Future considerations for policy direction
  - ❖ Prioritize 7<sup>th</sup> Street/ Molalla Corridor



# Questions/Feedback/Edits

Does the Planning Commission have any changes?

## Next Steps

1. Present annual report to City Commission on April 2, 2025
2. Revisit the work plan after budget adoption with new City Commission goals

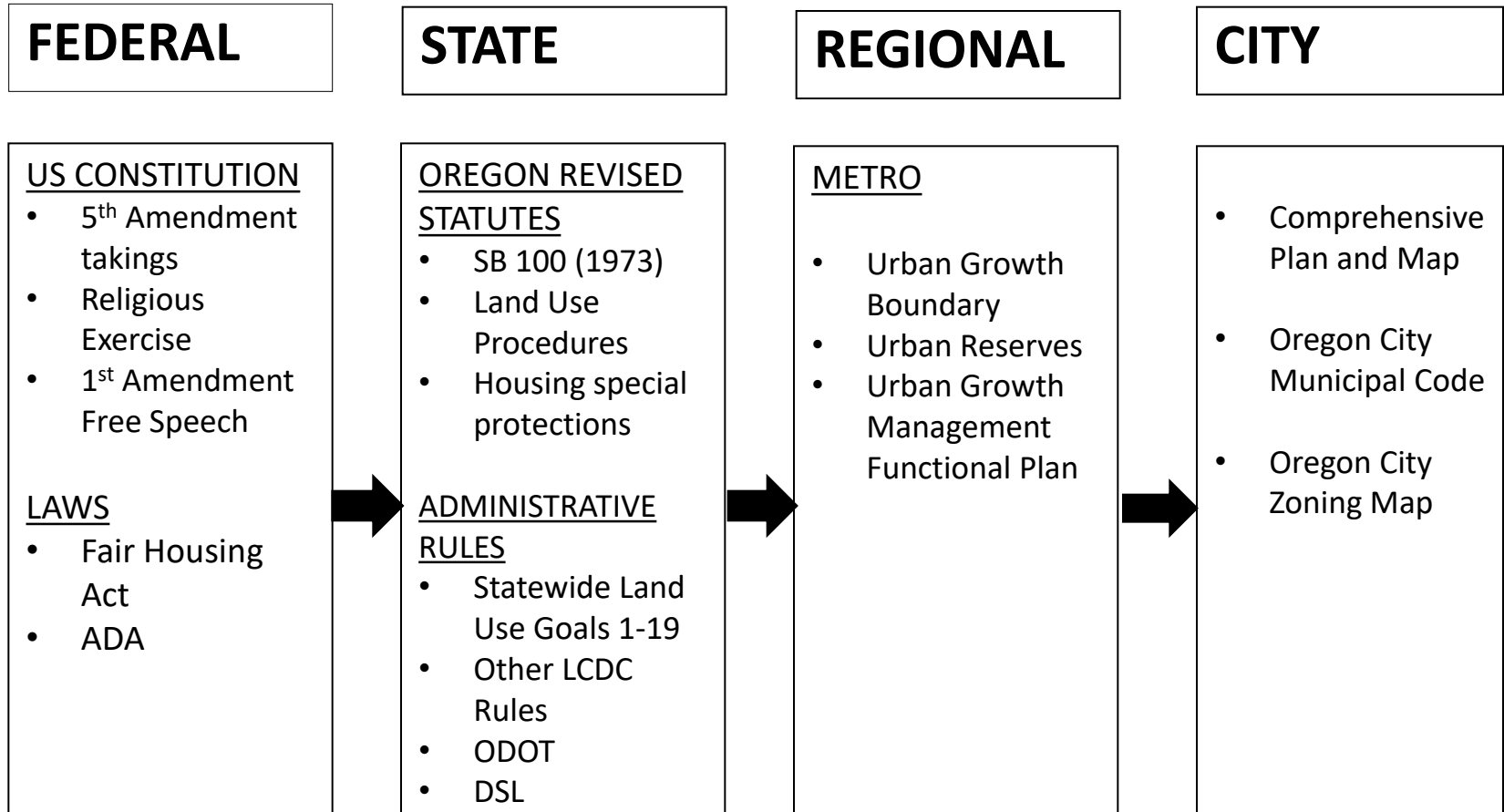


# CITY OF OREGON CITY PLANNING COMMISSIONER TRAINING

February 24, 2025

By Carrie A. Richter

# OREGON'S LAND USE PLANNING FRAMEWORK



# DECISION-MAKING, TWO DIFFERENT TYPES:

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## Long-Range Planning: (*Legislative*)

- City initiated
- Involves adoption of regulations and policies applicable Citywide or to a specific geography
- City Commission makes the final decision
- Follows a legislative process – no bias and ex parte limitations

## Development Review: (*Quasi-judicial /Administrative*)

- Applicant initiated
- Reviewing a discrete development proposal for compliance against an adopted set of criteria
- Planning Commission is the final decision-maker, unless appealed
- Follows a formal quasi-judicial procedure

# REVIEW CATEGORIES IN OREGON CITY:

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## **Administrative Decisions – Lot line adjustments and building permits**

- **Type I Staff decision** – No discretionary decision-making and no notice, hearing or appeal.

## **Quasi-Judicial Decisions – Land divisions, design review, historic review, conditional use, variances, master plan**

- **Type II Staff decision / appeal to Commission** – Limited discretion in decision-making. Notice to neighbors, written comment, Director decision, and appeal rights to the City Commission.
- **Type III Planning Commission /HRB decisions** – Discretionary review to determine compliance with criteria. Notice, public hearing by Planning Commission or Historic Review Board, and appeal rights to the City Commission.
- **Type IV Planning Commission but if denied, right to appeal to Commission** – Typically, plan amendments and zoning map amendments applied to particular property. Notice, public hearing by Planning Commission with recommendation and final decision by the City Commission.

# TYPE III DECISION PROCEDURE:

## PREDICTABILITY AND A LEVEL PLAYING FIELD

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- Pre-application meeting w/ staff / neighborhood meeting
- Application filed and completeness review – 120-day decision limit
- Mailed and posted notice of hearing includes identification of the applicable criteria – These notice rules are set by state law and local code
- Staff report available 7 days in advance of hearing.
- Hearing
  - Must including opening presentation:
    - Instructions on the submittal of evidence into the record
    - Testimony must be directed to the criteria
    - Raise it or waive it
    - Failure to raise constitutional issues precludes an action for damages in circuit court
    - Right to an impartial tribunal
- Right to a continuance / Rebuttal
- Record closes, deliberation and decision
- Right to appeal to City Commission with review that is on the record



# DECISION-MAKING DEADLINES

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ONCE APPLICATION IS COMPLETE, CITY HAS 120 DAYS TO MAKE ITS FINAL DECISION INCLUDING ALL APPEALS

- Applicant controls the timeline
  - Can force City to begin processing application, even if not complete
  - Once an application is “deemed” complete, only question is whether applicant has met its burden to show compliance with criteria
  - Applicant can extend the 120-day, but entirely their choice
- Only at the initial (1<sup>st</sup>) hearing, Commission must grant a requested continuance or open record
  - If continued, next hearing must be at least 7 days later
  - If open record, 7-7-7 process is typically used.
  - After the record closes to all new evidence, applicant may exercise right to submit final written argument

# TYPE III: REVIEW ROLLS & RESPONSIBILITIES

<b><u>Applicant:</u></b>	<b><u>Planning / Legal Staff:</u></b>	<b><u>Neighborhood Groups/ Others:</u></b>	<b><u>Decision Maker:</u></b>
<ul style="list-style-type: none"><li>• Understanding of the applicable approval criteria.</li><li>• Submittal of an application that includes evidence establishing that the applicable approval standards are satisfied.</li><li>• Respond to all arguments and evidence presented during review.</li><li>• Bears the burden of proof.</li></ul>	<ul style="list-style-type: none"><li>• Administer the land use process (issue staff reports and notices)</li><li>• Advise and assist decision makers</li><li>• Educate and assist the public</li><li>• Know the laws, comprehensive plan and regulations</li><li>• Work as a team providing technical advice.</li><li>• Comply with APA Code of Ethics</li></ul>	<ul style="list-style-type: none"><li>• Entitled to notice and an opportunity to participate consistent with adopted procedures.</li><li>• Raise concerns in the framework of the applicable approval criteria.</li></ul>	<ul style="list-style-type: none"><li>• Reflect community values in making planning policies</li><li>• Interpret and apply plans and regulations</li><li>• Educate the public and provide a public forum</li><li>• Do homework</li><li>• Treat staff and elected officials with professionalism and respect.</li><li>• Be courageous and don't avoid hard decisions.</li></ul>

# RIGHT TO AN IMPARTIAL TRIBUNAL:

## **Decisions must be based on the testimony and evidence that is part of the record:**

Disclose the substance of an ex parte contacts on the record giving the public an opportunity to question decision-maker further.

- Ex parte contacts are facts gleaned outside the record from:
  - Media reports
  - Neighborhood meetings or social media
  - Site visits
  - Personal or Professional Experience
- An objection must be made in order to preserve a challenge at LUBA on that basis.

## **Decision-makers must be free of actual bias:**

• “Actual Bias” – Bias exists if the decision was the produce of positive or negative bias rather than an independent review of the facts and law. *Rosenzweig v. McMinnville*.

## **Decision-makers may not have any actual conflict of interest:**

- No actual conflict of interest - If the decision will have a direct pecuniary benefit or detriment to the decision-maker or a family member of the decision-maker, the decision-maker may not participate.
- Potential conflict of interest – Announce and determine whether to participate.
- In addition to appeal issues, can result in personal liability for the official (fines plus up to 2x the financial gain (call OGEC)

# **OTHER GOVERNMENT ETHICS ISSUES:**

## **Use of Position or Office (ORS 224.040(1))**

- Cannot use public position to obtain a financial benefit.

## **Gifts (ORS 224.025)**

- A “gift” is anything of economic value (including discounts or forgiveness of debt) not offered to the general public
  - If so, maximum is \$50 total per calendar year.

**Includes relatives, household and businesses**

**Can result in personal liability for the official (fines, plus up to 2x financial gain)**

**Call Oregon Government Ethics Commission (OGEC)**

# PUBLIC MEETINGS AND RECORDS REQUIREMENTS

**“Public Meeting”** – Majority or a quorum “deliberating to a decision” – may include meeting substitutes such as conference calls or emails.

- General rule is that they are open to the public
- Notice and minutes
- Enforcement
- Public meeting vs public hearing differences

**“Public Records”** – Almost any writing, data storage or other record relating to city business.

- Work done on private e-mail accounts, personally purchased computers and hand-held devices might be a public record.
- Avoid commenting on instant messaging or chat rooms unless mechanism to capture this information.
- Therefore, we STRONGLY recommend the use of the City’s designated account for city business.
- When in doubt, ask the City Recorder

# **CONSIDERING ONLY THE “APPLICABLE APPROVAL CRITERIA”:**

Decision-making must be based on “standards and criteria” in the development ordinance or the comprehensive plan. ORS 227.173:

- Criteria must be clearly delineated as applicable;
- Application submittal requirements are not criteria, unless so stated;
- Purpose statements are not criteria, but can provide helpful context for interpreting the criteria;
- Fixed Goal Post Rule – Only those standards and criteria in place when the application was filed apply

The applicant has a right to know what the applicable criteria require before the record closes:

- Apply meaning to ambiguous standards in the purpose or policy of the provision.
- Focus on the plain meaning of terms taken in context

# STATUTORY REQUIREMENTS FOR HOUSING:

There is a housing shortage in Oregon – Goal is 36,000 housing starts per year (a goal only reached in the 1970s); in 2022 there were 20,000 and for 2024 there were 13,000 (thru Nov). This shortage has the state to adopt laws directed at removing barriers to the siting of housing:

- All “standards, conditions and procedures” regulating the development of housing must be clear and objective – If they are not clear and objective, they cannot be applied. A mathematical, quantitative standard.
- And may not have the “effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”
- Must allow middle housing (duplex, triplex, fourplex, townhouses and cottage clusters) on every lot zoned to allow single family residential including land divisions to divide these units.
- Mandatory adjustment to certain siting and design standards
- Housing Accountability and Production Office enforcement

# DELIBERATION AND THE DECISION

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DETERMINATION OF WHETHER THE APPLICANT HAS MET ITS BURDEN TO SHOW THAT THE APPLICABLE STANDARDS ARE SATISFIED:

Identify and **interpret** the applicable approval criteria;

**Identify the facts (evidence)** in the record that led to a conclusion that the criterion is satisfied or not;

- Personal knowledge is not evidence in the record – put personal feelings aside
- Denial of an application cannot be based on facts not in the record
- Where there is conflicting evidence, state why certain evidence is more reliable, credible or entitled to greater weight;

**LUBA standard of review for evidence:** Could a reasonable person looking at all of the evidence in the record come to the same conclusion?

**Adequate Findings:** Must explain how the evidence leads to a finding of compliance or non-compliance with the criterion.

**Conditions of Approval** – may be attached to ensure that all applicable approval standards are or can be met.



# CONDITIONS OF APPROVAL – NEXUS AND PROPORTIONALITY IN EXACTIONS

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- Legal term used to describe a direct connection between a condition of approval and the impact created by the proposal.
- The nexus must be related to the Approval Criteria and must be explained in the findings.
- The nexus must also show that the requirement of the condition is of the same weight as the expected impact.

# RECOMMENDATIONS FOR EFFECTIVE PARTICIPATION

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- **Try to avoid ex parte contacts or evidence**, be aware and prepared to disclose.
- **Be attentive and prepared** – It is unfair to the applicant and participants to act on issues without adequate preparation.
- **Don't be afraid to ask questions** but keep them focused and directed on the approval criteria and/or the evidence in the record.
- **Focus on issues and don't make assumptions about what you hear** – Ask open ended questions and perhaps start with a summary or paraphrase of what you hear as a framework for the question.
- **Don't make up your mind before hand – Avoid prejudgment**– Saying that “this project will increase traffic” implies that a decision is already made. Instead say “this project might increase traffic.”
- **Don't be afraid to disagree** – Sharing perspectives ensures a decision that in the City's best interest.

# QUESTIONS?

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## Additional Resources:

- Oregon land use training info:  
<https://www.oregonlandusetraining.info/>
- OGEC Guide for Public Officials (for conflicts of interest and other ethics issues): <https://www.oregon.gov/ogec/pages/guide-for-public-officials.aspx>

Carrie A. Richter, Bateman Seidel  
Telephone: (503) 972-9903  
Email: [crichter@batemanseidel.com](mailto:crichter@batemanseidel.com)