City Recorder

CITY OF OREGON CITY

COMPREHENSIVE PLAN UPDATE

2004

Agenda Item No. 4.2

Packet For May 19, 2004
CITY COMMISSION MEETING
on
Commission Report No. 04-092

1ST and 2nd Reading of Ordinance No. 03-1014

CITY OF OREGON CITY

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FACSIMILE TRANSMITTAL SHEET

TO: Kelly Hossani

FROM: LARRY PATTERSON, CITY MANAGER
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Leilani

COMPANY:

DATE:

FAX NUMBER: 503-224-0155

TOTAL NO. OF PAGES INCLUDING COVER:

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SENDER'S REFERENCE NUMBER:

RE: Signed copy of Ord 03-1014.

YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Here you go, Kelly.

Enjoy the day.

Leilani
503-496-1504-direct

P. 01

TRANSACTION REPORT

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Kelly Hossaini
503-224-0155
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ORDINANCE NO. 03-1014

AN ORDINANCE ADOPTING A NEW OREGON CITY COMPREHENSIVE PLAN, COMPREHENSIVE PLAN MAP, AND ZONING MAP; ADOPTING AMENDMENTS TO THE OREGON CITY ZONING CODE; AND ADOPTING NEW WATER AND SANITARY SEWER MASTER PLANS AS ANCILLARY DOCUMENTS TO THE OREGON CITY COMPREHENSIVE PLAN

WHEREAS, the city has worked with Oregon City residents and public groups to develop the overall vision, policies and goals for the future growth and development of Oregon City through the revisions to the City's Comprehensive Plan and implementing ordinances; and

WHEREAS, the Comprehensive Plan and Map is intended to guide the management of the City's assets, to support natural, recreational, and economic benefits for the community of Oregon City, and to provide a framework for implementation of identified goals and policies; and

WHEREAS, the Comprehensive Plan and Map complies and is consistent with Statewide Planning Goals, Downtown Community Plan, Water Front Master Plan, and the Metro Regional Framework Plan; and

WHEREAS, the amended Zoning Code and Map complies and is consistent with Statewide Planning Goals, the amended Oregon City Comprehensive Plan, the Downtown Community Plan, the Metro Regional Framework Plan, the Oregon City Transportation System Plan, and the Oregon City Park and Recreation Master Plan; and

WHEREAS, notice was mailed to all Oregon City property owners in conformance with Measure 56 requirements and notice was published in the local newspaper. Public meetings and workshops were held where the objectives and concepts in the Comprehensive Plan, Comprehensive Plan Map, Zoning Code, Zoning Map, Water Master Plan and Sanitary Sewer Master Plan were presented and discussed; and

WHEREAS, the Planning Commission and the City Commission both held publicly noticed work sessions on the proposed amendments; and

WHEREAS, the Planning Commission held two public hearings on the proposed amendments; and

WHEREAS, the Planning Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the amendments and unanimously recommended it be adopted; and

WHEREAS, in a project of this size and scope, additional editing and refinement will inevitably be necessary after adoption of the Comprehensive Plan and Map and Zoning Code and Map; and

ATTACHMENT B

WHEREAS, adopting the Comprehensive Plan, Comprehensive Plan Map, Zoning Code, Zoning Map, Water Master Plan and Sanitary Sewer Master Plan is in the best interest of Oregon City to ensure that the goals and policies of the City can be realized,

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The Oregon City Comprehensive Plan, attached as Exhibit 1, is hereby adopted based on the findings contained in the Staff Report.

Section 2. The Oregon City Comprehensive Plan Map, attached as Exhibit 2, is hereby adopted based on the findings contained in the Staff Report.

Section 3. The Oregon City Zoning Code is amended, as provided in Exhibit 3, based on the findings contained in the Staff Report.

Section 4. The Oregon City Zoning Map, attached as Exhibit 4, is hereby adopted based on the findings contained in the Staff Report.

Section 5. The Oregon City Water Master Plan, attached as Exhibit 5, is hereby adopted as an Ancillary Document to the Oregon City Comprehensive Plan based on the findings contained in the Staff Report.

Section 6. The Oregon City Sanitary Sewer Master Plan, attached as Exhibit 6, is hereby adopted as an Ancillary Document to the Oregon City Comprehensive Plan based on the findings contained in the Staff Report.

Section 7. The Oregon City Planning Commission shall hold a hearing on Monday August 23rd, 2004, to take testimony and evidence on the Comprehensive Plan and Plan Map, as well as the Zoning Code and Zoning Map and possible revisions or refinements to the documents adopted in this ordinance.

Read for the first and second time at a regular meeting of the City Commission held on the 19th day of May 2004; and the foregoing ordinance was finally enacted by the City Commission on this 19th day of May 2004.

Alice M. Norris

ALICE NORRIS, Mayor

ATTESTED to this 19th day of May 2004

Leilani Bronson-Crelly

LEILANI BRONSON-CRELLY City Recorder

ORDINANCE NO. 03-1014
Effective Date: June 18, 2004

ATTACHMENT B

Amendments to the Oregon City Municipal Code

City of Oregon City

Planning Division

Dan Drentlaw – Community Development Director

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The Planning Division is committed to providing equal access to information and hearings. For equal access to information, call the Planning Division at (503) 657-0891.

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Chapter 12.04 – Streets and Sidewalks Generally

12.04.010 Construction specifications--Improved streets
All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer. (Prior code §9-1-1)

12.04.031 Liability for Sidewalk Injuries
(1) The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

(2) If the City is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

12.04.032 Required Sidewalk Repair
(1) When the Public Works Director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.

(2) The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within 90 days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

(3) The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

(4) The person serving the notice shall file with the City Recorder a statement stating the time, place and manner of service or notice.

12.04.033 City May Do Work
If repair of the sidewalk is not completed within 90 days after the service of notice, the Public Works Director shall carry out the needed work on the sidewalk. Upon completion of the work, the Public Works Director shall submit an itemized statement of the cost of the work to the Finance Director. The City may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the Public Works Director for the health, safety and general welfare of the residents of the City.

12.04.034 Assessment of Costs

Upon receipt of the report, the Finance Director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Chapter 12.08 – Community Forests and Street Trees

12.08.020 Street tree planting and maintenance requirements.
All new construction or major redevelopment shall provide street *trees* adjacent to all street frontages. Species of *trees* shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City street tree list. If a setback sidewalk has already been constructed or the engineering manager determines that the forthcoming street design shall include a setback sidewalk, then all street *trees* shall be installed with a planting strip. If existing street design includes a curbside sidewalk, then all street *trees* shall be placed within the front yard setback, exclusive of any utility easement.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The Community Development Director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
B. The following dimensional standards shall be maintained when planting trees:
    1. Fifteen feet from streetlights;
    2. Five feet from fire hydrants;
    3. Twenty feet from intersections;
    4. A minimum of five feet (at mature height) below power lines.
C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
D. All trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA compliant clearance for pedestrians. (Ord. 01-1010 (part), 2001)

12.08.042 Public tree removal
Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the Community Development Director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the city, may be removed and shall be replaced with one tree with a minimum 2" caliper measured 6 inches above the root crown that is of a similar tree species, unless the species is not included on the street tree list in, which case, the tree shall be replaced with a species from the street tree list. A non-diseased, non-hazardous street tree that is removed shall be replaced with ½ the required replacement trees found in Table 16.12.310-1(Fractions shall be rounded to the nearest whole number). All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The Community Development Director may approve off-site installation of replacement trees where necessary due to planting constraints. (Ord. 01-1010 (part), 2001)

Chapter 12.12 – Utility Wires and Poles

12.12.040 Erection Restrictions.

REMOVE SECTION 12.12.040 ENTIRELY.

Chapter 12.24 – Pedestrian/Bicycle Access

12.24.010 Purpose.
Pedestrian/bicycle access ways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, and transit orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle access ways are appropriate in areas where public street options are unavailable, impractical or inappropriate. (Ord. 94-1034 §1(part), 1994)

12.24.020 Definitions.
As used in this chapter:

"Accessway" or "pedestrian/bicycle accessway" means any off-street path or way that is intended for the primary use of pedestrians and bicyclists and that provides direct routes between residential areas retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, and transit orientated developments where such routes are not otherwise provided by the street system. Off-street bicycle paths in excess of four hundred feet in length are not considered access ways and are not subject to the requirements of this chapter.

"Direct" refers to the shortest practical access or connection between two points, which in no instance should involve out-of-direction travel more than fifty percent longer than the straight-line distance between two points.

"Nearby" means uses within one-quarter mile distance that can reasonably be expected to be used by pedestrians, and uses within two miles distance that can reasonably be expected to be used by bicyclists.

"Neighborhood activity center" refers to land uses which attract or are capable of attracting a greater than average level of pedestrian activity. Neighborhood activity centers include, but are not limited to, parks, schools, retail store and service areas, shopping centers, recreational centers, meeting rooms, theaters, museums, transit stops and other pedestrian-oriented uses.

"Transit Street" means any street identified as an existing or planned bus or light rail transit route as shown in the city's Transportation Master Plan (1989 or as subsequently amended). (Ord. 94-1034 §1(part), 1994)

12.24.040 Development standards.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
B. Access ways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:
    1. Access ways shall have a fifteen-foot wide right-of-way with a centered seven-foot wide paved surface and two four-foot planter strips.
    2. If an accessway also provides secondary fire access or a public utility corridor, the right-of-way width shall be at least twenty-three feet wide with a centered fifteen-foot wide paved surface and two four-foot planter strips.

C. Access ways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
D. To enhance pedestrian and bicycle safety, access ways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of 0.5 foot-candles, a 1.5 foot-candle average, and a maximum to minimum ratio of 7:1 and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances. Lamps shall include a high-pressure sodium bulb with an unbreakable lens.
E. Wherever practicable, access ways shall have a maximum slope of five percent and avoid the use of stairways.
F. The planter strips on either side of the accessway shall be landscaped along adjacent property by:
    1. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
    2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
    3. Two-inch minimum caliper trees shall be planted on both sides of the accessway in an alternating pattern and with a maximum of twenty feet of separation between the tree on the opposite side of the path in order to increase the tree canopy over the accessway.
    4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from a the Oregon City Native Plant list;
G. Access ways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
H. Accessway surfaces shall be paved with all weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent. .
I. In parks, greenways or other natural resource areas, access ways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings. (Ord. 94-1034 §1(part), 1994)
J. The Community Development Director may approve an alternative accessway design due to existing site constraints.

12.24.060 Ownership, liability and maintenance of access ways.

To insure that all pedestrian/bicycle access ways will be adequately maintained over time, the hearings body shall require one of the following:

A. That the access ways be dedicated to the public as public right-of-way prior to the final approval of the development; or
B. That the developer incorporate the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway. (Ord. 94-1034 §1(part), 1994)

Chapter 16.04 – General Provisions and Administration of Land Divisions

16.04.010 Purpose.

This title is enacted in compliance with ORS 92.010 through 92.160 to establish procedures and standards for partitioning and subdividing land within the city. These regulations, along with requirements of the city's underlying zoning, provide the dimensional requirements for building lots, street locations, street design, rights-of-way, location requirements for houses on residential lots, the provision of adequate open space for recreation and community facilities, and the basic requirements for the installation of public utilities, all with the aim of achieving:

A. A sufficient supply of needed housing with satisfactory living conditions in new subdivisions that comply with Statewide Planning Goal 10 and implementing administrative rules, guidelines and statutes;
B. The protection, conservation and proper use of the land;
C. The timely and efficient extension of public facilities and services without excessive expenditure of public funds in accordance with Statewide Planning Goals 11 and 14 and their implementing administrative rules and guidelines;
D. The simplification and greater accuracy of land descriptions;
E. The protection of property owners from excessive assessment for future utility installations and to provide a means of ensuring that property owners pay only their fair share of the cost of providing public facilities and services;
F. The protection of the health, safety and general welfare of the public;
G. Increased consumer protection by assuring that only those lots which have met city requirements and have been lawfully created through subdivision or partition approval are allowed to be advertised for sale;
H. Increased urban density and a livable design that achieves Metro-mandated requirements, while providing an enjoyable living and working environment; and
I. Safe, direct and convenient pedestrian and bicycle access, where reasonably possible within, from and between residential, commercial, industrial and institutional developments and neighborhood activity centers in accordance with Statewide Planning Goal 12 and the implementing administrative rule. (Ord. 98-1007 §1(part), 1998)

Chapter 16.08 – Subdivisions: Process and Standards

16.08.040 Preliminary subdivision plat--Required plans.

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. A subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The city engineer may waive any of the foregoing requirements if the city engineer determines that the requirement is unnecessary in the particular case.

C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:

1. Proposed and existing street rights-of-way and all other transportation facilities;
2. All proposed lots and tracts;
3. All trees with a diameter six inches or greater measured four feet from the ground;
4. All water quality resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;
5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42;
6. The location of any known state or federal threatened or endangered species;

7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
8. All wildlife habitat or other natural features listed on any of the city's official inventories.

The planning manager may waive any of the foregoing requirements if the planning manager determines that the requirement is unnecessary in the particular case.

D. Erosion and Sediment Control Permit. The applicant shall submit an application for an erosion and sediment control permit pursuant to Chapter 17.47 concurrently with the preliminary subdivision plat application, including an erosion control plan illustrating the measures that will be implemented throughout construction of the subdivision to control erosion and sedimentation, unless waived by the city engineer. This plan must be consistent with all applicable erosion control requirements in Chapter 17.47. Upon consultation with appropriate experts, the city engineer may waive any of the foregoing requirements if the city engineer determines that the requirement is unnecessary in the particular case. (Ord. 99-1029 §4, 1999; Ord. 99-1013 §4, 1999; Ord. 98-1007 §1(part), 1998)

Chapter 16.12 – Minimum Improvements and Design Standards for Subdivisions

16.12.010 Purpose and general provisions.
All land divisions shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city 's public facility master plan and city design standards and specifications. In reviewing applications for land division, the City Engineer shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any land division must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction. (Ord. 98-1007 §1(part), 1998)

16.12.030 Street design--Minimum right-of-way.
All land divisions shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

1. Complying with the Street Design Standards contained in table 16.12.030 below. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan, in particular, the following figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 16.12.030 STREET DESIGN STANDARDS

Type of Street	Right-of-Way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood Collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet
Private street	None	20 feet

2. The applicant may submit an alternative street design plan that varies from the Street Design Standards identified above. An alternative street design plan may be approved by the City Engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate service for the residents of the land division as well as the surrounding community.

16.12.050 Street design--Alignment.
The centerline of Streets shall be:

1. Aligned with existing streets by continuation of the centerlines; or

2. Offset from the centerline by no more than 10 feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

16.12.055 Minimum Street Intersection Spacing Standards

All new development and redevelopment shall meet the following Minimum Street Intersection Spacing Standards:

1.

Functional Classification	Major Arterial	Minor Arterial	Collector	Neighborhood Collector	Local Street
Major Arterial	2 miles	1 mile	¼ mile	1,000 feet	500 feet
Minor Arterial	1 mile	½ mile	1,000 feet	800 feet	400 feet
Collector	¼ mile	1,000 feet	800 feet	600 feet	300 feet
Neighborhood Collector	1,000 feet	800 feet	600 feet	500 feet	200 feet
Local Street	500 feet	400 feet	300 feet	200 feet	150 feet

*ODOT access standards supercede these standards on ODOT facilities.

or

2. A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.

16.12.065 Intersection Level of Service Standards.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action. The minimum acceptable LOS standards are as follows:

1. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole *and* no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0 for the sum of critical movements.
2. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0.
3. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach *and* with no movement serving more than 20 peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.

16.12.170 Street design--Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 16.12.220 of this code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision-maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified. (Ord. 98-1007 §1(part), 1998)

16.12.180 Street design--Planter strips.
All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the Community Development Director finds it is not practicable. Development proposed along a collector, minor arterial, or major arterial street may use tree wells located near the curb within a 7-foot wide sidewalk in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth.

Trees shall be selected and planted in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction. (Ord. 98-1007 §1(part), 1998)

16.12.232 Building Sites – Minimum Density
All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

16.12.235 Calculations of Lot Area.
A subdivision in a Single Family Dwelling District may include lots that are up to 10% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, storm water tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

16.12.238 Flag Lots
1. Flag lots shall not be created through the Subdivision process except where an existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width and depth standards of the underlying zone.
2. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.
3. The pole portion of the flag lot shall connect to a public street.

4. The pole shall be at least 20 feet wide for the entire length.
5. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.

16.12.290 Building site--Setbacks and building location.
This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe and better environment for pedestrians and bicyclists. Lots located on a neighborhood collector, collector or minor arterial street shall locate the front yard setback on and orient the front of the primary structure to face the neighborhood collector, collector or minor arterial street. An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the Community Development Director.

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 98-1007 §1(part), 1998)

16.12.310 Building site--Protection of trees.
Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved outside the building area, which is defined as right-of-way, public utility easements, and within the building setbacks of each lot. Where the Community Development Director determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper measured six inches above the root crown and the plan must meet, at a minimum, the requirements of Table 16.12.310-1.

Table 16.12.310-1 Tree Replacement Requirements	
Size of tree removed (Inches in diameter at the 4-foot height)	Number of Trees to be planted.
6 to 12	3 trees
13 to 18	5 trees
19 to 24	8 trees
25 to 30	10 trees
31 and over	15 trees

Where the Community Development Director finds this requirement would cause an undue hardship, the requirement may be modified in a manner that the Community Development Director finds will reasonably satisfy the objectives of this section. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist. (Ord. 98-1007 §1(part), 1998)

Chapter 16.16 PARTITIONS--PROCESS AND STANDARDS

16.16.010 Purpose and general provisions.

A. Partitions shall be processed as a Type II decision by the Community Development Director in the same manner as set forth in Section 16.04.020(A) and the applicable provisions in Chapter 16.12 and Chapter 17.50. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the applicant shall provide a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots. (Ord. 98-1007 §1(part), 1998)

C. Lot Size Limitations for Partitions. A parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into 4 or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Community Development Director.

D. A parcel of land in existence at the time this ordinance was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the Lot Size Limitation for Partitions found in (C) above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.

16.16.030 Partition application submission requirements.

A partition application shall include five copies of the proposed partition to the Community Development Director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:

A. A completed application on a form as provided by the planning division;

B. A boundary survey prepared by an Oregon professional land surveyor;

C. Legal descriptions of the parent parcel(s) and the resulting parcels to be created;

D. Copies of proposed deeds for the parcels to be created;

E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year;

F. The name and address of the owner and the land surveyor or engineer, if any;

G. County tax assessment map number(s) of the land to be partitioned;

H. The map scale and true north point;

I. Approximate courses and distances of all parts of the partition;

J. Around the periphery of the proposed partition, the boundary lines and names of adjacent partitions and subdivisions, streets and tract lines of adjacent parcels of property;

K. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;

L. All areas designated as being within the flood management overlay district regulated under Chapter 17.42;

M. All areas identified as unstable slopes and regulated under Chapter 17.44; and

N. All water quality resource areas designated and regulated under the water quality resource area overlay district in Chapter 17.49. (Ord. 99-1013 § 7, 1999; Ord. 98-1007 §1(part), 1998)

O. A partition connectivity analysis prepared by a transportation engineer licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian

connections between the proposed partition and existing or planned land uses on adjacent properties. The partition connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

16.16.040 Frontage width requirement.

For parcels of land created by a partition in all zoning districts other than the R-10, R-8, R-6, and R-3.5 zone, the parcels shall have a minimum of thirty feet of frontage on an existing public, county, state or federal road or street. (Ord. 98-1007 §1(part), 1998) A joint accessway shall be provided to all parcels in the partition unless the configuration, topography, or an existing dwelling unit is located on the property to prevent a joint accessway. No private accessway may serve more than five single-family homes.

16.16.050 Flag Lots – R-10, R-8, R-6, and R-3.5.

A. Flag lots may be permitted in Partitions only where the configuration, topography, or an existing dwelling unit is located on the property so that it would otherwise preclude the partitioning and development of the property.
B. A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney. No private accessway may serve more than five single-family homes.
C. Access ways shall have a pavement width of at least sixteen feet to service one to two units or twenty feet to service three or more units. No private accessway may serve more than five single-family homes. A fire access corridor shall be provided to all parcels with a minimum width of sixteen feet to service two units or twenty feet to service three or more units as based on the zoning, as approved by the city engineer and fire chief. A narrower pavement width may be approved by the Building Official and Fire Chief. The approval may include additional fire suppression devices be provided to assure an adequate level of fire and life safety. No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor. (Ord. 98-1007 §1(part), 1998) 1(part), 1998)
D. The pole must connect to a public street.
E. The pole must be at least 8 feet wide for its entire length.
F. The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.

16.16.060 Pavement requirements.

Access ways for lots created through the partitioning process shall satisfy the requirements of Section 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length, it shall be paved to a minimum width of twenty feet and, if more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and fire chief. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions. (Ord. 98-1007 §1(part), 1998)

Chapter 17.04 - Definitions

[17.04.190 Cul-de-sac.
"Cul-de-sac" means a street not more than three hundred fifty feet in length having one end open to traffic and being terminated by a vehicle turnaround. The cul-de-sac is measured from the edge of the right-of-way of the intersecting street to the edge of the pavement at the end of the cul-de-sac. (Prior code §11-1-6(part))

17.04.205 Development.
"Development" means any man-made change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot or excavation.

17.04.390 Net Developable Area
"Net Developable Area" means the area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:

a. Elevation within the 100-Year Floodplain, as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps;
b. The area within an underlying Water Resource Overlay District governed by Section 17.49 that has been delineated by a Water Resource determination and decision;
c. Steep slopes exceeding 35%. Applicant may make a request for the Community Development Director to determine whether to make further adjustments for slopes above 25% per Section 17.44.060.H.
d. Open space
e. Public facilities and rights-of-way

17.04.273 Front Façade
The exterior wall/foundation of a building exposed to the front lot line.

17.04.275 Front lot line.
"Front lot line" means a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole (see Figure 1, codified at the end of this title). (Ord. 91-1020 §1(part), 1991: prior code §11-1-6(part))

17.04.382 Multiple family residential units.
A structure located on one tax lot and containing three or more attached dwelling units in any vertical or horizontal arrangement.

17.04.621Single-family detached residential units.
One dwelling unit, freestanding and structurally separate from other dwelling units or buildings, located on a lot.

17.04.620 Single-family attached residential units.
Two or more dwelling units attached side by side with some structural parts in common at a common property line on separate tax lots.

17.04.345 Lot, Depth.
The perpendicular distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually rear, lot line.

17.04.373 Lot, Width.
The perpendicular distance measured between the midpoints of the two principal opposite side lot lines and at approximately right angles to the lot depth.

17.04.503 Porch
A roofed open area, which may be screened, attached to or part of and with direct access to or from a building.

17.04.545 Rear Lot Line.
A lot line that is opposite to and more distant from the front lot line. In the case of a corner lot, the Community Development Director shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. A lot line abutting an alley is a rear lot line.

17.06 Zoning District Classifications

17.06.020 Classification of zoning districts.

For the purpose of this title and to carry out these regulations, the city is divided into districts, known as:

R-10 single-family dwelling district
R-8 single-family dwelling district
R-6 single-family dwelling district
RD4-MDP Manufactured Dwelling Park
R-3.5 dwelling district
R-2 multi-family dwelling district
LO limited office district
NC neighborhood commercial district
HC historic commercial district
C general commercial district
GI General Industrial
CI Campus Industrial
MUC-1 Mixed Use Corridor
MUC-2 Mixed Use Corridor
MUE Mixed Use Employment
MUD Mixed Use Downtown
I Institutional District

In addition to the foregoing districts, special overlay districts shall be known as:

H historic overlay district
FP floodplain overlay district
US unstable soils and hillside constraint overlay district
P park acquisition overlay district
WRG Willamette River greenway overlay district
WR water resources overlay district

(Ord. 94-1001 §1, 1994; Ord. 93-1008 §1, 1993; Ord. 92-1024 §1, 1992; prior code §11-2-2)

17.06.050 Zoning of annexed areas.

All lands within the urban growth boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/ county urban growth management area agreement). The planning department shall complete a review of the final zoning classification within sixty days after annexation. The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.050.

Table 17.06.050
CITY LAND USE CLASSIFICATIONS

Residential Plan Classification	City Zone
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, RD4-MDP
High-density residential	R-2

Commercial Plan Classification	City Zone
General commercial	C
Mixed Use Downtown	MUD
Mixed Use Corridor	MUC I, MUC 2, LO, NC, HC
Mixed Use Employment	MUE
Industrial Plan Classification	**City Zone**
Industrial	CI, GI

A. A public hearing shall be held by both the planning commission and city commission in accordance with the procedures outlined in Chapter 17.68 (except for the provisions of Section 17.68.025) for those instances in which more than one zoning designation carries out a city plan classification.

B. Lands within the urban growth boundary and designated low-density residential on the comprehensive plan map shall, upon annexation, be eligible for manufactured homes (infill of individual lots and subdivisions). In those cases where only a single city zoning designation corresponds to the comprehensive plan designation and thus the rezoning decision does not require the exercise of legal or policy judgment on the part of the Community Development Director, Section 17.68.025 shall control. The decision in these cases shall be a ministerial decision of the planning manager made without notice or any opportunity for a hearing. (Ord. 00-1003 §5, 2000; Ord. 94-1014 §1, 1994; Ord. 92-1024 §2, 1992: prior code §11-2-5)

17.06.070 Requirements table.

To facilitate public understanding of this title, and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height, and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 92-1024 §3, 1992; prior code §11-3-1)

OREGON CITY STANDARDS

	Maximum dwelling units per acre (number)	Minimum lot area (square footage)	Maximum height (feet)	Minimum front yard (feet)	Minimum interior side yard (feet)	Minimum corner side yard (feet)	Minimum rear yard (feet)
R-10 Single-Family	4.4	10,000	35	20	10/8	15	20
R-8 Single-Family	5.5	8,000	35	15	9/7	15	20
R-6 Single-Family	7.3	6,000	35	10	9/5	15	20
R-3.5	12.5	SF 3,500 DU 7,000	35	5	9/7 0/9	15	15
R-2 Multi-Family	21.8	2,000 per unit	45	5	0/9	15	Existing 10 New 20
NC Neighborhood Commercial	7.3	*	25	15	10	15	10
HC Historic Commercial	7.3	*	25	15	10	10	10
C General	21.8	*	35	10	0	10	10

Commercial							
GI - General Industrial	0	-----	40	10	0	10	10

*See district description for further information

Chapter 17.08 - R-10 Single-Family Dwelling District

17.08.010 Designated.
This residential district allows for areas of single-family homes on lot sizes of at least ten thousand square feet. (Prior code §11-3-2(part))

17.08.020 Permitted uses.
Permitted uses in the R-10 district are:

A. Single-family detached residential units;
B. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
E. Accessory uses, buildings, and dwellings;
F. Family day care provider, subject to the provisions of Section 17.54.050;

17.08.030 Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

17.08.040 Dimensional standards.
Dimensional standards in the R-10 district are:

A. Minimum lot areas, ten thousand square feet;
B. Minimum lot width, sixty-five feet;
C. Minimum lot depth, eighty feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum required setbacks:
    1. Front yard, twenty feet minimum depth,
    2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
    3. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,
    4. Corner side yard, fifteen feet minimum width,
    5. Rear yard, twenty feet minimum depth,
    6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-2(C))
F. Garage Standards:
    1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or
    2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,
    3. On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and
    4. A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house except as provided in subsections (5) and (6) below.
    5. A garage may extend up to 5 feet in front of the longest front façade if:

a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or
b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.

6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.
7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
   a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or
   b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

G. Maximum Building Coverage: 40% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation

17.08.050 Lots of Record

THIS SECTION IS DELETED FROM THE CODE

Chapter 17.10 - R-8 Single-Family Dwelling District

17.10.010 DESIGNATED.
This residential district allows for single-family homes on lot sizes of eight thousand square feet minimum. (Prior code §11-3-3(part))

17.10.020 Permitted uses.
Permitted uses in the R-8 district are:

A. Single-family detached residential units;
B. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Temporary real estate offices in model homes located and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
E. Accessory uses, buildings, and dwellings;
F. Family day care provider, subject to the provisions of Section 17.54.050;

17.10.030 Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

17.10.040 Dimensional standards.
Dimensional standards in the R-8 district are:

A. Minimum lot area, eight thousand square feet;
B. Minimum lot width, sixty feet;
C. Minimum lot depth, seventy-five feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum required setbacks:
    1. Front yard fifteen feet minimum depth,
    2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
    3. Interior side yard, nine feet minimum for at least one side yard, seven feet minimum for the other side yard,
    4. Corner side yard, fifteen feet minimum width,
    5. Rear yard, twenty feet minimum depth,
    6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 92-1030 §1, 1992; Ord. 91-1020 §2(part), 1991; prior code §11-3-3(C))
F. Garage Standards:
    1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or
    2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,
    3. On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and
    4. A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house except as provided in subsections (5) and (6) below.
    5. A garage may extend up to 5 feet in front of the longest front façade if:

a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or
b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.

6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.
7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
   a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or
   b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

G. Maximum Building Coverage: 33% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.

17.10.050 Lots of Record
THIS SECTION IS DELETED FROM THE CODE

Chapter 17.12 - R-6 Single-Family Dwelling District

17.12.010 Designated.
This residential district allows for single-family homes on lot sizes of six thousand square feet minimum.

17.12.020 Permitted uses.
Permitted uses in the R-6 district are:

A. Single-family detached residential units;
B. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
D. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
E. Accessory uses, buildings, and dwellings;
F. Family day care provider, subject to the provisions of Section 17.54.050;

17.12.030 Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

17.12.040 Dimensional standards.
Dimensional standards in the R-6 district are:

A. Minimum lot areas, six thousand square feet;
B. Minimum lot width, fifty feet;
C. Minimum lot depth, seventy feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum required setbacks:
    1. Front yard, ten feet minimum depth,
    2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
    3. Interior side yard, nine feet minimum width for at least one side yard; five feet minimum width for the other side yard,
    4. Corner side yard, fifteen feet minimum width,
    5. Rear yard, twenty feet minimum depth,
    6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-4(C))
F. Garage Standards:
    1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or
    2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,
    3. On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and
    4. A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house except as provided in subsections (5) and (6) below.
    5. A garage may extend up to 5 feet in front of the longest front façade if:

a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or
b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.

6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.
7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
   a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or
   b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

G. Maximum Building Coverage: 36% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.

17.12.050 Lots of Record

THIS SECTION IS DELETED FROM THE CODE

Chapter 17.13 R-6/MH Single Family Dwelling District

THIS ENTIRE SECTION IS DELETED FROM THE CODE

Chapter 17.14 McLoughlin Conditional Residential District

THIS ENTIRE SECTION IS DELETED FROM THE CODE

Chapter 17.16 – R-3.5 Dwelling District

17.16.010 Designated.
This residential district allows single-family attached and detached residential units and two-family dwellings. (Prior code §11-3-6(part))

17.16.020 Permitted uses.
Uses permitted in the 3.5 district are:

A. Two-family dwellings (duplexes);
B. Single-family detached residential units;
C. Single-family attached residential units (Row houses with no more than six dwelling units may be attached in a row);
D. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
E. Home occupations;
F. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
G. Accessory uses, buildings, and dwellings;
H. Family day care provider, subject to the provisions of Section 17.54.050;

17.16.030 Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030. (Prior code §11-3-6(B))

17.16.040 Dimensional standards.
Dimensional standards in the R-3.5 district are:

A. Minimum Lot Area.
    1. Residential uses, three thousand five hundred square feet per unit.
    2. Non-residential uses, zero minimum;
B. Minimum lot width, twenty-five feet;
C. Minimum lot depth, seventy feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum Required Setbacks.
    1. Front yard, five feet minimum depth,
    2. Interior side yard,
        Detached unit, 5 feet minimum depth
        Attached unit, 7 feet minimum depth on the side that does not abut a common property line.
    3. Corner side yard, ten-foot minimum width,
    4. Rear yard, fifteen-foot minimum depth,
    5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 99-1027 §3, 1999: Ord. 91-1020 §2(part), 1991; prior code §11-3-6(C))
    6. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access it taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.
F. Garage Standards:

1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or
2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,
3. On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and
4. A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house except as provided in subsections (5) and (6) below.
5. A garage may extend up to 5 feet in front of the longest front façade if:
    a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or
    b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.
6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.
7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
    a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or
    b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

G. Maximum Building Coverage: 45% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.

17.16.050 Rebuilding of Damaged Structure

A structure containing an existing residential use in excess of the R 3.5 density standard that is substantially damaged by fire, other calamity, act of God, or the public enemy may be rebuilt to its original density provided that rebuilding be started within one year following the damage and reconstruction be completed within eighteen months of the time reconstruction is commenced.

17.16.060 Single-family attached residential units and duplex units.

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be 10 feet in width. A lesser width may be approved by the Community Development Director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.

B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements in Section 17.16and the State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat. (Ord. 99-1027 §4, 1999)

Chapter 17.18 – R-2 Multi-Family Residential District

17.18.010 Designated.
The purpose of this residential district is to allow for single-family attached residential units, two-family and multi-family residential units. (Prior code §11-3-7(part))

17.18.020 Permitted uses.
Permitted uses in the R-2 district are:

A. Multi-family residential units;
B. Two-family dwellings;
C. Single-family attached residential units;
D. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
E. Home occupations;
F. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
G. Accessory buildings;
H. Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A)); and
I. Management and associated offices and building necessary for the operations of a multi-family residential development.

17.18.030 Conditional uses.
The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030;
C. Mobile home parks. (Prior code §11-3-7(B))

17.18.035 Pre-Existing Industrial Use
Tax Lot 700, located on Clackamas County Map #32E16B has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current use, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

17.18.040 Dimensional standards.
Dimensional standards in the R-2 district are:

A. Minimum lot area:
   1. Residential units, 2,000 square feet per unit.
   2. Nonresidential uses, No minimum lot area is required
B. Minimum lot width, twenty feet;
C. Minimum lot depth, seventy feet;
D. Maximum building height, four stories, not to exceed fifty-five feet;
E. Minimum required setbacks:

1. Front yard, five feet minimum depth (May be reduced to zero through Site Plan and Design Review),
2. Side yard, five feet minimum width,
3. Corner side yard, ten feet minimum width,
4. Rear yard
   a. Residential units prior to adoption of this ordinance, ten feet minimum depth'
   b. Nonresidential and Multiple family residential units, ten feet minimum depth,
   c. Single Family attached residential units and duplex development after adoption of this ordinance, twenty feet minimum depth;
5. Buffer Area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The Community Development Director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.
6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-7(C))
7. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.

F. Garage Standards:
   1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or
   2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,
   3. On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and
   4. A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house except as provided in subsections (5) and (6) below.
   5. A garage may extend up to 5 feet in front of the longest front façade if:
      a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or
      b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.
   6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.
   7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
      a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or
      b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

17.18.050 Single-Family Attached Dwellings

The following standards apply to single-family attached residential units and duplex units.

A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be 10 feet in width. A lesser width may be approved by the Community Development Director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.
B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached residential units shall be reviewed for compliance with the requirements of this

Chapter 17.18, and the State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat.

Chapter 17.20 – LOC Limited Office Conditional District

THIS ENTIRE SECTION IS DELETED FROM THE CODE

Chapter 17.24 – NC Neighborhood Commercial District

17.24.010 Designated.
The neighborhood commercial district allows for small-scale commercial and mixed uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. (Prior code §11-3-10(part))

17.24.020 Permitted uses.
Permitted uses in the NC district are neighborhood commercial uses, as defined as:

Antique Shops
Apparel shop
Art, gallery, store, supplies
Bakery, retail
Banks without a drive thru
Barbershop
Beauty parlor
Bicycle sales, service, rental
Bookstore
Candy store
Clothes cleaning and pressing
Coffee shop without a drive thru
Craft store
Custom dressmaking and tailoring
Dry cleaners
Dry cleaners, self-service
Dry cleaning agencies
Delicatessen store
Drug stores
Dry good stores
Florist shops
Gift shops
Grocery, fruit or vegetable store
Hardware store
Ice-cream store
Interior decoration, including drapery and upholstery
Jewelry store
Laundromat, self-service
Laundry agencies
Locksmith
Music store
Plant or garden shop
Printing and copy service (no audible sounds beyond the premises)
Restaurants without a drive thru
Seasonal sales, subject to the provisions of Section 17.54.060
Shoe sales, repair
Small grocery, fruit or vegetable store
Stationary store
Studio for art, dance, music, photo
Watch and clock repair shop

17.24.030 Limited Uses
Dwelling units are permitted above the ground floor if in conjunction with a permitted use as identified in Section 17.24.020 above.

17.24.040 Dimensional standards.
Dimensional standards in the NC district are:

A. Maximum building height, two and one half stories, not to exceed thirty-five feet;
B. Maximum building footprint, 10,000 square feet
C. Minimum required setbacks if not abutting a residential zone: None:
D. Minimum required interior and rear yard setbacks if abutting a residential zone: 10 feet.
E. Maximum allowed setback:
    1. Front yard: 5 feet (May be extended with Site Plan and Design Review section 17.62.055).
    2. Interior yard: None
    3. Corner side yard abutting a street: 30 feet, provided the Site Plan and Design Review requirements of Section 17.62.055 are met.
    4. Rear yard: None
F. Parking Standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.52 may be reduced by 10% for mixed-use projects, subject to a determination by the Community Development Director that the project qualifies as a "mixed-use" project.

Chapter 17.26 HC HISTORIC COMMERCIAL DISTRICT

17.26.020 Permitted uses.

Permitted uses in the HC district are all historic commercial uses, defined as:

Antique shops
Apparel stores
Art, gallery supplies
Bakery, retail
Bookstores
Coffee shops without a drive thru
Craft stores
Delicatessen stores
Drug stores
Florist shops
Gift shops
Grocery, fruit or vegetable stores
Hair salons
Interior decoration, including drapery and upholstery
Jewelry stores
Music stores
Notion or variety stores
Offices
Photography studios
Plant or garden shops
Restaurants without a drive thru
Studios, art, dance, music, photo
Uses, as approved by the Community Development Director, that are consistent with the purpose of the HC zoning district.
Uses permitted in the R-6 single-family dwelling district. (Prior code §11-3-11(A))

17.26.030 Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Uses listed in Section 17.56.030.

17.26.040 Historic building preservation.

Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district or are in Oregon City's inventory of Historic Buildings) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the planning commission that no economically feasible return can be gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the planning commission may grant an exception to the Historic Building Preservation Policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the Historic Building Preservation Policy in other structures in the area. The planning commission may condition the grant of any such application to these ends. The members of the Historic Review Board shall be notified of the application and may request a delay in the decision or the Planning Commission, of its own volition, may delay a decision on such an application subject to consideration by the Historic Review Board as provided in Chapter 17.40. (Prior code §11-3-11(C))

17.26.050 Dimensional standards.

A. Minimum lot area:
   1. Residential, five thousand square feet,
   2. Nonresidential, minimum not required;
B. Minimum required setbacks:
   1. Front yard, fifteen feet minimum depth,
   2. Interior side yard, ten feet minimum width,
   3. Corner side yard, ten feet minimum width,
   4. Rear yard, ten feet minimum depth;
C. Maximum building height, two and one-half stories, not to exceed thirty-five feet for new buildings. (Prior code §11-3-11(D)

Chapter 17.28- Limited Commercial District

THIS ENTIRE SECTION IS DELETED FROM THE CODE

CHAPTER 17.29"MUC" - MIXED USE CORRIDOR DISTRICT

SECTIONS

17.29.010 Designated
17.29.020 Permitted uses in MUC-1
17.29.025 Permitted uses in MUC-2
17.29.030 Conditional uses
17.29.040 Prohibited uses
17.29.050 Dimensional standards, MUC-1
17.29.060 Dimensional standards, MUC-2
17.29.070 Explanation of certain standards

17.29.010 DESIGNATED

The Mixed Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street and Beavercreek Road, and along Warner-Milne Road. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Commercial uses are only allowed in conjunction with mixed-use office and residential developments, except for small stand-alone buildings. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

17.29.020 PERMITTED USES, MUC-1.

Permitted uses in the "MUC-1" District are defined as:

A. Banquet, conference facilities and meeting rooms
B. Bed and Breakfast, and other small lodging facilities for up to ten guests per night
C. Child Care facilities
D. Health and fitness clubs
E. Medical and Dental Clinics, outpatient; infirmary services
F. Museums and Cultural Facilities
G. Offices; including finance, insurance, real estate and government
H. Outdoor markets, such as produce stands, craft markets, and farmers markets that are operated on the weekends and after 6pm during the weekday.
I. Postal Services
J. Publicly owned parks, playgrounds, play fields and community or neighborhood centers
K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment
L. Residential Units, single-family detached residential existing prior to adoption of this ordinance.
M. Residential Units, single-family and two-family attached.
N. Residential Units, multi-family.
O. Restaurants, eating and drinking establishments without a drive through
P. Retail services, including personal, professional, educational and financial services; laundry and dry-cleaning;
R. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts, provided the maximum footprint for a stand alone building with a single store does not exceed 10,000 square feet.

S. Senior Housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes[3]
T. Studios and galleries, including dance, art, photography, music and other arts
U. Utilities – Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical, and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
V. Veterinary clinics or pet hospitals, pet day care

17.29.025 PERMITTED USES, MUC –2

Those uses allowed in 17.29.020 with the following exception:

A. Retail Trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts, provided the maximum footprint for a stand alone building with a single store does not exceed 60,000 square feet.

17.29.030 CONDITIONAL USES IN THE MUC-1 and MUC-2 ZONES

The following uses are permitted in this District when authorized and in accordance with the process and standards contained in Chapter 17.56:

A. Clubs/Lodges
B. Car Washes
B. Drive-in or drive-through facilities
C. Emergency Services
D. Motor vehicle service, parts sales, repair, or equipment rental.
E. Museums and Cultural Facilities
F. Outdoor markets that do not meet the criteria of Section 17.29.020.H above
G. Public utilities and services
H. Religious Institutions
I. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts that have a footprint for a stand alone building with a single store in excess of 10,000 square feet in the MUC-1 zone or 60,000 square feet in the MUC-2 zone.
J. Schools, including trade schools and technical institutes
K. Vehicle fuel sales

17.29.040 PROHIBITED USES IN THE MUC-1 and MUC-2 ZONES

The following uses are prohibited in the MUC District:

A. Bulk retail or wholesale uses
B. Commercial or industrial laundry
C. Contractor's equipment yard
D. Foundry casting lightweight nonferrous metals
E. Frozen food lockers
F. Heavy equipment service, repair, sales, storage or rental[2].
G. Hotels and motels, commercial lodging
H. Hospitals

[3] Residential development where each living unit has its own kitchen with a stove, sink and refrigerator will be treated as apartments, and subject to the density requirements of Section 17.29.050.H.
[2] Heavy equipment includes but is not limited to construction equipment and machinery and farming equipment

I. Ice or cold storage plant
J. Kennels
K. Motor vehicle sales or storage
L. Outdoor sales or storage[4]
M. Retail feed, fuel or lumber yard
N. Self-service storage facilities

17.29.050 DIMENSIONAL STANDARDS, MUC-1

A. Minimum lot areas: None
B. Maximum building height: 45 feet or 3 stories - whichever is less
C. Minimum required setbacks if not abutting a residential zone: None
D. Minimum required interior and rear yard setbacks if abutting a residential zone: 20 feet, plus one-foot additional yard setback for every one-foot of building height over 35 feet.
E. Maximum allowed setbacks:
   1. Front yard: 5 feet (May be extended with Site Plan and Design Review section 17.62.055)
   2. Interior side yard: None
   3. Corner side yard abutting street: 30 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
   4. Rear yard: None
F. Parking standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.25 may be reduced by 10% for mixed-use transit orientated projects, subject to a determination by the Community Development Director that the project qualifies as a "mixed-use" project
G. Maximum lot coverage of the building and parking lot: 80%
H. Minimum required landscaping (including landscaping within a parking lot): 20%.

17.29.060 DIMENSIONAL STANDARDS, MUC-2

A. Minimum lot area: None
B. Minimum Floor Area Ratio: 0.30
C. Minimum building height: 25 feet or 2 stories except for accessory structures or buildings under 1,000 square feet.
D. Maximum building height: 60 feet
E. Minimum required setbacks if not abutting a residential zone: None
F. Minimum required interior and rear yard setbacks if abutting a residential zone: 20 feet, plus one foot additional yard setback for every two feet of building height over 35 feet.
G. Maximum allowed setbacks
   1. Front yard: 5 feet (May be expanded with Site Plan and Design Review section 17.62.055)
   2. Interior side yard: None
   3. Corner side yard abutting street: 20 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met.
   4. Rear yard: None
H. Parking standards: The minimum required off-street vehicular parking standards of Chapter 17.25 may be reduced by 15% for mixed-use transit orientated projects, subject to a determination by the Planning Director that the project qualifies as a "mixed-use" project.

[4] Except secured areas for overnight parking or temporary parking of vehicles used in the business

I. Maximum site coverage of building and parking lot: 90%
J. Minimum landscaping requirement (including parking lot): 10%.

17.29.070 EXPLANATION OF CERTAIN STANDARDS

A. Floor Area Ratio (FAR)
1. Purpose
Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
2. Standards
a. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than 10,000 square feet in floor area.
b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
c An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Other standards
See OCMC Chapter 17.62 for additional details on building setbacks, building orientation and primary entrances, and ground floor window requirements.

CHAPTER 17.31 "MUE" -- MIXED USE EMPLOYMENT DISTRICT

SECTIONS

17.31.010 Designated
17.31.020 Permitted uses
17.31.030 Limited uses
17.31.040 Conditional uses
17.31.050 Prohibited uses
17.31.060 Dimensional standards
17.31.070 Explanation of certain standards

17.31.010 DESIGNATED

The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes. Some commercial uses are allowed, within limits. The County offices and Willamette Falls Hospital are examples of such employment-intensive uses.

17.31.020 PERMITTED USES

Permitted uses in the MUE district are defined as:

A. Auditoriums, exhibition halls
B. Banks, savings, credit union, stocks & mortgages
C. Banquet, conference facilities and meeting rooms
D. Child care facilities
E. Clinics, outpatient; infirmary services
F. Employment training and business services
G. Health and fitness clubs, including tennis courts and swimming pools, but exclusive of spectator sports facilities
H. Hospitals, Medical Centers, and Emergency Service Facilities
I. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials[1]
J. Offices; including finance, insurance, real estate and government
K. Outdoor markets, such as produce stands, craft markets, and farmers markets that are operated on the weekends and after 6pm during the weekday.
L. Postal services
M. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing, photo engraving
N. Public utilities and services
O. Publicly owned parks, play fields and community or neighborhood centers
P. Research and development offices and laboratories, related to scientific, educational, electronics, and communications endeavors[1]
Q. Residential Units, single-family detached residential existing prior to adoption of this ordinance
R. Software development
S. Transit and passenger rail center & station, exclusive of transit storage areas
T. Utilities – Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical, and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers.

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[1] These uses shall have no or minimal off-site impacts, e.g. noise, glare, odor, and vibration, and all activities shall be conducted wholly within an enclosed building.

17.31.030 LIMITED USES

The following permitted uses, alone or in combination, shall not exceed 20% of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the Community Development Director.

A. Art stores, galleries, photography studios and shops
B. Bakeries, retail
C. Barber shops, beauty shops, and other personal services
D. Custom dressmaking, tailoring
E. Drug stores, pharmacies
F. Dry cleaners
G. Grocery, fruit or vegetable stores
H. Office equipment (sales and service)
I. Restaurants, eating and drinking establishments
J. Specialty retail shops, including but not limited to florist, music, gifts, confectionery, books, stationary, hobby, jewelry, bath and kitchen ware, shoes, linen, furniture, hardware, garden supply, appliances and electronics stores, delicatessens, provided the maximum footprint for a stand alone building with a single store does not exceed 60,000 square feet.
K. Trade schools and technical and professional institutes, business schools, job training, vocational rehabilitation, exclusive of elementary, secondary, and full curricula colleges and universities.

17.31.040 CONDITIONAL USES

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Ambulance services
B. Building materials, sales and supplies (as described in OCMC 17.31.080(A), and not including outdoor storage or outdoor display and sales of building materials
C. Correctional, detention and work release facilities
D. Drive-in or drive-through facilities for banks, restaurants, pharmacies, and other commercial uses
E. Hotels, motels and commercial lodging
F. Museums and cultural institutions
G. Outdoor markets that do not meet the criteria of Section 17.31.020.M above
H. Private clubs and lodges
I. Public facilities, such as sewage treatment plants, water towers, pumps stations, recycling and resource recovery centers
J. Religious institutions, such as churches, mosques and synagogues
K. Veterinary or pet hospital, dog daycare
L. Schools - elementary, secondary, and full curricula colleges and universities

17.31.050 PROHIBITED USES

The following uses are prohibited in the MUE district:

A. Bulk fuel dealerships and storage yards, including card locks
B. Concrete mixing and sale

C. Contractors equipment yard
D. Distributing, wholesaling and warehousing
E. Draying, trucking and automobile freighting yard
F. Entertainment centers and facilities, outdoor
G. Foundry casting lightweight non-ferrous metals
H. Ice or cold storage plant
I. Junk yards, salvage yards, wrecking yards, storage yards and recycling centers
J. Kennels
K. Machinery, equipment or implement sales, service or rental relating to farming and construction (heavy equipment)
L. Motor vehicle, travel trailer, recreation vehicle, motorcycle, truck, manufactured home, and boat sales, leasing, rental or storage
M. Recreational vehicle (RV) parks, including sites established or maintained for travel trailers, truck campers, camping trailers, and self-propelled motor homes
N. Self-storage facilities
O. Storage yard for contractor's equipment, transit vehicles, and related vehicle or equipment maintenance activities
P. Warehouse/freight movement
Q. Wholesale and bulk sales

17.31.060 DIMENSIONAL STANDARDS

A. Minimum lot areas: None
B. Minimum Floor Area Ratio: 0.25
C. Maximum building height: except as otherwise provided in subsection C (1) of this section building height shall not exceed sixty feet.

1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.

D. Minimum required setbacks: No side or rear yard setbacks are required, except that a 50-foot setback shall be required wherever the MUE zone directly abuts any type of commercial or residential zone and at least 25 feet of the setback most be a landscaped buffer.
E. Maximum allowed setbacks: No maximum limit provided the Site Plan and Design Review requirements of Section 17.62.055 are met. Development of a campus with an approved Master Plan in the MUE zone is exempt from Section 17.62.055.D.1 of Site Plan and Design Review. All other standards are applicable.
F. Maximum site coverage of the building and parking lot: 80%
G. Minimum landscape requirement (including the parking lot): 20%
The design and development of the landscaping in this district shall:
1. Enhance the appearance of the site internally and from a distance;
2. Include street trees and street side landscaping;
3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
4. Include, as appropriate, a bikeway walkway or jogging trail;
5. Provide buffering or transitions between uses;
6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

17.31.070 EXPLANATION OF CERTAIN STANDARDS

A. Floor Area Ratio (FAR)

1. Purpose

   Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

2. Standards

   a. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than 10,000 square feet in floor area.

   b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

   c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Other standards

See OCMC Chapter 17.62 for additional details on building setbacks, building orientation and primary entrances, and ground floor window requirements.

CHAPTER 17.34 "MUD" -- MIXED USE DOWNTOWN DISTRICT

SECTIONS

17.34.010 Designated
17.34.020 Permitted uses
17.34.030 Conditional uses
17.34.040 Prohibited uses
17.34.050 Pre-existing industrial uses
17.34.060 Dimensional standards, except for within overlay area
17.34.070 Dimensional standards, historic downtown overlay area
17.34.080 Dimensional standards, signs
17.34.090 Explanation of certain standards

17.34.010 DESIGNATED

The Mixed-Use Downtown (MUD) District is designed to apply within the traditional downtown core along Main Street, and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. A mix of high-density residential, office and retail uses are encouraged in this District, with retail and service uses on the ground floor, and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This District includes an overlay design sub-district for the historic downtown area. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 PERMITTED USES

Permitted uses in the "MUD" District are defined as:

A. Any use permitted in the Neighborhood, Historic, Limited or General Commercial zone districts, unless otherwise restricted in Sections 17.34.030 or 17.34.040
B. Banquet, conference facilities and meeting rooms
C. Child care facilities
D. Clubs/lodges
E. Heath and fitness clubs
F. Hotel and motel, commercial lodging
G. Indoor recreational facilities, including theaters
H. Marinas
I. Medical and dental clinics, outpatient; infirmary services
J. Museums and cultural facilities
K. Offices; including finance, insurance, real estate and government Developments that include offices in the Historic Overlay District are required to have an MUD permitted use, other than an office use, on the first floor. The office use is limited to the second floor and above of the development.
L. Outdoor markets, such as produce stands, craft markets, and farmers markets that are operated on the weekends and after 6pm during the weekday.
M. Postal services
N. Publicly owned parks, play fields and community or neighborhood centers.
O. Religious institutions, such as churches, mosques and synagogues
P. Repair shops, for office equipment, bicycles, electronic equipment, shoes and small appliances
Q. Residential Units, single-family detached residential existing prior to adoption of this ordinance
R. Residential Units, single-family and two-family attached. Developments that include residential units in the Historic Overlay District are required to have an MUD permitted

use on the first floor. The residential units are limited to the second floor and above of the development.

S. Residential Units, multi-family. Developments that include residential units in the Historic Overlay District are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development.

T. Restaurants, eating and drinking establishments

U. Retail services, including professional, educational and financial services; laundry and dry-cleaning

V. Retail trade, including grocery, hardware, and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a free standing building with a single store does not exceed 60,000 square feet (A free standing building over 60,000 square feet is allowed as long as the building contains multiple stores).

W. Senior housing, including congregate care, residential care and assisted living, nursing homes and other types of group homes

X. Studios and galleries, including dance, art, photography, music and other arts

Y. Utilities – Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical, and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.

17.34.030 CONDITIONAL USES

The following uses are permitted in this District when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Drive-though facilities associated with a bank

B. Emergency services

C. Hospitals

D. Outdoor markets that do not meet the criteria of Section 17.34.020.N above

E. Outdoor recreational facilities

F. Repairs shop for small engines, such as lawnmowers, leaf blowers and construction-related equipment

G. Retail trade, including grocery, hardware, and gift shops, bakeries, delicatessens, florists, pharmacies, and specialty stores in a free standing building with a single store exceeding a foot print of 60,000 square feet

H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers.

I. Public utilities

J. Wholesale and bulk retail uses

17.34.040 PROHIBITED USES

The following uses are prohibited in the MUD District

A. Kennels

B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030

C. Self-service storage

17.34.050 PRE-EXISTING INDUSTRIAL USES

Tax Lots 100 and 200 located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for Industrial Uses. These properties may maintain and expand their Industrial Uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 DIMENSIONAL STANDARDS, EXCEPT FOR WITHIN HISTORICAL OVERLAY AREA

A. Minimum lot area: None
B. Minimum Floor Area Ratio for stand-alone office, commercial buildings or mixed-use buildings with a residential component: 0.30
C. Minimum building height: 25 feet or 2 stories except for accessory structures or buildings under 1,000 square feet.
D. Maximum building height: 75 feet, except for the following locations where the maximum building height shall be 45 feet:
   1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
   2. Property within 500 feet of the End of the Oregon Trail Center property; and
   3. Property within 100 feet of single-family detached or detached units.
E. Minimum required setbacks, if not abutting a residential zone: None
F. Minimum required interior side yard and rear yard setback if abutting a residential zone: 15 feet, plus one additional foot in yard setback for every two feet in height over 35 feet.
G. Maximum allowed setbacks:
   1. Front yard: 20 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
   2. Interior side yard: No maximum
   3. Corner side yard abutting street: 20 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
   4. Rear yard: No maximum
   5. Rear yard abutting street: 20 provided the Site Plan and Design Review requirements of section 17.62.055 are met
H. Parking standards: The minimum required off-street vehicular parking standards of Chapter 17.52 may be reduced by 25% for mixed-use projects subject to a determination by the Community Development Director that the project qualifies as a "mixed-use" project.
I. Maximum site coverage including the building and parking lot: 90%
J. Minimum landscape requirement (including parking lot): 10%.

17.34.070 DIMENSIONAL STANDARDS, HISTORIC AREA OVERLAY

A. Minimum lot area: None
B. Minimum Floor Area Ratio for stand-alone commercial buildings or mixed-use buildings with a residential component: 0.5
C. Minimum building height: 25 feet or 2 stories except for accessory structures or buildings under 1,000 square feet.
D. Maximum building height: 58 feet
E. Minimum required setbacks, if not abutting a residential zone: None
F. Minimum required interior and rear yard setback if abutting a residential zone: 20 feet, plus one foot additional yard setback for every three feet in building height over 35 feet.
G. Maximum allowed setbacks:
   1. Front yard: 10 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
   2. Interior side yard: No maximum
   3. Corner side yard abutting street: 10 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
   4. Rear yard: No maximum
   5. Rear yard abutting street: 10 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
H. Parking standards: The minimum off-street vehicular parking requirements of Chapter 17.52 may be reduced by 50%. Off-street, vehicular parking requirements may be

waived by the Community Development Director if the property is within a parking management district.

I. Maximum site coverage of the building and parking lot: 100%

J. Minimum landscape requirement: Development within the Historic Overlay District is exempt from required landscaping standards in 17.62.050(A)(1). However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets, and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required.

17.34.080 EXPLANATION OF CERTAIN STANDARDS

A. Floor Area Ratio (FAR)

1. Purpose

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

2. Standards

a. The minimum floor area ratios contained in 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.

b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Building Height

1. Purpose

The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of 58 feet measured from Main Street. The maximum building height limit of 58 feet will ensure that no new building will be taller than the Masonic Hall.

A minimum 2-story (25') building height is established for the Historic Downtown Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

C Other Standards

See OCMC Chapter 17.62 for additional details on building setbacks, building orientation and primary entrances, and ground floor window requirements.

Chapter 17.36 GI – GENERAL INDUSTRIAL

17.36.010 Designated.

The General Industrial district is designed to allow uses relating to manufacturing, processing and distribution of goods. The uses permitted on the General Industrial Lands are intended to protect existing Industrial and Employment Lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the Industrial areas. (Prior code §11-3-15(part))

17.36.020 Permitted uses--Within buildings.

In the GI district, the following uses are permitted if enclosed within a building:

Carpenter shop or wood product, pulp, paper and paperboard manufacturing and processing.
Commercial or industrial laundry
Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety
Electroplating, machine or welding shop
Foundry casting lightweight nonferrous metals
Frozen food lockers
Heavy equipment service, repair, sales, rental or storage[1]
Ice or cold storage plant
Photo engraving
Veterinary or pet hospital, kennel or hatchery
Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited).
Retail sales and services, including eating establishments for employees (I.E. a café or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5% of the building square footage, whichever is less, and the retail sales and services shall not occupy more than 10 percent of the net developable portion of all contiguous Industrial Lands.

B. The following uses may occupy a building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard; further provided, that such wall or fence shall not be used for advertising purposes:

Storage facilities
Concrete mixing and sales
Contractor's equipment yard
Draying, trucking and automobile freighting yard
Heavy equipment service, repair, sales, rental or storage[1]
Retail feed or fuel yard
Retail lumberyard and building material yard
Small boat yard for the building or repair of boats not exceeding sixty-five feet in length.
(Ord. 00-1003 §9, 2000: prior code §11-3-15(A)(1), (2))

17.36.030 Conditional uses.

The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:

[1] Heavy equipment includes but is not limited to construction equipment and machinery and farming equipment

Public recycle drop/receiving center
Public recycle warehouse
Railroad terminal and railroad freighting facilities
Solid waste transfer facility
Solid waste processing facility
Plants or facilities engaged in resource recovery as defined in Section 8.20.020
Industrial uses, defined as all uses not permitted or conditional in the GI – General Industrial zone provided that such uses do not present an undue hazard to the public health, welfare and safety.
Uses listed in Section 17.56.030
(Ord. 93-1022 §§1(part), 2, 1993; prior code §11-3-15(B))

17.36.035 Prohibited uses

Wrecking yards

17.36.040 Dimensional standards.

Dimensional standards in the GI district are:

A. Minimum lot area, minimum not required;
B. Maximum building height, three stories, not to exceed forty feet;
C. Minimum required setbacks:
    1. Front yard, ten feet minimum depth,
    2. Interior side yard, no minimum width,
    3. Corner side yard, ten feet minimum width,
    4. Rear yard, ten feet minimum depth;
D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The Community Development Director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case. (Ord. 93-1022 §1(part), 1993; prior code §11-3-15(C))

Chapter 17.37 (CI) CAMPUS INDUSTRIAL DISTRICT

17.37.010 Designated.
The campus industrial district allows a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on Campus Industrial Lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.

17.37.020 Permitted uses.
The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:

A. Experimental, film or testing laboratories;
B. Industries that manufacture from, or otherwise process, previously prepared materials;
C. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing;
D. Trade schools including technical, professional, vocational, business schools and college or university programs serving industrial needs.
E. Corporate or government headquarters or regional offices with fifty or more employees.
F. Computer component assembly plants
G. Information and Data processing centers
H. Software and Hardware development
I. Engineering, architectural and surveying services
J. Non-commercial, educational, scientific and research organizations
K. Research and development activities
L. Industrial and professional equipment and supply stores, which may include service and repair of the same
M. Retail sales and services, including eating establishments for employees (I.E. a café or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5% of the building square footage, whichever is less, and the retail sales and services shall not occupy more than 10% of the net developable portion of all contiguous Industrial Lands.
N. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited.

17.37.030 Conditional uses.
The following conditional uses may be established in a campus industrial district subject to review and action on the specific proposal, pursuant to the criteria and review procedures in Chapters 17.50 and 17.56:

A. Distribution or warehousing
B. Any other use which, in the opinion of the Planning Commission, is of similar character of those specified in Sections 17.37.020 and 17.37.030. In addition, the proposed conditional uses:
    1. Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;

2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;
3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;
4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites. (Ord. 99-1026 §1(A), 1999; Ord. 93-1022 §3(part), 1993)

17.37.040 Dimensional standards.

Dimensional standards in the CI district are:

A. Minimum lot area: no minimum required.
B. Maximum building height: except as otherwise provided in subsection B (1) of this section building height shall not exceed forty-five feet.
   1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
C. Minimum required setbacks:
   1. Front yard: twenty feet minimum depth;
   2. Interior side yard: no minimum width;
   3. Corner side yard: twenty feet minimum width;
   4. Rear yard: ten feet minimum depth.
D. Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.
   If the height of the building exceeds forty-five feet, as provided in subsection B (1) of this section for every additional story built above forty-five feet, an additional twenty-five foot buffer shall be provided. (Ord. 99-1026 §2, 1999; Ord. 93-1022 §3(part), 1993)

17.37.050 Development standards.

All development within the CI district is subject to the review procedures and application requirements under Chapter 17.50, and the development standards under Chapter 17.62. Multiple building developments are exempt from the setback requirements of Chapter 17.62.055. In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:
   1. Enhance the appearance of the site internally and from a distance;
   2. Include street trees and street side landscaping;
   3. Provide an integrated open space and pedestrian system within the development with appropriate connections to surrounding properties;
   4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;
   5. Provide buffering or transitions between uses;
   6. Encourage outdoor eating areas conveniently located for use by employees;
   7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

B. Parking. No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.

C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.

D. Signs. One ground-mounted sign may be provided for a development. Other signage shall be regulated by Title 15.

E. Outdoor Storage and Refuse/Recycling Collection Areas.

1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;
2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street. (Ord. 93-1022 §3(part), 1993)

Chapter 17.38 M-2 Heavy Industrial District

THIS ENTIRE SECTION IS DELETED FROM THE CODE

Chapter 17.39 - Institutional District

Sections

17.39.010 Designated
17.39.020 Permitted Uses
17.39.030 Conditional Uses
17.39.040 Dimensional Standards
17.39.040 Development Standards

17.39.010 Designated

The purpose of this district is to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I zone is consistent with the Public/Quasi Public and Park designations on the Comprehensive Plan map.

17.39.020 Permitted Uses

Permitted Uses in the Institutional district are:

A. Colleges and Universities
B. Public and Private Schools
C. Parks, playgrounds, playfields and community or neighborhood community centers;
D. Public facilities and services including courts, libraries and general government offices and maintenance facilities.

17.39.030 Accessory Uses

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

A. Offices
B. Retail (not to exceed 10% of total gross floor area of all building)
C. Child Care Centers or Nursery Schools
D. Group Living (dorms, hospice, etc.)
E. Stadiums, arenas, and auditoriums
F. Scientific, educational, or medical research facilities and laboratories.
G. Religious Institutions
H. Museums

17.39.040 Conditional Uses

Uses requiring conditional use permit are:

A. Any uses listed under 17.39.030 that are not accessory to the primary institutional use.
B. Boarding and lodging houses, bed and breakfast inns, and assisted living facilities for senior citizens;
C. Cemeteries, crematories, mausoleums, and columbariums;
D. Correctional facilities;
E. Helipad in conjunction with a permitted use, excluding residential districts;
F. Nursing homes;
G. Parking lots not in conjunction with a primary use;
H. Private clubs and lodges, excluding residential districts;
I. Public utilities, including sub-stations (such as buildings, plants and other structures);
J. Welfare institutions and social service organizations, excluding residential districts.
K. Fire Stations

17.39.050 Dimensional Standards

Dimensional standards in the I district are:

A. Maximum building height: within 100 feet of any district boundary, not to exceed 35 feet; elsewhere, not to exceed 70 feet.
B. Minimum required setbacks: 25 feet from property line except when the development is adjacent to a public-right-of-way. When adjacent to a public right-of-way, the minimum setback is 0 feet and the maximum setback is 5 feet.

17.39.060 Relationship to Master Plan

A. A Master Plan is required for any development within the I district on a site over 10 acres in size that:
    1. Is for a new development on a vacant property;
    2. Is for the redevelopment of a property previously used an a non-institutional use; or
    3. Increases the floor area of the existing development by 10,000 square feet over existing conditions
B. Master Plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Chapter 17.65.70 and will be processed concurrently with the Master Plan application.
C. Modifications to other development standards in the code may be made as part of the Phased Master Plan adjustment process. All modifications must be in accordance with the requirements of the Master Plan adjustment process identified in Chapter 17.65.070.

17.39.070 Changes to the I district boundary

The I district boundary may be amended through Chapter 17.68 - Zoning Changes and Amendments.

Chapter 17.40 HISTORIC OVERLAY ZONE

17.40.020 DEFINITIONS
For the purpose of this section, the following terms are defined as indicated:
"Alteration" means the addition to, removal of or from, or physical modification or repair of, any exterior part or portion of a landmark or structures in an historic or conservation district. In an historic district any physical change shall be considered a form of alteration and shall be treated as such, except repair and maintenance or change of copy.

"Architectural significance" means that the structure or district:

1. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural-type specimen;
3. Is the work of an architect or master builder whose individual work has influenced the development of the city; or
4. Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

"Board" means the historic review board.

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of the designated landmark or structure in an historic or conservation district.

"District" means the area within a designated historic district, conservation district or historic corridor as provided by the zoning maps of the city.

"Exterior" means any portion of the outside of a landmark building, structure, or site in a district or any addition thereto.

"Historical significance" means that the structure of district:

1. Has character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation;
2. Is the site of an historic event with an effect upon society;
3. Is identified with a person or group of persons who had some influence on society; or
4. Exemplifies the cultural, political, economic, social or historic heritage of the community.

"Historic corridor" means that portion of a parcel of land that is a part of a designated linear historic feature such as the route of the Oregon Trail-Barlow Road.

"Historic site" means the structure and the property surrounding a landmark, a structure in an historic district, or a designated structure in a conservation district.

"Major public improvements" means the expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of lands or the making of public improvements within a district, except for the repair or maintenance of public or private improvements within a district. (

"New Construction": An additional new building or structure separate from the existing building mass that is larger than 200 square feet on all properties located within a Historic Overlay District. Any building addition that is 30 percent or more in area (be it individual or cumulative) of the original structure shall be considered new construction.

17.40.060 EXTERIOR ALTERATION AND NEW CONSTRUCTION:

A. Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.

B. Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.

C.

1. The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.
2. The following exterior alterations to historic sites may be subject to administrative approval:
   a. Construction of foundations for structures on historic sites, subject to HRB Policy-1 established by the board;
   b. Addition of storm windows to structures on historic sites, subject to HRB Policy-2 established by the board;
   c. Repair of siding, subject to HRB Policy-3 established by the board.

D. For exterior alterations of historic sites in an historic district or conservation district or individual landmark, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall be:

1. The purpose of the historic overlay district as set forth in Section 17.40.010;
2. The provisions of the city comprehensive plan;
3. The economic use of the historic site and the reasonableness of the proposed alteration and their relationship to the public interest in the structure's or landmark's preservation or renovation;
4. The value and significance of the historic site;
5. The physical condition of the historic site;
6. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the historic site;
7. Pertinent aesthetic factors as designated by the board;
8. Economic, social, environmental and energy consequences; and
9. Design guidelines adopted by the historic review board.

E. For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:

1. The purpose of the historic conservation district as set forth in Section 17.40.010;
2. The provisions of the city comprehensive plan;
3. The economic effect of the new proposed structure on the historic value of the district or historic site;
4. The effect of the proposed new structure on the historic value of the district or historic site;
5. The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure
6. Economic, social, environmental and energy consequences;

7. Design guidelines adopted by the historic review board.

F. For construction of new structures in an historic corridor, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:
   1. The purpose of the historic overlay district as set forth in Section 17.40.010;
   2. The policies of the city comprehensive plan;
   3. The impact on visible evidence of the trail;
   4. The impact on archaeological evidence when there exists documented knowledge of archeological resources on the property;
   5. The visual impact of new construction within the historic corridor; and
   6. The general compatibility of the site design and location of the new construction with the historic corridor considering the standards of subsection G of this section.

G. The following standards apply to development within historic corridors:
   1. Within the Oregon Trail-Barlow Road historic corridor, a minimum of a thirty-foot wide-open visual corridor shall be maintained and shall follow the actual route of the Oregon Trail, if known. If the actual route is unknown, the open visual corridor shall connect within the open visual corridor on adjacent property.
   2. No new building or sign construction shall be permitted within required open visual corridors. Landscaping, parking, streets, driveways are permitted within required open visual corridors.

H. In rendering its decision, the board's decision shall be in writing and shall specify in detail the basis therefore.

I. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such feature which the building official shall certify is required for the public safety because of its unsafe or dangerous condition.

J. The following exterior alterations may be made subject to the administrative procedures as outlined below:

   Construction of fences on historic sites.

   Exterior alterations, excluding additions, to incompatible structures in the Canemah Historic District.

   1. A notice of the proposed certificate of appropriateness shall be mailed to the following persons:
      a. The applicant;
      b. All owners of property within three hundred feet of the property which is the subject of application;
      c. A recognized neighborhood association and a citizen involvement committee representative of the neighborhood involved, if the property which is the subject of the application lies wholly or partially within the boundaries of such organization.
   2. The failure of the property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to personal notice.
   3. Notice shall also be given by publication in a newspaper of general circulation in the area affected.
   4. Within ten days of the issuance of notice of the proposed certificate of appropriateness, any person who has received personal notice pursuant to subdivision 1 of this subsection or who demonstrates sufficient interest in the outcome to participate in such proceedings,

as determined by the historic review board, may request a public hearing before the historic review board.

5. Within forty-five days after a request for public hearing is made, a public hearing shall be held before the historic review board following procedures as established in Chapter 17.50.
6. The historic review board shall then deny or approve the application, either with or without conditions, following procedures as established in Chapter 17.50.
7. In the event no request for hearing is filed, the historic review board, through its chairperson and planning staff, shall issue a certificate of appropriateness in accordance with the notice given without further hearing.
8. The board may adopt policies for review of applications of certificates of appropriateness in the historic overlay district. Such policies shall be adopted only after notice and an opportunity to be heard is provided and shall include specific opportunity for comment by the planning staff, the planning commission, and the city commission. Such policies shall carry out the city's comprehensive plan, especially those elements relating to historic preservation. In the absence of such policies, the board shall apply such elements directly. (Prior code §11-3-17(F))

17.40.65 HISTORIC PRESERVATION INCENTIVES

A. Purpose.

Historic preservation incentives increase the potential for historically designated properties to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of locally designated structures because they provide flexibility and economic opportunities.

B. Eligibility for historic preservation incentives.

All exterior alterations of designated structures and new construction in historic and conservation districts are eligible for historic preservation incentives if the exterior alteration or new construction has received a certificate of appropriateness from the Historic Review Board per OCMC 17.50.110(c)

C. Incentives allowed.

The dimensional standards of the underlying zone as well as for accessory buildings (OCMC 17.54.100) may be adjusted to allow for compatible development if the expansion or new construction is approved through historic design review.

D. Process.

The applicant must request the incentive at the time of application to the Historic Review Board.

Chapter 17.44 US UNSTABLE SOILS AND HILLSIDE CONSTRAINT OVERLAY DISTRICT

17.44.050 Development permit--Application--Information.

Except as provided by subsection I of this section, the following plans shall be required of all development proposals subject to this chapter:

A. A scale-drawing site plan of the property, showing all natural physical features, topography at two or five- foot contour intervals, steepness of slopes, location of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six- inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities.

B. A scale-drawing grading plan, including all of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.

C. An architectural site plan of the proposed development, showing the location, height and width of proposed structures other than detached single-family dwellings and duplexes, including all important dimensions such as property lines, easement locations, setbacks and other appurtenances related to the development such as, but not limited to, parking and circulation. The architectural site plan shall identify the location of areas proposed to be stripped of topsoil, paved or covered by structures (including impermeable surfaces or embankments).

D. A cross-section diagram, drawn to scale and indicating depth, extent and approximate volume of all excavation and fills.

E. A soil erosion control plan, based on the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013) and containing:
   1. A description of existing topography and soil characteristics;
   2. Specific descriptions or drawings of the proposed development and changes to the site which may affect soils and create an erosion problem;
   3. Specific methods of soil erosion and sediment control, incorporating the following features, to be used before, during and after construction:
      a. The land area to be grubbed, stripped, used for temporary placement of soil, or to otherwise expose soil shall be confined to the immediate construction site,
      b. The duration of exposure of soils to erosion shall be kept to the minimum practicable,
      c. Wet weather measures, such as those in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).
      d. Prior to grading, clearing, excavating or construction, temporary diversions, sediment basins, barriers, check dams or other methods shall be provided as necessary to hold sediment and erosion. During construction, water runoff from the site shall be controlled, and sediment resulting from soil removal or disturbance shall be retained on site per the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).

F. A preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact

of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

G. A preliminary engineering geology report, prepared by a suitably qualified and experienced engineering geologist who is registered in the state of Oregon and who derives his or her livelihood principally from that profession, containing a description of geologic formations, bedrock and surficial materials including artificial fill; location of any faults, folds, etc.; structural data including bedding, jointing, and shear zones; off-site geologic conditions that may pose a hazard to the site or that may be affected by on-site development; cross sections showing subsurface structure, logs of subsurface explorations and analysis if necessary to evaluate the site; and signature and certification number of the engineering geologist. The report shall also contain a statement as to whether any hazard areas should not be disturbed because of the potential for damage to the site or neighboring properties.

H. A preliminary soil engineering report, prepared by a suitably qualified and experienced civil or geotechnical engineer who is licensed in Oregon and who derives his or her livelihood principally from that profession, discussing the engineering feasibility of the proposed development and addressing strength properties of surface and subsurface soils with regard to stability of slopes; appropriate types of foundations together with bearing values and settlement criteria for foundation design, soil erosion potential, permeability and infiltration rates; excavation, filling and grading criteria including recommended final slopes; surface and subsurface drainage; planting and maintenance of slopes; other identified soil or subsurface constraints together with geotechnical remediation and other recommendations to alleviate or minimize their effects; and signature and seal of the geotechnical engineer. The report shall also contain a statement as to whether the proposed development, constructed in accordance with the recommended methods, is reasonably likely to be safe and prevent landslide or other damage to other properties over the long term, and whether any specific areas should not be disturbed by construction.

I. The city engineer may waive one or more requirements of subsections E through H of this section if under Oregon City Policy Guideline Manual No. 25, "Geological/Geotechnical Level of Reports", effective May 27, 1993 or as subsequently amended, the city engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the city engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. (Ord. 94-1001 §2(part), 1994)

17.44.090 Stormwater drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan or other adopted standards subsequently adopted by the city commission. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun. (Ord. 94-1001 §2(part), 1994)

17.44.100 Construction standards.

During construction on, or within fifty feet of, land subject to this chapter, the following standards shall be implemented by the developer:

A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures.

B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer may authorize brush clearing and test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.

C. Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).

D. In no event shall construction activities aggravate existing conditions. All disturbed sod shall be replanted with suitable vegetation as soon as possible during or after completion of construction activities.

E. Existing vegetative cover shall be maintained to the maximum extent practicable.

F. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.

G. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the city may order work to be stopped. (Ord. 94-1001 §2(part), 1994)

Chapter 17.49 – Water Resource Overlay District

17.49.020 Definitions.
Unless specifically defined below, words and phases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Anadromous fish-bearing stream" means a stream or portion of a stream which is identified by resolution of the city commission as spawning or rearing habitat for those species of fish which return to rivers from the sea for breeding.

"Bankfull stage" or "bankfull flow" means the stage or elevation at which water overflows the natural banks of streams or other waters of this state. The bankfull stage or flow may be approximated using either the two-year recurrence interval flood elevation or one foot measured vertically above the ordinary mean high water line.

"Beneficial uses" or "beneficial water uses" means, as defined by the Oregon Department of Water Resources, use of an in stream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stock water and wildlife uses.

"City engineer' means the engineer manager for the city, their duly authorized representative(s), or the city's duly authorized representative(s) as designated by the city manager.

"Created wetlands" means wetlands developed in an area previously identified as a non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

"Constructed wetlands" means wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and separated from naturally occurring or created wetlands.

"Debris" means discarded man-made objects that would not occur in an undeveloped stream corridor or wetland. Debris includes, but is not limited to, tires, vehicles, litter, scrap metal, construction waste, lumber, plastic or styrofoam. Debris does not include objects necessary to a use allowed by this chapter, or ornamental and recreational structures. Debris does not include existing natural plant materials or natural plant materials which are left after flooding, downed or standing dead trees or trees which have fallen into protected water features.

"Development". For the purpose of this chapter the following definition of "development" applies: any manmade change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading, or site clearing, and grubbing in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development. Development does not include the following:

1. Stream enhancement or restoration projects approved by the city;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and
3. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) (1995).

"Disturb" means man-made changes to the existing physical status of the land, which are made in connection with development. The following uses are excluded from the definition:

1. Enhancement or restoration of the water quality resource area;
2. Planting native cover identified in the Oregon City native plant list as adopted by Oregon City commission resolution;
3. Installation of erosion control measures pursuant to an approved erosion and sediment control plan under Chapter 17.47.

"Emergency" means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

"Enhancement" the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

"Erosion" means the movement of soil particles resulting from actions of water, wind or mechanical means.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed for the purposes of development or redevelopment.

"Invasive non-native," "nuisance," "prohibited" or "noxious vegetation" means plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities, or which are listed as invasive, nuisance, prohibited or noxious plants on the Oregon City nuisance plant list.

"Metro" means the regional government of the Portland metropolitan area and the elected Metro council as the policy setting body of the government.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and
5. Compensating for the impact by replacing or providing comparable substitute water quality resource areas.

"Native vegetation" means any vegetation listed on the Oregon City native plant list as adopted by Oregon City Commission resolution.

"Open space" means land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and schools.

"Ordinary mean high water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily rises in season; synonymous with mean high water (ORS 274.005).

"Owner or property owner" means the person who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser there under.

"Parcel" means a single unit of land that is created by a partitioning of land. (ORS 92.010(7)).

"Partition" means the division of an existing land ownership into two or three parcels, within a calendar year, and is subject to approval of the governing body's land use and development ordinances.

"Practicable" means available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purpose.

"Protected water features" shall include:

1. Title 3 wetlands;
2. Rivers and perennial and intermittent streams;
3. Springs which feed stream and wetlands and have year-round flow; and
4. Natural lakes.

"Resource" versus "facility" means the distinction being made is between a "resource," a functioning natural system such as a wetland or stream; and a "facility" which refers to a created or constructed structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

"Restoration" means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function and/or diversity to that which occurred prior to impacts caused by human activity.

"Riparian" means those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.

"Routine repair and maintenance" means activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

"Significant negative impact" means an impact that affects the natural environment, considered individually or cumulatively with other impacts on the water quality resource area, to the point where existing water quality functions and values are degraded.

"Steep slopes" means those slopes that are equal to or greater than twenty-five percent. Steep slopes have been removed from the "buildable lands" inventory and have not been used in calculations to determine the number of acres within the urban growth boundary which are available for development.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

"Stormwater quantity control and quality control facility" means a component of a manmade drainage feature, or features designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, ditches, culvert, street gutters, detention basins, retention basins, wet ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins. Stormwater facilities shall not include building gutters, downspouts and drains serving one single-family residence.

"Stormwater pretreatment facility" means any structure or drainage way that is designed, constructed and maintained to collect and filter, retain or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses. For the purposes of this chapter, streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

"Structure(s)" means a building or other major improvement that is built, constructed or installed, or manmade improvements to land that are used, or expected to be used including, but not limited to utility lines, manholes, catch basins, driveways, sidewalks. It does not include minor improvements such as fences, utility poles, flagpoles or irrigation system components, that are not customarily regulated through zoning codes.

"Title 3" means that part of the Metro urban growth management functional plan which requires local governments to comply with regional regulations. Title 3 is a part of those regional regulations. An ordinance (Ordinance No. 98-730C) adopted by the Metro Council on June 18, 1998.

"Title 3 "wetlands" means wetlands of metropolitan concern as shown on the Metro water quality and flood management area map and other wetlands added to city or county adopted water quality and flood management area maps consistent with the criteria in Section 17.49.090(D). Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.

"Top of bank" means the same as "bankfull stage."

"Utility facilities" means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.

"Vegetated corridor" means the area of setback between the top of bank of a protected water feature and the delineated edge of the water quality resource area as defined in Table 17.49-1 of this chapter.

"Water quality resource areas" means vegetated corridors and the adjacent protected water feature as established by this chapter.

"Watershed" means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

"Wetlands" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual. (Ord. 99-1013 §10(part), 1999)

17.49.040 Administration.

A. This chapter establishes a water quality resource area overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document. The official map is on file in the office of the city recorder.

1. The Oregon City local wetland inventory, as amended, shall be a reference for identifying areas subject to the water quality resource area overlay district.
2. Applicants are required to provide the city with a field-verified delineation of the water quality resource areas on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the city. If the protected water feature is not located on the subject property and access to the water feature is denied, then existing data may be used to delineate the boundary of the water quality resource area. The Water Resource determination shall be processed as a Type II application.
3. The standards for development contained in this chapter are applicable to areas located within a water quality resource area. Applications for development on a site located in the water quality resource area overlay district may request a determination that the subject site is not in a water quality resource area and this is not subject to the standards of Section 17.49.050. The Water Resource Exemption determination shall be processed as a Type I application.
    a. Applicants for a determination under this section shall submit a site plan meeting the following requirements:
        i. The site plan must be drawn at a scale of no less than one inch equals twenty feet;
        ii. The site plan must show the location of the proposed development and the lot lines of the property on which development is proposed;
        iii. The site plan must show the location of the protected water feature. If the protected water feature is a wetland, the delineation must be made by a qualified wetlands specialist pursuant to the 1987 Corps of Engineers Delineation Manual. For all other protected water features, the location must be established by a registered professional engineer or surveyor licensed by the state of Oregon.
        iv. The site plan must show the location of the water quality resource area;
        v. If the proposed development is closer than two hundred feet to the protected water feature, the site plan must include contour intervals of no greater than five feet; and
        vi. If the vegetated corridor is fifteen feet, the site plan must show the protected water feature's drainage area, including all tributaries.
    b. Alternatively, an applicant may have the city staff gather the information necessary to determine the location of the water quality resource area by making an application therefore and paying to the city a fee as set by resolution of the City Commission.
    c. Determinations under this section will be made by the Community Development Director, or designee, as a Type II decision.

4. Compliance with Federal and State Requirements.
    a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the city engineer. The planning division shall coordinate city approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the city pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.
    b. The requirements of this chapter apply only to water quality resource areas within the water quality resource area overlay district. If, in the course of a development review, evidence suggests that a property outside the District may contain a Title 3 wetland or other protected water resource, the provisions of this chapter shall not be applied to that

development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the city's comprehensive plan and this code. Additionally, the standards of Section 17.49.090 shall be applied to the resource and, if the standards of Section 17.49.090 are met, the district boundaries shall be amended.

B. The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997). (Ord. 99-1013 §10(part), 1999)

17.49.070 Density transfers.

A. The purpose of this section is to allow density accruing to portions of a property within the water quality resource area to be transferred outside the water quality resource area.

B. Development applications for partitions that request a density transfer shall:
   1. Provide a map showing the net buildable area to which the density will be transferred;
   2. Provide calculations justifying the requested density increase;
   3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the water quality resource area tract created pursuant to Section 17.49.060, and that no residential lot created is less than five thousand square feet;
   4. Demonstrate that, with the exception of the water quality resource area parcel created pursuant to Section 17.49.060, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
   5. Meet all other standards of the base zone.

C. The area of land contained in a water quality resource area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code. (Ord. 99-1013 §10(part), 1999)

Chapter 17.50 – ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the city's decision-making processes.
The following decision-making processes chart shall control the city's review of the indicated permits:

Table 17.50.030
PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Adjustment			X		
Compatibility review	X				
Code interpretation and similar use determination			X		
Concept Development Plan			X		
Conditional use permit (CUP)			X		
Detailed Development Plan[1]		X	X		
Extension		X			
Final plat	X				
Historic review			X		
Lot line adjustment and Abandonment	X				
Major modification to a prior approval[2]	X	X	X	X	X
Minor modification to a prior approval		X			
Nonconforming use review		X			
Partition		X			X
Reconsideration	X				
Revocation				X	
Site plan and design review		X			
Subdivision		X			X
Minor variance		X			
Zone change & plan amendment				X	
Zone change upon annexation with no discretion	X			X	
Zone change upon annexation with discretion				X	
Water Resource Exemption	X				

[1] If any provision or element of the concept development plan that requires a Type III procedure was deferred, the detailed development plan shall be processed through a Type III procedure.
[2] A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

Water Resource Review		X			
Unstable Soils and Hillside Constraint Overlay District		X			

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria and include lot line adjustments, zone changes upon annexation as provided in Section 17.06.050 for which there is no discretion provided, final plats, and final planned unit development plans where there are no material deviations from the approved preliminary plans. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. One representative from each of the city-recognized neighborhood associations, who has been identified by the neighborhood coordinator, will be distributed a monthly compilation of all Type I activities. The planning manager's decision is final and not appealable by any party through the normal city land use process.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look and include partitions, preliminary subdivision plats, site plan and design review. Notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Planning manager accepts comments for fourteen days and renders a decision. The planning manager's decision is appealable to the city commission with notice to the planning commission, by any party with standing (i.e., applicant and any party who submitted comments during the fourteen-day period). The city commission decision 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.

C. 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 conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. 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 or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. 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. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development must meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The planning manager has twenty-one days within which to determine whether an application is complete. Once deemed complete, the planning manager has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The planning manager will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the planning manager's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the planning manager and that the process be "fair." The referee applies the city's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1). (Ord. 02-1009, §1, 2002; Ord. 00-1003 §10, 2000; Ord. 98-1008 §1(part), 1998)

17.50.050 Preapplication conference and neighborhood meeting.

A. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with city staff to discuss the proposal. For proposals of a conditional use permit, subdivision, or a commercial, office, or industrial use of over 10,000 square feet, the applicant shall also 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. The applicant shall send, by certified mail, return receipt requested, a letter to the Chairperson of the Neighborhood Association and the Citizen Involvement Committee Council describing the proposed project. A meeting shall be scheduled within 30 days of the notice. If the Neighborhood Association does not want to, or cannot meet within 30days, the applicant shall hold a meeting after 6pm or on the weekend. The meeting shall be noticed to the Neighborhood Association and the Citizen Involvement Committee and shall be held within the boundaries of the Neighborhood Association or in a City facility. An application shall not be deemed complete until a copy of the certified letter is provided.

B. Preapplication Conference. To schedule a preapplication conference, the applicant shall contact the Community Development Director, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the city, which identifies the proposed land uses, traffic circulation, and public rights-of-way. The purpose of the preapplication conference is to provide staff from all affected city departments with a summary of the applicant's development

proposal and an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Community Development Director shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations. Following the conference, the Community Development Director shall provide the applicant with a written summary of the preapplication conference.

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

D. Notwithstanding any representations by city staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the city of any standard or requirement.

E. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The Community Development Director may waive the preapplication requirement if, in the manager's opinion, the development does not warrant this step. (Ord. 98-1008 §1(part), 1998)

17.50.070 Completeness review and one-hundred-twenty-day rule.

A. Upon submission, the Community Development Director shall date stamp the application form and verify that the appropriate application fee has been submitted. The Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information must be submitted to make the application complete.

B. Upon receipt of a letter indicating the application is incomplete, the applicant has one hundred eighty days within which to submit the missing information or the application shall be rejected and all materials and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one-hundred-eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

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

a. All the missing information;
b. Some of the missing information and written notice from the applicant that no other information will be provided; or
c. Written notice from the applicant that none of the missing information will be provided.

C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the 120 calendar day time line or unless State law provides otherwise. The one-hundred-twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one-hundred-twenty-day period.
2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one-hundred-twenty-day period for the amount of time required to correct the notice defect.
3. The one-hundred-twenty-day period does not apply to any application for a permit that is not wholly within the city's authority and control.
4. The one-hundred-twenty-day period does not apply to any application for an amendment to the city's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. The 120-calendar daytime line specified in Section 17.50.070.C may be extended at the written request of the applicant. The total of all extensions may not exceed 240 calendar days from the date the application was deemed complete.

E. The approval standards that control the city's review and decision on a complete application are those which were in effect on the date the application was first submitted. (Ord. 98-1008 §1(part), 1998)

17.50.290 – Fees

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the city's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175(10)(b). The requirements of this section shall govern the payment, refund and reimbursement of fees.

A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.
B. Refunds. Fees will only be refunded as provided in this subsection:
    1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.
    2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
    3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.
C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application must be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting. (Ord. 98-1008 §1(part), 1998)
D. Major Projects. The fees for a Major Project shall be the City's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of Major Projects will not be included in any average used to establish other fees under this section. For purposes of this subsection only, a "Major Project" is defined to include any Combined Plan and Zone Change and any project with an estimated construction cost over $1,000,000.

Chapter 17.52 – Off-Street Parking and Loading

17.52.010 Number of spaces required.

At any time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section. Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

LAND USE	PARKING REQUIREMENTS: The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.	
	MINIMUM	MAXIMUM
Single-Family Dwelling	1.00 per unit	2.00 per unit
Residential Unit (<500 sq-ft)	1.00 per unit	2.00 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.00 per unit
Boarding/Lodging House	Case Specific	Case Specific
Mobile Homes	N/A	2.00 per unit
Hotel/Motel	1.0 per guest room	1.0 per quest room
Club/Lodge	To meet requirements of combined uses	To meet requirements of combined uses
Welfare/Correctional Institution	N/A	1 per 5 beds
Nursing Home/Rest home	N/A	1 per 5 beds
Hospital	N/A	1 per 1.5 beds
Religious Assemble Building	0.25 per seat	0.25 per seat
Library/Reading Room	N/A	2.50
Preschool Nursery/Kindergarten	N/A	2 per teacher
Elementary/Junior High School	N/A	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium /

		assembly room / stadium
High School	0.20 per # staff and students	0.30 per # staff and students
College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room	N/A	0.25 per seat
Stadium/Arena/Theater	N/A	0.25 per seat
Bowling Alley	N/A	2 per alley
Dance Hall/Skating Rink	N/A	5.00
Moorages	N/A	1 per boat berth
Retail Store/Shopping Center	4.10	5.00
Service/Repair Shop/Automotive or Furniture Store	N/A	1.67
Bank	N/A	3.33
Office	2.70	3.33
Medical or Dental Clinic	N/A	3.33
Fast Food with Drive Thru	N/A	5.00
Other Eating Establishments	N/A	5.00
Drinking Establishment/Pool Hall	N/A	5.00
Mortuaries	N/A	0.25 per seat
Swimming Pool/Gymnasium	N/A	5.00
Sports Club/Recreation Facilities	4.30	5.40
Tennis/Racquet Ball Courts	1.00	1.30
Movie Theater	0.30 per seat	0.40 per seat
Storage Warehouse/Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft

Light Industrial/Industrial Park	**N/A**	**1.60**

17.52.020 Administrative provisions.

A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title. Use of property in violation is a violation of this title. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it is unlawful and a violation of this title to begin or maintain such altered use until the required increase of off-street parking or loading is provided.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.

C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. Shopping centers shall be considered a retail use.

D. Owners of two or more uses, structures, or parcels of land, may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory documentation is presented to the planning department.

E. Off-street parking for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than five hundred feet from the building or use they are required to serve, measured in a straight line from the building.

F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

G. Completion Time for Parking Lots. Required parking spaces shall be improved and available for use before the final inspection is completed by the building inspector. An extension of time, not to exceed one year may be granted by the building inspector providing that a performance bond, or its equivalent, is posted equaling one hundred fifty percent of the cost of completion of the improvements as estimated by the building inspector, provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the improvements shall be constructed under the direction of the city, utilizing the proceeds of the performance bond or its equivalent as necessary.

H. Lesser Requirements Allowed by Planning Commission. The planning commission may permit lesser requirements than those specified in the parking and loading requirements above where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the enforcement of the above off-street parking and loading restrictions would cause an undue or unnecessary hardship. Section 17.60.030 shall be the grounds for establishing lesser requirements. (Prior code §11-5-2)

17.52.030 Design review.

A. Development of parking lots shall require site plan review.

B Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

C Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality are encouraged.

D. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city Public Works Stormwater and Grading Design Standards.

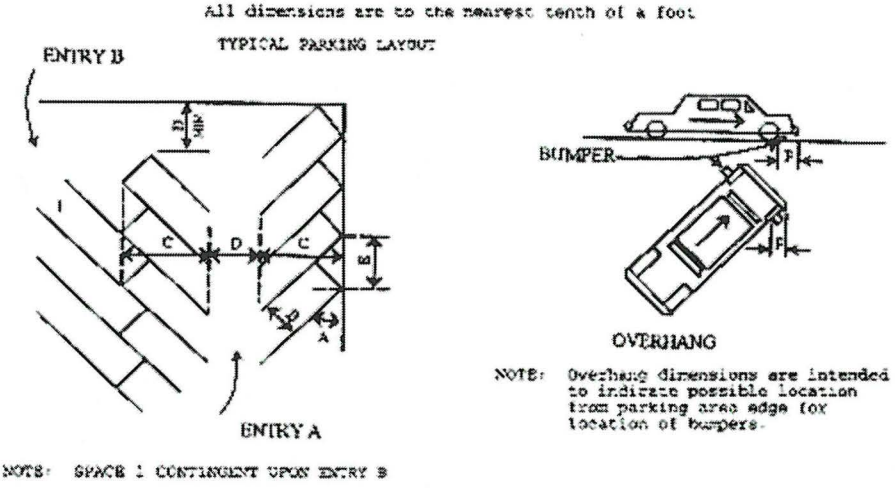
E. Lighting. Artificial lighting which may be provided shall enhance security, be appropriate for the use, and avoid adverse impacts on surrounding properties and the night sky through appropriate shielding. The lighting shall not cause a measurement in excess of 0.5 foot-candles of light on other properties.

F Dimensional Requirements. Parking spaces shall be eight and one half feet by eighteen feet; parking at right angles to access aisles shall require twenty-four feet backing distance in aisle width. Requirements for parking developed at varying angles are according to the table included in this section. An overhang of one and one-half feet from face of curb may be included in the length of a parking space. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. (Ord. 99-1029 §9, 1999; prior code §11-5-3)

PARKING STANDARD/PARKING ANGLE SPACE DIMENSIONS

A Parking Angle	B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees	8.5	9.0	12	20	0
45 degrees	8.5 8.5	19.8 20.1	13 13	12.7 13.4	1.4
50 degrees	8.5 8.5	20.4 20.7	16 16	11.7 12.4	1.5
60 degrees	8.5 8.5	21 21.2	18 18	10.4 11.0	1.7

70 degrees	**8.5** **8.5**	**21.0** **21.2**	**19** **18.5**	**9.5** **10.1**	**1.9**
90 degrees	**8.5**	**18.0**	**24**	**8.5**	1.5



NOTE: SPACE 1 CONTINGENT UPON ENTRY B

17.52.090 Parking lot landscaping.

A. Purpose.

The purpose of this code section includes the following:

To enhance and soften the appearance of parking lots; to limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas; to shade and cool parking areas; to reduce air and water pollution; to reduce storm water impacts and improve water quality, and to establish parking lots that are more inviting to pedestrians and bicyclists.

B. Definitions.

"Parking Lot" means public lots and other areas used for the parking, service, sale, or storage of vehicles.

"Interior parking lot landscaping" means landscaping located inside the surfaced area used for on-site parking and maneuvering.

"Perimeter parking lot landscaping" means a minimum five-foot wide landscaped planter strip located outside of, and adjacent to, the surfaced area used for on-site parking, maneuvering, and pedestrian access.

C. Development Standards

Parking lot landscaping is required for all uses, except for single- and two-family residential dwellings. A licensed landscape architect shall prepare the landscaping plan.

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1). Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade. Where parking areas abut a residential district, there shall be a wall, sight-obscuring fence, or sight obscuring landscaping not less than six feet in height. Slight modifications to landscaping location may be proposed for review that enhances the reduction of non-shaded impervious parking lot area.
2. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-way Screening.
   Parking Lot Entryways and Perimeter Parking Lot Landscaping areas not abutting the building or where access/parking is shared between adjoining land owners shall be bordered by a minimum five-foot wide landscaped planter strip with:
   a) Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
   b) Ground cover, such as wild flowers, covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
   c) An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.
3. Parking area/Building Buffer.
   Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:
   a) Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
   b) Trees spaced a maximum of thirty-five feet apart;
   c) Ground cover such as wild flowers, covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
   d) An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or
   e) Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.
4. Interior Parking Lot Landscaping.
   In addition to Perimeter Parking Lot Landscaping, surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. In addition, the Perimeter Parking Lot Landscaping shall not be included in the ten percent requirement.
   a) A minimum of one tree per six parking spaces.

b) Ground cover, such as wild flowers, covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

c) Shrubs shall be spaced no more than four feet apart on average.

d) No more than 8 contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips provided between rows of parking shall be a minimum of six feet in width to accommodate:

1) Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or

2) Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

5. Alternative Landscaping Plan. The city encourages alternative designs that utilize innovative "green" designs for water quality management of parking lot storm water. An applicant may prepare an Alternative Landscaping Plan and specifications that meet the intent of the requirements in subsection 1-5 above and the intent of the zoning district and shall be approved by the Community Development Director.
6. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.
8. Landscaped areas shall include irrigation systems.
9. Off-street loading areas and garbage receptacles shall be located so as not to hinder travel lanes, walkways, public or private streets or adjacent properties.
10. Garbage receptacles and other permanent ancillary facilities shall be enclosed and screened.
11 All plant materials, including ***trees***, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City native plant list are strongly encouraged and species found on the Oregon City nuisance plant list are prohibited.
12. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.
13. Required landscaping ***trees*** shall be of a Minimum two-inch minimum caliper size, planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;

D. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.
3. Landscaping shall be installed with the provisions of this code.
4. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.

E. Maintenance.

1. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

2. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:
    a. It will not interfere with the maintenance or repair of any public utility;
    b. It will not restrict pedestrian or vehicular access; and
    c. It will not constitute a traffic hazard due to reduced visibility. (Ord. 00-1010, 2000)

Chapter 17.54 – Supplemental Zoning Regulations and Exceptions

17.54.010 Accessory buildings and uses.

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

A. Signs. Signs shall be permitted as provided in Chapter 15.28.

B. Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory structures and uses:

1. A Building footprint less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet. No portion of any such structure shall project across a lot line.
2. A Building footprint from Two Hundred to Six Hundred Square Feet. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category when located behind the front building line of the primary structure, provided the structure and its projections:
   a. Are detached and separated from other structures by at least three feet;
   b. Do not exceed a height of fourteen feet. ;
   c. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
3. A building footprint over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:
   a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
   b. The lot must be in excess of twenty thousand square feet.
   c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.
   d. The accessory structure shall not exceed the height of the primary structure.

C. Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.

D. Antenna and Antenna Structures. No noncommercial antenna or antenna structure (including those of extension type) shall exceed the maximum building height standard for the zoning district in which it is located. No antenna or antenna structure shall be located in required yards.

E. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height.

F. Conference and Meeting Rooms. Conference or meeting rooms designed primarily for use by employees or clients (or members in the case of trade unions) in furtherance of the principal permitted use.

G. Barbed Wire and Electric Fences. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or

parcel of land, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager. (Prior code §11-4-1)

17.54.020 Projections from buildings.

A. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards not more than twenty-four inches.

B. Porches and uncovered balconies, decks or fire escapes more than thirty inches from the ground may project not more than five feet into any required rear or front yard. (Prior code §11-4-2)

17.54.090- ACCESSORY DWELLING UNITS

A. DEFINITIONS

1. "Accessory Dwelling Unit" (ADU) is a habitable living unit that provides the basic requirements of shelter, heating, permanent cooking, and sanitation.
2. "Principle Dwelling Unit" is the existing and primary residence for a particular Tax Lot.

B. PURPOSE AND INTENT

1. The installation of an ADU in new and existing single-family dwellings (herein after Principle Dwelling Units) shall be allowed in single-family zones subject to the specific development, design, and owner-occupancy standards in this section. This section is not applicable to licensed residential care homes or facilities.

2. The purpose of allowing an ADU is to:
   a. Provide homeowners with a means of obtaining, through tenants in the ADU or the Principle Dwelling Unit, rental income, companionship, security, and services.
   b. Add affordable housing units to the existing housing inventory.
   c. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the City.
   d. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.
   e. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Section.

C. STANDARDS AND CRITERIA

An ADU shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
2. Any additions to the existing dwelling unit shall not encroach into the existing setbacks in the underlying zone. However, access structures (e.g. stairs or ramps) may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.
3. The ADU may be attached to, or detached from, the Principle Dwelling Unit. The detached ADU may not be located in front of the primary dwelling unit.
4. Only one ADU may be created per lot or parcel.
5. An ADU may be developed in either an existing or a new residence.
6. The ADU shall not exceed the height of the Principle Dwelling Unit
7. The property owner, which shall include title holders and contract purchasers, must occupy either the Principle Dwelling Unit or the ADU as their permanent residence, for at least 7 months out of the year, and at no time receive rent for the owner-occupied unit.
8. In no case shall an ADU:

a. Be more than 40 percent of the Principle Dwelling Unit's total floor area; nor
b. Be more than 800 square feet; nor
c. Be less than 300 square feet; nor
d. Have more than 2 sleeping areas.

9. The ADU shall comply with OCMC Chapter 17.54.010 – Accessory Buildings and Uses.
10. The ADU shall be compatible with the Principle Dwelling Unit, specifically in:
    a. Exterior finish materials.
        (1) The exterior finish material must be the same as the Principle Dwelling Unit; or
        (2) Visually match in type, size and placement with the exterior finish material of the Principle Dwelling Unit
    b. Trim must be the same in type, size, and location as the trim used on the Principle Dwelling Unit.
    c. Windows must match those in the Principle Dwelling Unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
    d. Eaves must project from the building walls at the same proportion as the eaves on the Principle Dwelling Unit.
11. Parking.
    a. Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site.
    b. The following parking requirements apply to accessory dwelling units.
        (1) No additional parking space is required for the accessory dwelling unit if it is created on a site with a Principle Dwelling Unit and the roadway for at least one abutting street is at least 28 feet wide.
        (2) One additional parking space is required for the accessory dwelling unit as follows:
            i When none of the roadways in abutting streets are at least 28 feet wide; or
            ii When the accessory dwelling unit is created at the same time as the Principle Dwelling Unit.

D. APPLICATION PROCEDURE

Application for a building permit for an ADU shall be made to the building official in accordance with the permit procedures established in OCMC 15.12, and shall include:

1. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, for 7 months out of each year.
2. The registration application or other forms as required by the building official shall be filed as a deed restriction with Clackamas County Records Division to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.
3. The building official shall report annually to the Community Development Director on ADU registration with the number of units and distribution throughout the City.
4. Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the building official for recording at the Clackamas County Records Division, or may occur as a result of enforcement action.

17.54.100 Fences

FENCE; SETBACK AND HEIGHT LIMITATIONS

A fence may be located on the property or in a yard setback area subject to the following:

A. Generally. Fence, hedge or wall.

1. Any fence, hedge or wall located in front of the front façade of the building or within the front yard setback shall not exceed 42-inches in total height.
2. All other fences other than those described in (1) above shall not exceed 6 feet in total height unless an Exception as described in Section (B) below is met.

B. Exception. Fence, hedge, or wall on retaining wall. When a fence, hedge or wall is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

1. When the retaining wall or artificial berm is 30 inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than 30 inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed 8 ½ feet.
3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of 30 inches above finished grade may exceed the total allowed combined height of 8 ½ feet provided that the fence or wall is located a minimum of two feet from the retaining wall and the fence or wall height shall not exceed six feet.

17.56 Conditional Uses

17.56.025 Minor Modifications to Legal Conditional Uses

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a Minor Site Plan and Design Review. A minor modification to an approved conditional use permit is considered one of the following:

A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;
B. A maximum addition of up to 1,000 square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than 35% of the original building square footage; or
C. Revisions to parking alignment and/or related vehicle circulation patterns.

17.56.030 Uses requiring conditional use permit.

Uses requiring conditional use permit are:

A. Ambulance services in LO, C, and GI districts;
B. Boarding and lodging houses, bed and breakfast inns, and assisted living facilities for senior citizens;
C. Boat repair, for boats not exceeding twenty-five feet in length, in the C district;
D. Cemeteries, crematories, mausoleums, and columbariums;
E. Child care centers and nursery schools;
F. Churches;
G. Colleges and universities, excluding residential districts;
H. Correctional facilities, in the GI district;
I. Emergency service facilities (police and fire), excluding correctional facilities;
J. Government and Public Service buildings
K. Helipad in conjunction with a permitted use, excluding residential districts;
L. Hospitals, excluding residential districts;
M. Houseboats;
N. Hydroelectric generating facilities in GI district only;
O. Motor vehicle towing and temporary storage in the GI district; recreational vehicle storage in C, and GI districts;
P. Museums;
Q. Nursing homes;
R. Parking lots not in conjunction with a primary use;
S. Private and public schools;
T. Private clubs and lodges, excluding residential districts;
U. Public utilities, including sub-stations (such as buildings, plants and other structures);
V. Public Housing Projects
W. Sales and service establishments of manufactured homes and recreational vehicles in C and GI districts;
X. Stadiums, arenas and auditoriums, excluding residential districts;
Y. Welfare institutions and social service organizations, excluding residential districts. (Ord. 98-1004 §§1, 2, 1998; Ord. 91-1025 §2, 1991)

Chapter 17.58 – Nonconforming Uses, Structures and Lots

Sections:

17.58.010 Purpose
17.58.015 Applicability
17.58.020 Legal Nonconforming Lots of Record
17.58.030 Legal Nonconforming Use
17.58.040 Legal Nonconforming Structure
17.58.045 Nonconforming signs
17.58.050 Nonconforming Parking
17.58.060 Nonconforming Structure Review Criteria

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 non-conforming 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.

17.58.015 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.

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.

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.
B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
C. Destruction of a Non-Residential Use. When a structure containing a lawful nonconforming non-residential 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 then 60 percent of its assessed value.

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.
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.
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.

17.58.040 Lawful Nonconforming Structure

A structure that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered a lawful nonconforming structure. Notwithstanding development standard requirements in this code, minor repairs and routing maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.
B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.
C. Expansion. An expansion of a lawful nonconforming structure may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.
    1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it must be found that the criteria identified in section 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.
    2. An expansion of a nonconforming structure with alterations that exceed the threshold of Subparagraph C.2.a below shall comply with the development standards listed in Subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.
        a. Thresholds triggering compliance. The standards of Subparagraph C.2.b below shall be met when the value of the proposed alterations on the site, as determined by the Community Development Director, is more then $75.000. The following alterations and improvements shall not be included in the threshold calculation:
            (1) Proposed alterations to meet approved fire and life safety agreements;
            (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
            (3) Alterations required to meet Seismic Design Requirements; and
            (4) Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.
        b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.
            (1) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
            (2) Minimum perimeter parking lot landscaping;
            (3) Minimum interior parking lot landscaping;
            (4) Minimum site landscaping requirements;

(5) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 17.52 Off-Street Parking and Loading;
(6) Screening; and
(7) Paving of surface parking and exterior storage and display areas.

c. Area of required improvements.
(1) Generally. Except as provided in C.2.c(2) below, required improvements shall be made for the entire site.
(2) Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
i. The signed ground lease – or excerpts from the lease document satisfactory to the City Attorney – shall be submitted to the Community Development Director. The portions of the lease shall include the following:
- The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and
- A legal description of the boundaries of the lease.

ii. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.

d. Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:
(1) Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in Subparagraph C.2.b above, is limited to 10% of the value of the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in Subparagraph C.2.b above.
(2) Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58 – 1 below. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in Subparagraph C.2.b. Where this option is chosen, the following must be met:
i. Before a building permit is issued, the applicant shall submit the following to the Community Development Director:
- A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.
- A covenant, in a form approved by the City Attorney, executed by the property owner that meets the requirements of 17.50.150. The covenant shall identify development on the site that does not meet the standards

listed in Subparagraph C.2.b, and require the owner to bring that development fully into compliance with this Title. The covenant shall also specify the date by which the owner will be in conformance. The date must be within the compliance periods set out in Table 17.58 – 1.

ii. The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than $75,000. The compliance periods are based on the size of the site (see Table 17.58 – 1 below).

iii. By the end of the compliance period, the applicant or owner shall request that the site by certified by the Community Development Director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.

iv. If the regulations referred to by Subparagraph C.2.b are amended after the Nonconforming Development Assessment is received by the Community Development Director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.

Table 17.58 – 1
Compliance Periods for Option 2

Square footage of site	Compliance Period
Less than 150,000 sq. ft.	2 years
150,000 sq. ft. or more, up to 300,000 sq. ft.	3 years
300,000 sq. ft. or more, up to 500,000 sq. ft.	4 years
More than 500,000 sq. ft.	5 years

17.58.045 Nonconforming signs

The regulations for nonconforming signs are stated in Chapter 15.28 Signs.

17.58.050 Nonconforming Parking

When a site is nonconforming in the number of parking spaces, this subsection applies.

A. Minimum required parking spaces. If changes to a use or building are made that increase the number of required parking spaces over the existing situation, only the number of spaces relating to the increase shall be provided.

B. Maximum allowed parking spaces. If changes to a use or building are made, existing parking spaces that are in excess of the maximum may be retained if none of the dimensions of the parking area are increased. Within the existing parking area, the layout of the parking spaces may be redesigned and the parking area re-striped if all requirements for setbacks, landscaping and parking space and aisle dimensions in Chapter 17.52, Off-Street Parking and Loading, are met.

17.58.060 Nonconforming Structure Review Criteria

A Nonconforming Structure Review is processed as a Type II procedure. The following criteria shall be met:

1. The proposal will be consistent with all the applicable sections and requirements of the Oregon City Municipal Code, other than those specific zoning standards to which the structure is nonconforming.
2. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
3. All required public facilities and services exist to adequately meet the needs of the proposed development.
4. The proposed alterations will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.
5. In considering whether to approve the alteration of the structure, the decision maker shall find that, with mitigation measures, there will be no new increase in the overall detrimental impacts (over the impacts of the previous use or development) on the surrounding area taking into account factors such as:
    a. The hours of operation;
    b. Vehicle trips to the site and impact on surrounding on-street parking;
    c. Noise, vibration, dust, odor, fumes, glare and smoke;
    d. The amount, location and nature of any outside displays, storage, or activities; and
    e. The appearance of the new structure or development will not detract from the desired function, intent and character of the zone.

Chapter 17.60 – Variance

17.60.010 Authority.

According to procedures set forth in Section 17.60.030, the planning commission or the planning director may authorize variances from the requirements of this title. In granting a variance, the planning commission or planning director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. (Prior code §11-8-1)

17.60.030 Variances--Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D of this section shall apply when applicable.

B. A nonrefundable filing fee, as listed in Section 17.50.480, shall accompany the application for a variance to defray the costs.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50.

D. Minor variances as defined in subsection E of this section shall be processed as a Type II decision and shall be reviewed pursuant to the requirements in Section 17.50.030(B).

E. For the purposes of this section, minor variances shall be defined as follows:
    1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
    2. Ten percent variances to width, depth and frontage requirements;
    3. Twenty percent variances to residential yard/setback requirements, provided that no side yard shall be less than five feet;
    4. Ten percent variances to nonresidential yard/setback requirements;
    5. Five percent variances to lot area requirements.

Chapter 17.61 Adjustments in the Mixed Use zones

17.61.010 Authority

The Planning Commission may authorize an adjustment from the following dimensional standards found in the Mixed Use zones:

1. Section 17.29.070(B) and (C);
2. Section 17.31.060(B);
3. 17.34.060(B) and (C); and
4. 17.34.070(B) and (C).

If a Master Plan has not been proposed, the adjustment shall be processed as a Type III Land Use application. In granting an adjustment, the Planning Commission may attach conditions of approval to protect the best interest of the surrounding property or neighborhood and otherwise achieve the purpose of this section.

17.61.020 Adjustment Grounds

An adjustment may be granted only in the event that all of the following conditions exist:

1. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;
2. That the adjustment from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
3. No practical alternatives have been identified which would accomplish the same purpose and not require an adjustment;
4. That the request is the minimum adjustment which would alleviate the hardship; and
5. That the adjustment conforms to the Comprehensive Plan and the intent of the ordinance being varied.

17.61.30 **Adjustment Procedures.**

1. A request for an adjustment shall be initiated by the property owner(s) or authorized agent by filing an application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may be required. The application shall note the zoning requirement and the extent of the adjustment requested. Procedures shall thereafter be held under Chapter 17.50.
2. A non-refundable filing fee, identified as a Variance (Hearing) on the Community Development Department Fee Schedule, shall accompany the application for an adjustment.
3. Before the Planning Commission may act on an adjustment, it shall hold a public hearing thereon following procedures as established in Chapter 17.50.

Chapter 17.62 – Site Plan and Design Review

17.62.035 Minor Site Plan and Design Review

This section provides for a minor site plan and design review process. This section is a Type II decision subject to administrative proceedings described in OCMC 17.50. This section may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standard for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Minor site plan and design review applies to the following uses and activities:
   1. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
   2. A maximum addition of up to 1,000 square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than 35% of the original building square footage.
   3. Revisions to parking alignment and/or related circulation patterns.
   4. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/ use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

B. The application for the minor site plan and design review shall contain the following elements:
   1. Submittal requirements of Chapter 17.50.
   2. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in 17.62.035.C below.
   3. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
   4. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
   5. Additional submittal material may be required by the Community Development Director on a case-by-case basis.

C. Development Standards for Minor Site Plan and Design Review
   1. All development shall comply with Section 17.62.050(1-6 and 8-15) when deemed applicable by the Community Development Director. The Community Development Director may add conditions of approval to ensure the proposed modification meets the requirements and standards of site plan and design review.

Chapter 17.62.050 Standards

A. All development shall comply with the following standards:

1. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping plan shall be prepared by a registered Landscape Architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.). No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. The principal planner shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the central business district, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable.

2. The size, shape, height, and spatial and visual arrangement of uses, structures, fences, and walls, including color and material selection, shall be compatible with existing surroundings and future allowed uses. Consideration may be given to common driveways, shared parking, increased setbacks, building heights, and the like.
3. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.
4. Development subject to the requirements of the unstable slopes overlay district shall comply with the requirements of that district. The review authority may impose such conditions as are necessary to minimize the risk of erosion and slumping and assure that landslides and property damage will not occur.
5. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.
6. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52. Off-street parking and loading-unloading facilities shall be provided in a safe, well-designed and efficient manner. Off-street parking design shall consider the layout of parking, opportunities to reduce the amount of impervious surface, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points; and the surfacing, lighting, screening, landscaping, concealing and other treatment of the same. The review authority, at its discretion, may reduce the required number of off-street parking spaces for the purpose of preserving an existing specimen tree.
7. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the planning commission may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.
8. Circulation boundaries within the boundary of the site shall facilitate direct and convenient pedestrian and bicycle access. Consideration shall include the layout of the site with respect to the location, number, design and dimensions of all vehicular and pedestrian accesses, exits, drives, walkways, bikeways, pedestrian/bicycle access ways, buildings, emergency equipment ways, and other related facilities. Ingress and egress locations on public thoroughfares shall be located in the interest of public safety and determined by the review authority. Reasonable access for emergency services (fire and police) shall be provided.
9. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.
10. Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light.
11. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. Trees of six-inch caliper or greater measured four feet from ground level shall, whenever practicable, be preserved. . Where the Community Development Director determines that it is impractical or unsafe to preserve such trees, the trees shall be replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper, and the plan must at a minimum meet the requirements of Table 16.12.310-1.

Table 16.12.310-1
Tree Replacement Requirements

Size of tree removed (Inches in diameter)	Number of Trees to be planted.
6 to 12	3 trees

13 to 18	5 trees
19 to 24	8 trees
25 to 30	10 trees
31 and over	15 trees

Specimen trees shall be preserved where practicable. Where these requirements would cause an undue hardship, the review authority may modify the requirements in a manner which, in its judgment, reasonable satisfies the purposes and intent of this subsection. The review authority may impose conditions to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if deemed necessary by the review authority, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance and management program to provide protection to the resources as recommended by the arborist or horticulturist.

12. Development shall be planned, designed, constructed and maintained to protect water resources in accordance with the requirements of the city's water resources overlay district, Chapter 17.49, as applicable.
13. Development shall comply with applicable city regulations protecting natural resources. For inventoried natural resources, the siting and design of buildings and other improvements shall be appropriate to protect these resources as provided by the comprehensive plan and this title. Elsewhere, development shall be planned, designed and constructed to avoid or minimize adverse impacts on natural resources to the extent practicable.
14. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the principal planner or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.
15. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.
16. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided, consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action. The minimum acceptable LOS standards are as follows:

1) For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole *and* no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0 for the sum of critical movements.
2) For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0.
3) For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach *and* with no movement serving more than 20 peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.

17. Major industrial, institutional, retail and office developments shall provide direct, safe and convenient bicycle and pedestrian travel as appropriate both within the development and between the development and other residential or neighborhood activity centers such as shopping, schools, parks and transit centers. Where practicable, new office parks and commercial developments shall enhance internal pedestrian circulation through clustering of buildings, construction of pedestrian ways, or similar techniques. Bicycle parking facilities shall be required as part of new multifamily residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots.
18. If Tri-Met, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, bus landing pad or transit stop connection be constructed at the time of development, the review authority shall require such improvement, using designs supportive of transit use, if the development is of a type which generates transit rider ship and the review authority determines that the recommended condition is reasonably related to the scale and intensity of the development. Where transit service is or reasonably can be made available to serve the site, the development shall include sidewalks or pedestrian easements as necessary to provide safe and direct access to transit stops.
19. All utility lines shall be placed underground.
20. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.
21. Pedestrian/bicycle access ways shall be provided as appropriate in accordance with the requirements and standards in Chapter 12.24 and such other design standards as the city may adopt.
22. In office parks and commercial centers, clustering of buildings shall be provided to the extent reasonably practicable to facilitate off-site pedestrian access. If located along transit streets, clustering of buildings near the transit street shall be provided to the extent reasonably practicable to facilitate access by transit.
23. For a residential development, site layout shall achieve at least 80% of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through water resource and steep slopes, and required open space or park dedication.

B. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310, 17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with

this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney. (Ord. 01-1002 §1, 2001: Ord. 00-1003 §13, 2000; Ord. 99-1029 §12, 1999; Ord. 95-1004 §§2, 3, 1995; Ord. 94-1002 §1(part), 1994)

17.62.070 On-site pedestrian access.

All commercial, industrial, institutional and multi-family residential developments shall provide an on-site pedestrian circulation system that provides convenient, accessible and direct route design.

A. The on-site pedestrian circulation system shall provide direct and barrier-free connections between buildings and existing public rights-of-way, pedestrian/bicycle access ways and other on-site pedestrian facilities while minimizing out-of-direction travel. The pedestrian circulation system and pedestrian walkways and facilities shall be designed and constructed, as appropriate, to connect:
   1. The main building entrance(s) of the primary structure(s) on the site with the nearest sidewalk or other walkway leading to a sidewalk;
   2. New building entrances on a development site with other new and existing building entrances except those used for loading and unloading;
   3. Other pedestrian-use areas on-site, such as parking areas, transit stops, recreation or play areas, common outdoor areas, and any pedestrian amenities such as plazas, resting areas and viewpoints;
   4. To adjacent developments where feasible. Development patterns shall not preclude eventual site-to-site pedestrian connections where feasible, even if infeasible at the time of development. Public and private schools, and parks over one acre in size, shall provide direct pedestrian access from adjacent neighborhoods, using multiple-access points in all directions as reasonably practicable to minimize neighborhood walking distance to a site. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially zoned land.

B. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be increased to seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the safety of the pedestrian must be assured by raising the walkway or separating it from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel.

C. The on-site pedestrian circulation system shall be lighted to a minimum level of 0.5 *foot-candles*, a 1.5 foot-candle average, and a maximum to minimum ratio of 7:1 to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to a 0.5 foot-candle average and a maximum to minimum ratio of 10:1 to light the walkway and enhance pedestrian safety. Artificial lighting which may be provided shall enhance security, be appropriate for the use, and avoid adverse impacts on surrounding properties and the night sky through appropriate shielding. The lighting shall not cause a measurement in excess of 0.5 foot-candles of light on other properties.

D. On-site vehicular and pedestrian circulation patterns shall be designed to minimize vehicular/pedestrian conflicts through measures such as minimizing driveway crossings, creating separate pedestrian walkways through the site and parking areas, and designating areas for pedestrians by marking crossings with changes in textural material. Such textural material shall be

consistent with Chapter 31 of the Uniform Building Code. Pedestrian walkways in parking areas shall comply with the requirements of Section 17.52.080. (Ord. 95-1004 §4(part), 1995)

17.62.080 Special development standards along transit streets.

A. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.

B. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.

C. Development Standards.

1. All buildings shall have at least one main building entrance oriented towards the transit street or a street intersecting the transit street. A main building entrance is oriented toward a transit street or a street intersecting a transit street if it is directly located on the transit street or the intersecting street, or if it is linked to the transit street or the intersecting street by an on-site pedestrian walkway that does not cross off-street parking areas.
    a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or the intersecting street or to the corner where the two streets intersect.
    b. For building facades over three hundred feet in length on a transit street or a street intersecting a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street or the intersecting street.
2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.
3. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.

D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C of this section:

1. Heavy equipment sales;
2. Motor vehicle service stations, including convenience stores associated therewith;
3. Solid waste transfer stations;
4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. (Ord. 01-1002 §5, 2001: Ord. 00-1003 §14, 2000; Ord. 95-1004 §4(part), 1995)

Chapter 17.64 Planned Unit Development

THIS ENTIRE SECTION HAS BEEN REMOVED FROM THE CODE.

Chapter 17.65 - Master Plans

Sections

17.65.010 Purpose and Intent
17.65.020 What is included in a Master Plan
17.65.030 Applicability of the Master Plan Regulations
17.65.040 Procedure
17.65.050 Concept Development Plan
17.65.060 Detailed Development Plan
17.65.070 Adjustments to Development Standards
17.65.080 Amendments to Approved Plans
17.65.090 Regulations that Apply

17.65.010 Purpose and Intent

It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.

17.65.020 What is Included in a Master Plan

A. A Master Plan is a two-step process that includes a Concept Development Plan and a Detailed Development Plan.

A Concept Development Plan incorporates the entire area where development is planned in the next 5-20 years, including the identification of one or more development phases. The Concept Development Plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant.

A Detailed Development Plan is the phase or phases of the Concept Development Plan that are proposed for development within two-years.

B. A Master Plan identifies the current and proposed use of the development, as defined by the Concept Development Plan boundary. If approved, the Concept Development Plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they must be modified through the Concept Development Plan or completed with new development.

C. A Master Plan identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules.

A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a Concept Development Plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are improvements that will be made or constructed by an institution when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

17.65.030 Applicability of the Master Plan Regulations

A. A Master Plan shall be submitted for any Institutional development on a site over 10 acres in size. If the boundaries of an Institutional development exceed 10 acres in size, the proposed development shall be master planned using the regulations of this chapter. No permit under this title shall by issued for any Institutional development in excess of 10 acres in total acreage unless it is accompanied by or preceded by a Master Plan approval under this chapter.

The provisions of this chapter do not apply to modifications to existing Institutional developments unless the modification results in a cumulative square footage increase of over 10,000 total building square feet in an existing Institutional development over 10 acres.

B. When Required as Part of Previous Land Use Review. The master plan regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.

C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.

D. Voluntarily. An applicant may voluntarily submit a master plan as part of a land use review.

17.65.040 Procedure

A. Preapplication Review. Prior to filing for either concept development plan or detailed development plan approval, the applicant shall confer with the Community Development Director pursuant to Section 17.50.030.

B. Concept Development Plan. An application for a concept development plan shall be reviewed through a Type III procedure. An applicant must have an approved concept development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved concept development plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.

C. Detailed Development Plan. An application for a detailed development plan, whether for all or part of an approved concept development plan, is processed through a Type II procedure, as long as it is in conformance with the approved concept development plan. If review of impacts from a development phase of the concept development plan that requires a Type III procedure was deferred, and the detailed development plan is part of that development phase, the detailed development plan shall be processed through a Type III procedure. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62 site plan and design review will not be required.

D. Concurrent Review. An applicant may concurrently apply for a concept development plan and a detailed development plan, or any phase of a detailed development plan. Such a concurrent application is reviewed through a Type III procedure.

17.65.050 Concept Development Plan

A. Existing Conditions Submittal Requirements

1. Narrative statement. An applicant must submit a narrative statement that describes the following:
   a. Current uses of and development on the site, including programs or services.
   b. History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the concept development plan.
   c. A vicinity map showing the location of the Concept Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map must be 8.5" x 11" in size, and black and white reproducible.
   d. Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs.
   e. Previous land use approvals within the Concept Development Plan boundary and related conditions of approval.
   f. Existing utilization of the site. May also reference submitted maps, diagrams or photographs.
   g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.
      (1) Physical characteristics,
      (2) Ownership patterns,
      (3) Building inventory,
      (4) Vehicle/bicycle parking,
      (5) Landscaping/usable open space,
      (6) FAR/lot coverage,
      (7) Natural resources that appear on the City's adopted Goal 5 inventory,
      (8) Cultural/historic resources that appear on the City's adopted Goal 5 inventory, and,
      (9) Location of existing trees 6" in diameter or greater when measured 4' above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.
   h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.
      (1) Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
      (2) Transit routes, facilities and availability;
      (3) Alternative modes utilization, including shuttle buses and carpool programs; and
      (4) Baseline parking demand and supply study (may be appended to application or waived if not applicable).
         i. Infrastructure facilities and capacity, including the following items.
            (1) Water,
            (2) Sanitary sewer,
            (3) Stormwater management, and
            (4) Easements.

2. Maps and Plans.
   a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (1"=100') that shows the following items. At least one copy must be 8.5" x 11" in size, and black and white reproducible.
      (1) Date, north point, and scale of drawing.
      (2) Identification of the drawing as an existing conditions site plan.
      (3) Proposed development boundary.
      (4) All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.

(5) Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.

(6) A site plan or plans, to scale, for the Concept Development Plan site and surrounding properties containing the required information identified in:
   a. Chapter 17.62.040.A(1), (2), (3), (4), (5), (6), (7), (9), (11), (12), (13), (14), and (15);
   b. Chapter 17.62.040.B;
   c. Chapter 17.62.040.F; and
   d. Chapter 17.62.040.G

b. Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map must be 8.5" x 11" in size, and black and white reproducible.

c. Aerial photo. Depicting the subject site and property within 250 feet of the proposed development boundaries. At least one copy of the aerial photo must be 8.5" x 11" in size, and black and white reproducible.

B. Proposed Development Submittal Requirements

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:
   a. The proposed duration of the concept development plan.
   b. The proposed development boundary. May also reference submitted maps or diagrams.
   c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
   d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.
   e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within 250 feet of the proposed development boundary.
   f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
      (1) Transportation impacts as prescribed in Subsection "g" below;
      (2) Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and pubic right-of-ways within 250 feet of the development boundary;
      (3) Public facilities impacts (sanitary seer, water and stormwater management) both within the development boundary and on city-wide systems;
      (4) Neighborhood livability impacts;
      (5) Natural, cultural and historical resource impacts within the development boundary and within 250 feet of the development boundary.
   g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.
   h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements. The transportation impact study shall either:

(1) address the impacts of the development of the site consistent with all phases of the concept development plan; or

(2) address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.

i. If an applicant chooses to pursue option h(1), the applicant may choose among three options for implementing required transportation capacity and safety improvements:

(1) The concept development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.

(2) The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed concept development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a concept development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.

(3) The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

j. The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the concept development plan, these standards will supercede corresponding development standards found in this code. Development standards shall address at least the following:

(1) Pedestrian, bicycle and vehicle circulation and connectivity;

(2) Internal vehicle and bicycle parking;

(3) Building setbacks, landscaping and buffering;

(4) Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and

(5) Other standards that address identified development impacts.

2. Maps and diagrams. The applicant must submit, in the form of scaled maps or diagrams, as appropriate, the following information:

a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.

b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within 250 feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within 250 feet may be extended to and/or through the proposed development.

c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
d. The approximate projected location, footprint and building square footage of each phase of proposed development.
e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

C. Approval Criteria for Concept Development Plan.
The Planning Commission shall approve an application for concept development plan approval only upon finding that the following approval criteria are met.

1. The proposed concept development plan is consistent with the purposes of Section 17.65.
2. The transportation system has sufficient capacity based on the City's level of service standards and is capable of safely supporting the development proposed in addition to the existing and planned uses in the area, or will be made adequate by the time each phase of the development is completed.
3. Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.
4. The proposed concept development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.
5. The proposed concept development plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as that term is defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

D. Duration of Concept Development Plan.
A concept development plan shall involve a planning period of at least 5 years and up to 20 years. An approved concept development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superceded, or the plan expires under its stated expiration date.

17.65.060 Detailed Development Plan

A. Submittal Requirements.

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

   The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within 250 feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing

streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within 250 feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

3. A site plan or plans, to scale, containing the required information identified in:
   a. Chapter 17.62.040.A.(8), (10), (11), (12), (13), (14), and (15);
   b. Chapter 17.62.040.B;
   c. Chapter 17.62.040.C;
   d. Chapter 17.62.040.D;
   e. Chapter 17.62.040.E;
   f. Chapter 17.62.040.G;
   g. Chapter 17.62.040.H; and
   h. Chapter 17.62.040.J

4. Any other information the Community Development Director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:
1. All development standards and impact mitigation meet the requirements of the approved concept plan, including conditions of approval.
2. Any other applicable zoning regulations that are not addressed in the concept development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in 17.65.070.
3. The detailed development plan conforms with the standards contained in Chapter 17.62, unless adjusted as provided in 17.65.070.

C. Duration of Detailed Development Plan. Unless substantial expenditures have been made to implement the approved detailed development plan, defined as the submittal to the city of engineered plans for approval, a detailed development plan shall expire twenty-four months from the notice of decision date. The date of final approval includes the resolution of all appeals. Upon the receipt from the applicant of a written request and payment of the required fee prior to the expiration dated of the Detailed Development Plan, the Community Development Director may, on a one-time basis, grant a 12-month extension.

17.65.070 Adjustments to Development Standards

A. Purpose. In order to implement the purpose of the City's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process.

B. Procedure. Requests for adjustments shall be processed concurrently with a concept development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

C. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
1. To allow a primary or accessory use that is not allowed by the regulations;
2. To any regulation that contains the word "prohibited";

3. As an exception to a threshold review, such as a Type III review process; and
4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.

D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.
1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
3. City-designated Goal 5 resources are protected to the extent otherwise required by Chapter 17;
4. Any impacts resulting from the adjustment are mitigated; and
5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

17.65.080 Amendments to Approved Plans

A. When Required. An amendment to an approved concept development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in 17.65.050 will apply to concept development plan amendments, the approval criteria contained in 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.

B. Type III Procedure. Unless the approved concept development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:
1. Any proposed development on the site that is within 100 feet of the master plan boundaries, unless a greater distance is stated in the master plan;
2. A proposed expansion of the approved boundary;
3. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
4. Proposals that increase the amount, frequency, or scale of a use over 10 percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events);
5. New uses not covered in the plan that will increase vehicle transportation to the site, except for those that are replacing another use so that there is no net increase in vehicles drawn to the site;
6. Increases in overall floor area of development on the site of over 10 percent;
7. A increases/decrease greater than 10 percent in the amount of approved or required parking; and
8. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.

C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a concept development plan or detailed development plan not specifically stated in Subsection B or D are processed through a Type II procedure.

D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a concept development plan or detailed development plan shall be processed through a Type I procedure:
1. Accessory uses and structures that meet applicable development regulations;
2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
3. Structures for approved uses that do not exceed 1500 square feet in size and that meet applicable development regulations.

17.65.090 Regulations that Apply

An applicant is entitled to rely on land use regulations in effect on the date its concept development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a concept development plan is approved, and so long as that concept development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its concept development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved concept development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

Chapter 17.68 Zoning Changes and Amendments

17.68.025 Zoning changes for land annexed into the city.

A. Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be rezoned upon annexation to the corresponding city zoning designation as follows:

Plan Designation	Zone
Low-density residential	R-10
Medium-density residential	R-3.5
High-density residential	R-2
General commercial	C
Industrial	CI-Campus Industrial
Mixed Use Downtown	MUD
Mixed Use Employment	MUE
Mixed Use Commercial	MUC – 1

B. Applications for these rezonings shall be reviewed pursuant to the requirements in Section 17.50.030(A) (with respect to nondiscretionary zone changes) and (D) (with respect to discretionary zone changes). (Ord. 00-1003 §15, 2000; Ord. 92-1025 §1, 1992)

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COMPREHENSIVE PLAN UPDATE

May 19, 2004 – City Commission Meeting

Description	Attachment	Exhibit
Commission Report No. 04-092	---	---
May 12, 2004, Memo from Dan Drentlaw, Community Development Director	A	---
Written Comments Received at City Hall After 5:00 p.m. on Wednesday, April 28, 2004	A	1
Ordinance No. 03-1014	B	---
Proposed Comprehensive Plan – May 12, 2004	B	1
Proposed Comprehensive Plan Map – May 12, 2004	B	2
Proposed Amendments to the Oregon City Municipal Code – May 12, 2004	B	3
Proposed Zoning Map – May 12, 2004	B	4
Water Master Plan (Hard Copy in City Recorder's Office)	B	5
Sanitary Sewer Master Plan – Volume I and II (CD Copy in City Recorder's Office)	B	6

COMMISSION REPORT: CITY OF OREGON CITY

TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road----(503) 657-0891

INCORPORATED 1844	**Agenda Item No.:** 4.2 **Report No.:** 04-092 **Agenda Type:** DISCUSSION/ACTION	**Topic:** First and Second Reading of Ordinance 03-1014, the Adoption of a New Comprehensive Plan, Comprehensive Map and Zoning Map; Amendments to the Zoning Code; and New Water and Sanitary Sewer Master Plans as Ancillary Documents to the Oregon City Comprehensive Plan.
	Meeting Date: May 19, 2004	**Attachments:** ☒ Yes ☒ No
Prepared By: Tony Konkol	**Reviewed By:** Dan Drentlaw	**Approved By:** L. Patterson

RECOMMENDATION: Staff recommends that the City Commission approve the first and second readings of Ordinance Number 03-1014.

REASON FOR RECOMMENDATION: The proposal is to amend the 1982 Oregon City Comprehensive Plan with rewritten and reorganized elements, goals, and policies and amend the Zoning Code to implement the Comprehensive Plan and Metro regional requirements. The proposal will also include changes to the Comprehensive Plan and Zoning Maps and updated Water and Sanitary Sewer Plans. New goals and policies were added to reflect the policy direction from the public involvement process, in the Downtown Community Plan, and the Water Front Master Plan, from Metro's Urban Growth Management Functional Plan, and to implement the proposed new plan designations.

BACKGROUND: On May 5th, 2004 the City Commission held deliberations and directed staff to make minor changes to the Comprehensive Plan Text and Amended Zoning Code. The changes that were made are outlined in Attachment A of this Commission Report.

On April 21st, 2004 the City Commission held a public hearing and received additional oral testimony from the public. After the conclusion of the public testimony, the public hearing was closed. The Commission indicated that the written record would remain open until 5 p.m. on April 28th, 2004.

Updating the Comprehensive Plan elements, goals, and policies began in early 2002 when City Staff worked with a consultant team, the Citizen Technical Advisory Committee, the Citizen Involvement Committee, and the Planning Commission to develop new elements to the Comprehensive Plan. On January 26, 2004, after reviewing the written and oral public testimony and considering the facts presented during the hearing process, the Planning Commission recommended approval of Planning File L 03-01 to the City Commission for their consideration by a 5-0 vote.

ATTACHMENTS:

A. May 12, 2004 Memorandum from Dan Drentlaw, Community Development Director
A1. Matrix of Written Comments Received
B. Ordinance No. 03-1014
B1. Proposed Comprehensive Plan – May 12, 2004
B2. Proposed Comprehensive Plan Map – May 12, 2004
B3. Proposed Amendments to the Oregon City Municipal Code – May 12, 2004
B4. Proposed Zoning Map – May 12, 2004

CITY OF OREGON CITY
INCORPORATED 1844
Community Development Department
Planning Division
P.O. Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045
Phone: (503) 657-0891 Fax: (503) 722-3880

TO: Honorable Mayor and City Commissioners

FROM: Dan Drentlaw, Community Development Director

DATE: May 12, 2004

RE Comprehensive Plan Update and Zoning Code Amendments

Dear Mayor and Commissioners,

This packet includes the updated Comprehensive Plan Text and the proposed Zoning Code Amendments – Version 11, which are included as Exhibits 1 and 3, respectively, in proposed Ordinance 01-1033. The updated Comprehensive Plan and Zoning map are included as Exhibits 2 and 4, respectively, in proposed Ordinance 01-1033. All of the materials are dated May 12, 2004.

Included as exhibit 1 of this document are additional written comments that were submitted directly to the entire Commission after the written record was closed on April 28th, 2004 and any response to the comments. During the meeting on May 19th, the City Attorney will outline the possible options to account for this additional information.

Staff has removed the action items from the index and recommends that they not be adopted as part of the Comprehensive Plan. Staff would request that the references to the ancillary documents to the Comprehensive Plan that were to be inserted into the Introduction be postponed until the August 23rd, 2004 review of Ordinance 03-1014 to ensure that an accurate list is included.

An outline of the proposed changes in response to the direction to staff from the City Commission at the May 5th, 2004 hearing and continued review of the proposals are outlined below.

COMPREHENSIVE PLAN TEXT

The Comprehensive Plan text has been amended based on the May 5th, 2004 City Commission hearing. All additions and deletions that were displayed in the May 5th version of the Comprehensive Plan as well as the revisions identified below that are based on the May 5th hearing have been accepted and a "clean" version was prepared.

A City Boards and Staff Acknowledgement section has been added and the reference to the action items on the first page of the introduction have been removed.

Goal 11.1: Provision of Public Facilities

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

a. Streets and other roads and paths

b. Wastewater collection
c. Storm water management services
d. Police protection
e. Fire protection
f. Parks and recreation
g. Water distribution
h. Planning, zoning and subdivision regulation
i. Library services
j. Aquatic Center
k. Carnegie Center
l. Pioneer Community Center
m. City Hall
n. Buena Vista House
o. **Ermatinger House**

Goal 11.12: Library

Policy 11.12.1 Identify and acquire, if possible, an appropriate site for a permanent library facility **that is centrally located to the service area** (this could include a mixed-use facility with retail space and Friends of the Library activities, etc.).

Goal 12.3: Multi-Modal Travel Options

Policy 12.3.10 Develop**, if possible,** dock facilities along the Willamette River to support a range of public and private boat and water transportation opportunities.

Goal 14.4: Annexation of Lands to the City

Policy 14.4.1 In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. **Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.** ~~along at least 25% of the total perimeter of the property to be annexed, not including frontage along a city-owned right-of-way.~~

ZONING CODE

The amended Zoning Code – Version 11 includes several minor changes based on the direction of the City Commission at the May 5th, 2004 City Commission meeting and to provide consistency throughout the document. The proposed amendments below represent significant changes to Version 10 of the Zoning Code. Minor word changes and edits have not been documented below. Both the significant and minor changes are highlighted in yellow throughout the amended Zoning Code – Version 11.

1. Page 5, Chapter 12.08.020: Street tree planting and maintenance requirements.
   One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The Community Development Director may approve an alternative street tree plan if site **or other constraints** prevent meeting the placement of one street tree per thirty-five feet of property frontage.

2. Page 5, Chapter 12.08.042: Public tree removal
   Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the Community Development Director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the city, may be removed and shall be replaced with one tree **with a minimum** 2" caliper measured 6 inches above the root crown that is of a similar tree species, unless the species is not included on the street tree list in, which case, the tree shall be replaced with a species from the street tree list. A non-diseased, non-hazardous street tree that is removed shall be replaced with ½

the required replacement trees found in Table 16.12.310-1(Fractions shall be rounded to the nearest whole number). All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The Community Development Director may approve off-site installation of replacement trees where necessary due to planting constraints. (Ord. 01-1010 (part), 2001)

3. Page 26, Chapter 17.08.040: R-10 Dimensional Standards

G. **Maximum Building Coverage: 40% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.**

4. Page 34, Chapter 17.16.010.C: R-3.5 Dwelling District Permitted Uses

Uses permitted in the 3.5 district are:

A. Two-family dwellings (duplexes);
B. Single-family detached residential units;
C. Single-family attached residential units (**Row houses with** no more than six dwelling units may be attached in a row);
D. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
E. Home occupations;
F. Temporary real estate offices in model homes, located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
G. Accessory uses, buildings, and dwellings;
H. Family day care provider, subject to the provisions of Section 17.54.050;

5. Page 37, Chapter 17.18.035: Pre-Existing Industrial Use

Tax Lot 700, located on Clackamas County Map #32E16B has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current use, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

6. Page 43, Chapter 17.26.040: Historic Building Preservation

Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district **or are in Oregon City's inventory of Historic Buildings**) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the planning commission that no economically feasible return can be gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the planning commission may grant an exception to the Historic Building Preservation Policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the Historic Building Preservation Policy in other structures in the area. The planning commission may condition the grant of any such application to these ends. **The members of the Historic Review Board shall be notified of the application and may request a delay in the decision or the Planning Commission, of its own volition, may delay a decision on such an application subject to consideration by the Historic Review Board as provided in Chapter 17.40.** ~~The planning commission may delay action on such an application subject to consideration by the historic review board as provided in Chapter 17.40.~~ (Prior code §11-3-11(C))

7. Page 47, Chapter 17.29.020: Mixed Use Corridor MUC-1 Permitted Uses

R. Retail trade, including **grocery, hardware and** gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts, provided the maximum footprint for a stand alone building with a single store does not exceed 10,000 square feet.

8. Page 47, Chapter 17.29.025: Mixed Use Corridor MUC –2 Permitted Uses

   A. Retail Trade, including **grocery, hardware and** gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts, provided the maximum footprint for a stand along building with a single store does not exceed 60,000 square feet.

9. Page 49, Chapter 17.29.060: Dimensional Standards: Mixed Use Corridor – 2

   B. Minimum Floor Area Ratio: **0.30** ~~0.35~~

10. Page 58, Chapter 17.34.010 Designated

    The Mixed-Use Downtown (MUD) District is designed to apply within the traditional downtown core along Main Street, and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. A mix of high-density residential, office and retail uses are encouraged in this District, with ~~primarily~~ retail and service uses on the ground floor, and ~~primarily~~ office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This District includes an overlay design sub-district for the historic downtown area. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

11. Page 59, Chapter 17.34.020: Mixed Use Downtown Permitted Uses

    L. Offices; including finance, insurance, real estate and government. **Developments that include offices in the Historic Overlay District are required to have an MUD permitted use, other than the office use, on the first floor. The office use is limited to the second floor and above of the development.**

12. Page 61, Chapter 17.34.060: Dimensional Standards, Except for within Historical Overlay Area

    B. Minimum Floor Area Ratio for stand-alone office, commercial buildings or mixed-use buildings with a residential component: **0.30** ~~0.35~~

13. Page 67, Chapter 17.37.020: Campus Industrial Permitted Uses

    D. Trade schools including technical, professional, vocational, ~~and~~ business schools **and college or university programs serving industrial needs.**

14. Page 95, Chapter 17.56.025.B: Minor Modifications to Legal Conditional Uses

    B. **A maximum addition of up to 1,000 square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than 35% of the original building square footage;**

15. Page 104, Chapter 17.62.035: Minor Site Plan and Design Review

    2. **A maximum addition of up to 1,000 square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than 35% of the original building square footage.**

16. Page 113, Chapter 17.65.050.C(5): Approval Criteria for Concept Development Plan

    The proposed concept development plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as that term is defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

Staff will summarize the proposed amendments at the City Commission hearing on May 19th, 2004.

CITY OF OREGON CITY
CITY COMMISSION LIST OF EXHIBITS

WRITTEN COMMENTS RECEIVED AT CITY HALL AFTER 5:00 PM, ON WEDNESDAY, APRIL 28, 2004

CASE FILE #: L 03-01 Comprehensive Plan (Ord. No 03-1014)

Exhibit ID Label	Type of Exhibit	Submitted by
1	Letter	Rose Holden – dated April 28, 2004
2	Letter	Dan Berge – dated May 6, 2004
3	Email	Dan Berge – dated May 6, 2004
4	Email	Ed Sullivan – dated May 6, 2004
5	Email	Dan Berge – dated May 7, 2004
6	Email	Gary Hewitt – dated May 7, 2004
7	Email	Dan Berge – dated May 10, 2004
8	Email	Gary Hewitt – dated May 10, 2004
9	Email	Dan Berge – dated May 11, 2004
10	Email	Dan Berge – dated May 11, 2004
11	Email	Tony Konkol – dated May 11, 2004

Oregon City Golf Club at Lone Oak
Established 1922

April 28, 2004

Mayor Alice Norris and City commissioners
City of Oregon City
320 Warner Milne Rd.
Oregon City, OR 97045

Dear Mayor Norris and City Commissioners:

This letter supplements our prior letters to you of October 26, 2003, November 10, 2003 and February 17, 2004.

Since October of 2003, when we received our first notification of a pending land use change in our area east of Beavercreek Road, we have attempted to immerse ourselves in the process of how our government works, what its values are and what it sees for our community in the future. We have watched and listened with open minds to absorb all perspectives and decision making statements.

As we look through the latest version of the Comprehensive Plan, we find that there are areas that are not clear and are contradicting. The framework that we understood this document to represent seems to loose site of the basic function that it was designed to meet. That is, a generalized, coordinated land use policy statement that connects all activities related to the use of lands and how to achieve these goals through a common vision that reflects the values of the community.

We understood that our area east of Beavercreek Road was to be "Future Urban Holding" pending the completion of an accepted concept plan and have invested personal funds toward that understanding. By definition "Future Urban Holding" (FUH) is properties that have not been designated a land use type.

20124 S. Beavercreek Road, Oregon City, OR 97045 - 503.518.2846 - Fax 503.518.1290
www.ocgolfclub.com

Exhibit 1

Policy 2.6.8 states "The lands east of Clackamas Community College that are designated "Future Urban Holding" shall be the subject of concept plans, which if approved as an amendment to the Comprehensive Plan, will guide zoning designations. The majority of these lands should be designated Campus Industrial in order to generate new jobs and move towards meeting the city's employment targets." This policy contradicts itself. Why designate FUH, pending an approved concept plan, if the intent is to have the majority of the lands be industrial? It is our understanding that the employment number targeted for this area is the issue not acres.

The preliminary analysis that is currently being drafted states that "Highest and best use is defined as the land use, or combination of land uses, that returns the highest value to the land within the constraints of being legally permissible, physically possible, and economically feasible". Why would the city want to "trap" itself or the community prior to obtaining a feasibility study or an analysis of highest and best use?

Action Item 2.6.6. "Designate land annexed into the Glen Oak Area as "Industrial" on the Comprehensive Plan map and "C-I Campus Industrial" on the Zoning Map upon annexation. Provide a mechanism to allow development of "Concept Plans". We asked staff for a clarification on this Action Item. They confirmed that it referred to the area east of Beavercreek Road. In all other areas of the Comprehensive Plan this area is referred to as "the lands east of Beavercreek Road". .This is once again contradictory to the purpose of doing a concept plan for the area. We believe that the concept plan should be performed previous to making any policy statement for the mix of uses in the area.

Action Item 2.1.5 "Amend the Zoning Code to allow and encourage mixed uses in selected area of the city, such as....7th street and Molalla Ave." We would like to add to this Action Item the area east of Beavercreek Road as our proposed concept plan may determine that it is appropriate to have a mix of employment and other uses in the area.

We also want to point out that there is no provision for a "complete community" concept which many cities are adopting. For example, the City of Wilsonville has adopted a "Village Code" that provides for a range of intensive land uses and assures the most efficient use of land as does Fairview in Salem. The Cities of Hillsboro, Gresham and many others are also adopting similar zoning. This would be the perfect opportunity to create this niche for our city as well.

Items that are missing from the Comprehensive Plan that we feel are important are the goals and vision for our city that the citizen involvement committee, city planning and city commission spent the last two years developing that provides the basis for the changes to this document.

The City of Oregon City's Mission Statement is not included and should be.

Finally, in conjunction with the First City's Future Vision Statement Preamble, a short history of Oregon City would assist in introducing new citizens to our heritage.

Thank you for your time and attention.

Sincerely,

Rose Holden

Rose Holden

May 06, 2004

Dan Berge
P.O. Box 1927
Oregon City, OR 97045

RECEIVED
CITY OF OREGON CITY
04 MAY -6 PM 2:37

City of Oregon City
320 Warner Milne Rd.
Oregon City, Oregon 97045

Dear Mayor Alice Norris,
Commission President Tom Lemons,
Commissioners: Doug Neeley, Bob Bailey, Gary Hewitt:

Re: Reference Zone Change / Comprehensive Plan For
20122 S. Molalla Ave. Oregon City, Oregon 97045

The Telesat company manufactures Aqua Sport aluminum boats as well as fabrication of complete radio stations for USIA, radio towers, electronic satellite tracking system, digital wireless internet, data systems and antenna of all types. Telesat is also a reseller for the dish network and these are just a few of the things we do. Commercial, Industrial zoning is the best fit for our type of business.

This is what I would like to see happen in the zoning that would be the best fit.

Tax Lots 700 located on Clackamas County Tax Assessors Map #32E16B
have special provisions for industrial and commercial uses.
These properties may maintain and expand their industrial, commercial uses on existing tax lot only. A change in use is allowed as long as there is no greater impact on the area other than the existing use.

This is consistent with other citizens request in Oregon City. Example the fiberglass plant downtown. It also is consistent with the two other commercial zoning changes just up the street across from the college.
I have been a long time pioneer of Oregon City please don't let the community and us down.

I would prefer to settle this now and not have to continue the process with LUBA.

The property has been a long-term commercial and industrial use that provides area jobs and housing for it employees and continues to be a viable economic part of the Oregon City economy.
COMMERCIAL, INDUSTRIAL IS THE BEST OVERALL ZONE TO PROTECT THE COMMUNITY INVESTMENT AND OUR GOALS.
Our newest building on the property was a permitted expansion as a commercial building through Clackamas County prior to the property having been annexed into Oregon City.

Sincerely,

Dan Berge
Business Owner - Oregon City
503-515-5488 – Cell Phone 503-656-2774 – Business Phone x

Exhibit 2

Tony Konkol

From: Dan [longterm@chatusa.com]
Sent: Thursday, May 06, 2004 2:02 PM
To: Tony Konkol
Subject: zoning Dan Berge nn7j

May 06, 2004

Dan Berge

P.O. Box 1927

Oregon City, OR 97045

City of Oregon City

320 Warner Milne Rd.

Oregon City, Oregon 97045

Dear Mayor Alice Norris,

Commission President Tom Lemons,

Commissioners: Doug Neeley, Bob Bailey, Gary Hewitt:

Re: Reference Zone Change / Comprehensive Plan For

20122 S. Molalla Ave. Oregon City, Oregon 97045

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Exhibit 3

This is consistent with other citizens request in Oregon City. Example the fiberglass plant downtown. It also is consistent with the two other commercial zoning changes just up the street across from the college.

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Our newest building on the property was a permitted expansion as a commercial building through Clackamas County prior to the property having been annexed into Oregon City.

Sincerely,

Dan Berge

Business Owner - Oregon City

503-515-5488 – Cell Phone 503-656-2774 – Business Phone x

Tony Konkol

From: Ed Sullivan [esullivan@gsblaw.com]
Sent: Thursday, May 06, 2004 2:21 PM
To: 'Dan'
Cc: Bill Kabeiseman; Dan Drentlaw; Tony Konkol; Larry Patterson
Subject: RE: Dan Berge zone change nn7j

Mr. Berge, I will review your materials, but my understanding was that the Commission was open to continuation of industrial, rather than commercial, activities on your land.

As to going to LUBA, you have a right to go there if you wish.

Ed Sullivan

-----Original Message-----
From: Dan [mailto:longterm@chatusa.com]
Sent: Thursday, May 06, 2004 2:08 PM
To: esullivan@gsblaw.com
Cc: Dan
Subject: Dan Berge zone change nn7j

For your info.

Dan Berge

May 06, 2004

Dan Berge

P.O. Box 1927

Oregon City, OR 97045

City of Oregon City

320 Warner Milne Rd.

Oregon City, Oregon 97045

Dear Mayor Alice Norris,

Commission President Tom Lemons,

Commissioners: Doug Neeley, Bob Bailey, Gary Hewitt:

Re: Reference Zone Change / Comprehensive Plan For

20122 S. Molalla Ave. Oregon City, Oregon 97045

Exhibit 4

The Telesat company manufactures Aqua Sport aluminum boats as well as fabrication of complete radio stations for USIA, radio towers, electronic satellite tracking system, digital wireless internet, data systems and antenna of all types. Telesat is also a reseller for the dish network and these are just a few of the things we do. Commercial, Industrial zoning is the best fit for our type of business.

This is what I would like to see happen in the zoning that would be the best fit.

Tax Lots 700 located on Clackamas County Tax Assessors Map #32E16B

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This is consistent with other citizens request in Oregon City. Example the fiberglass plant downtown. It also is consistent with the two other commercial zoning changes just up the street across from the college.

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The property has been a long-term commercial and industrial use that provides area jobs and housing for it employees and continues to be a viable economic part of the Oregon City economy. COMMERCIAL, INDUSTRIAL IS THE BEST OVERALL ZONE TO PROTECT THE COMMUNITY INVESTMENT AND OUR GOALS.

Our newest building on the property was a permitted expansion as a commercial building through Clackamas County prior to the property having been annexed into Oregon City.

Sincerely,

Dan Berge

Business Owner - Oregon City

503-515-5488 - Cell Phone 503-656-2774 - Business Phone x

Tony Konkol

From: Dan [longterm@chatusa.com]

Sent: Friday, May 07, 2004 7:08 AM

To: Tom Lemons; Tony Konkol; Alice Norris - personal; Gary Hewitt - personal; Gary Hewitt; Ed Sullivan; Doug Neeley; Dan Drentlaw; Bob Bailey; Alice Norris; Larry Patterson

Cc: Dan

Subject: Dan Berge Possible options. nn7j Zoning

Possible options.

Option 1

Any added expansion over existing uses needs to have a planning staff review and approval.

Option 2

Any added expansion over existing uses would have to have city commissioner's approval.

Tax Lots 700 located on Clackamas County Tax Assessors Map #32E16B

have special provisions for industrial and commercial uses.

These properties may maintain and expand their industrial, commercial uses on existing tax

lot only. A change in use is allowed as long as there is no greater impact on the area other than the existing use.

act on the area other than the existing use.

Dan Berge

Exhibit 5

Tony Konkol

From: Gary Hewitt - personal

Sent: Friday, May 07, 2004 8:27 AM

To: 'Dan'; Tom Lemons; Tony Konkol; Alice Norris - personal; Ed Sullivan; Doug Neeley; Dan Drentlaw; Bob Bailey; Larry Patterson

Subject: RE: Dan Berge Possible options. nn7j Zoning

Mr. Berg,

As was discussed in our meeting, the action is to solidify your current use on the property into the future and allow expansion of that use. It was also understood that the current use is what is in question. It would be inappropriate to allow any change in the established industrial use into the future. What the Commission accepted was to allow you to continue without limitations those uses you have established. What was not accepted was that there could be a change in that use. I believe this is a good fix for your long term operation and will allow you to continue but not to change the use other than those uses similar to the existing operation. In this way we can assure the area residents that the use will be as it has been with no other industrial use that may have more impact to this residential area will not be allowed. This is a necessary need because another use may be more intense with associated impacts that would not fit with the area. I would not be in favor of changing our decision at this time because of your particular presence within a residential area unlike other business that have been allowed to change their use which are not surrounded with residential. Each of these nonconforming industrial uses is a very specific case by case review. I also believe our action is most defensible because of this case by case review and the specifics of the aforementioned issues. If, at some future time you would wish to seek a change, I believe you do have relief through the Comprehensive Plan and Zone Change avenues currently available through land use applications. At that time a thorough review of the impact and presence in the community would be reviewed and evaluated.

Gary Hewitt - City Commissioner

-----Original Message-----
From: Dan [mailto:longterm@chatusa.com]
Sent: Friday, May 07, 2004 7:08 AM
To: tlemons@ci.oregon-city.or.us; tkonkol@ci.oregon-city.or.us; norrisa@teleport.com; Hewitt, Gary; ghewitt@ci.oregon-city.or.us; Ed Sullivan; dneeley@ci.oregon-city.or.us; ddrentlaw@ci.oregon-city.or.us; bbailey@ci.oregon-city.or.us; anorris@ci.oregon-city.or.us; lpatterson@ci.oregon-city.or.us
Cc: Dan
Subject: Dan Berge Possible options. nn7j Zoning

Possible options.

Option 1

Any added expansion over existing uses needs to have a planning staff review and approval.

Option 2

Any added expansion over existing uses would have to have city commissioner's approval.

Tax Lots 700 located on Clackamas County Tax Assessors Map #32E16B

Exhibit 6

have special provisions for industrial and commercial uses.

These properties may maintain and expand their industrial, commercial uses on existing tax

lot only. A change in use is allowed as long as there is no greater impact on the area other than the existing use.

act on the area other than the existing use.

Dan Berge

Tony Konkol

From: Dan [longterm@chatusa.com]

Sent: Monday, May 10, 2004 9:51 AM

To: Tom Lemons; Tony Konkol; Alice Norris - personal; Gary Hewitt - personal; Gary Hewitt; Ed Sullivan; Doug Neeley; Dan Drentlaw; Bob Bailey; Alice Norris; Larry Patterson

Cc: Dan

Subject: Dan Berge zoning nn7j

Quote from Gary Hewitt e-mail " What the Commission accepted was to allow you to continue without limitations those uses you have established." I hope this is the case, the feeling I am getting it's not. Dan Drentlaw testified that my property is next to the new MU commercial zone on Molalla Ave. This type of commercial zone for my property would protect the value of my property and most of its uses today and in the future. The commission acceptance of the limiting industrial use would allow me to continue without limitations those uses that I have established. And not expand to a more intensive industrial use which I agree would be in the best interest of the city.

Dan Berge ..

Exhibit 7

Tony Konkol

From: Gary Hewitt - personal
Sent: Monday, May 10, 2004 10:59 AM
To: 'Dan'
Cc: Tony Konkol; Dan Drentlaw
Subject: RE: Zone dan Berge nn7j resending

Dan,

The pre-existing industrial use takes into account the commercial sales and office areas used in the manufacturing part of the business. Though this looks and acts like commercial, it is in conjunction with the manufacturing on-site. There is no commercial use except as it relates to the industrial uses established on the property. It may serve you to provide Tony Konkol with your uses in this regard. I believe this limiting factor for your property is justified to not allow other commercial uses except as they relate to your established industrial uses.

Gary Hewitt - City Commissioner

-----Original Message-----
From: Dan [mailto:longterm@chatusa.com]
Sent: Saturday, May 08, 2004 5:31 AM
To: Hewitt, Gary
Subject: Zone dan Berge nn7j resending

> Thanks you for your reply we do agree that industrial zoning would not be a correct zoning for my property other than for the existing uses. That's the point I am trying to get across without limiting us. Commercial would be the best fit for the front part of this Molalla Ave location. Could you e-mail the staff proposed wording?
>
> Dan

Exhibit 8

Tony Konkol

From: Dan [longterm@pdx.chatusa.com]

Sent: Tuesday, May 11, 2004 7:20 AM

To: Tom Lemons; Tony Konkol; Alice Norris - personal; Gary Hewitt - personal; Gary Hewitt; Ed Sullivan; Doug Neeley; Dan Drentlaw; Bob Bailey; Alice Norris; Larry Patterson

Cc: Dan

Subject: Dan Berge zone nn7j

Quote from Gary Hewitt e-mail " What the Commission accepted was to allow you to continue without limitations those uses you have established." I hope this is the case, the feeling I am getting it's not. Dan Drentlaw testified that my property is next to the new MU commercial zone on Molalla Ave. This type of commercial zone for my property would protect the value of my property and most of its uses today and in the future. The commission acceptance of the limiting industrial use would allow me to continue without limitations those uses that I have established. And not expand to a more intensive industrial use which I agree would be in the best interest of the city.

Dan Berge ..

Exhibit 9

Tony Konkol

From: Dan [longterm@pdx.chatusa.com]
Sent: Tuesday, May 11, 2004 11:41 AM
To: Tony Konkol
Cc: Tom Lemons; Tony Konkol; Alice Norris - personal; Gary Hewitt - personal; Gary Hewitt; Ed Sullivan; Doug Neeley; Dan Drentlaw; Bob Bailey; Alice Norris; Larry Patterson
Subject: Zone Dan Berge NN7j

Tony Konkol

The property located at 20122 S. Molalla Ave. should be zoned commercial.

The new zoning documents should include aluminum, steel and sheet metal fabrication, antennas, radio station furniture, retails sales, electronics, aluminum boats, park model RV's and similar light industrial uses. Some of the brand names we offer are Telesat International Ltd., Syn-trac, Chatusa.com, Getlocal.com, ABT Ltd., Aqua Sport Boats, DanBer Enterprises.

Dan Berge

Dan Berge

Exhibit 10

Tony Konkol

From: Tony Konkol
Sent: Tuesday, May 11, 2004 11:58 AM
To: 'Dan'
Cc: Tom Lemons; Alice Norris - personal; Gary Hewitt - personal; Gary Hewitt; Ed Sullivan; Doug Neeley; Dan Drentlaw; Bob Bailey; Alice Norris; Larry Patterson
Subject: RE: Zone Dan Berge NN7j

Mr. Berg,

I would appreciate it if you would please send your comments directly to Staff (Myself, Mr. Drentlaw, Mr. Sullivan and Mr. Patterson). Staff has received instruction from the Commission for the handling of your request. The public record concerning new information to be submitted into the record for the Commission's consideration concerning the proposed Comprehensive Plan amendments was closed by the City Commission. New information received after the closure of the public record technically should not be considered by the Commission.

Staff will be happy to work with you and we believe we have crafted appropriate language as directed by the Commission; however, if you are not satisfied with the language that we have created we will be reviewing all of the proposed changes at the August 23rd, 2004 Planning Commission meeting to make corrections as necessary. I will submit this email to the Planning Commission at the August meeting so that the uses you have described below will be added to the record at that point. This is one remedy to your concern, there are also legal remedies which you are aware of and have referenced in your previous letters to the City.

Thank-you for your cooperation on this matter,

Tony Konkol

-----Original Message-----
From: Dan [mailto:longterm@pdx.chatusa.com]
Sent: Tuesday, May 11, 2004 11:41 AM
To: Tony Konkol
Cc: Tom Lemons; Tony Konkol; Alice Norris - personal; Gary Hewitt - personal; Gary Hewitt; Ed Sullivan; Doug Neeley; Dan Drentlaw; Bob Bailey; Alice Norris; Larry Patterson
Subject: Zone Dan Berge NN7j

Tony Konkol

The property located at 20122 S. Molalla Ave. should be zoned commercial.

The new zoning documents should include aluminum, steel and sheet metal fabrication, antennas, radio station furniture, retails sales, electronics, aluminum boats, park model RV's and similar light industrial uses. Some of the brand names we offer are Telesat International Ltd., Syn-trac, Chatusa.com, Getlocal.com, ABT Ltd., Aqua Sport Boats, DanBer Enterprises.

Dan Berge

Exhibit 11

ORDINANCE NO. 03-1014

AN ORDINANCE ADOPTING A NEW OREGON CITY COMPREHENSIVE PLAN, COMPREHENSIVE PLAN MAP, AND ZONING MAP; ADOPTING AMENDMENTS TO THE OREGON CITY ZONING CODE; AND ADOPTING NEW WATER AND SANITARY SEWER MASTER PLANS AS ANCILLARY DOCUMENTS TO THE OREGON CITY COMPREHENSIVE PLAN

WHEREAS, the city has worked with Oregon City residents and public groups to develop the overall vision, policies and goals for the future growth and development of Oregon City through the revisions to the City's Comprehensive Plan and implementing ordinances; and

WHEREAS, the Comprehensive Plan and Map is intended to guide the management of the City's assets, to support natural, recreational, and economic benefits for the community of Oregon City, and to provide a framework for implementation of identified goals and policies; and

WHEREAS, the Comprehensive Plan and Map complies and is consistent with Statewide Planning Goals, Downtown Community Plan, Water Front Master Plan, and the Metro Regional Framework Plan; and

WHEREAS, the amended Zoning Code and Map complies and is consistent with Statewide Planning Goals, the amended Oregon City Comprehensive Plan, the Downtown Community Plan, the Metro Regional Framework Plan, the Oregon City Transportation System Plan, and the Oregon City Park and Recreation Master Plan; and

WHEREAS, notice was mailed to all Oregon City property owners in conformance with Measure 56 requirements and notice was published in the local newspaper. Public meetings and workshops were held where the objectives and concepts in the Comprehensive Plan, Comprehensive Plan Map, Zoning Code, Zoning Map, Water Master Plan and Sanitary Sewer Master Plan were presented and discussed; and

WHEREAS, the Planning Commission and the City Commission both held publicly noticed work sessions on the proposed amendments; and

WHEREAS, the Planning Commission held two public hearings on the proposed amendments; and

WHEREAS, the Planning Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the amendments and unanimously recommended it be adopted; and

WHEREAS, in a project of this size and scope, additional editing and refinement will inevitably be necessary after adoption of the Comprehensive Plan and Map and Zoning Code and Map; and

ATTACHMENT B

WHEREAS, adopting the Comprehensive Plan, Comprehensive Plan Map, Zoning Code, Zoning Map, Water Master Plan and Sanitary Sewer Master Plan is in the best interest of Oregon City to ensure that the goals and policies of the City can be realized,

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The Oregon City Comprehensive Plan, attached as Exhibit 1, is hereby adopted based on the findings contained in the Staff Report.

Section 2. The Oregon City Comprehensive Plan Map, attached as Exhibit 2, is hereby adopted based on the findings contained in the Staff Report.

Section 3. The Oregon City Zoning Code is amended, as provided in Exhibit 3, based on the findings contained in the Staff Report.

Section 4. The Oregon City Zoning Map, attached as Exhibit 4, is hereby adopted based on the findings contained in the Staff Report.

Section 5. The Oregon City Water Master Plan, attached as Exhibit 5, is hereby adopted as an Ancillary Document to the Oregon City Comprehensive Plan based on the findings contained in the Staff Report.

Section 6. The Oregon City Sanitary Sewer Master Plan, attached as Exhibit 6, is hereby adopted as an Ancillary Document to the Oregon City Comprehensive Plan based on the findings contained in the Staff Report.

Section 7. The Oregon City Planning Commission shall hold a hearing on Monday August 23rd, 2004, to take testimony and evidence on the Comprehensive Plan and Plan Map, as well as the Zoning Code and Zoning Map and possible revisions or refinements to the documents adopted in this ordinance.

Read for the first and second time at a regular meeting of the City Commission held on the 19th day of May 2004; and the foregoing ordinance was finally enacted by the City Commission on this 19th day of May 2004.

_____

ALICE NORRIS, Mayor

ATTESTED to this 19th day of May 2004

_____

LEILANI BRONSON-CRELLY City Recorder

ORDINANCE NO. 03-1014
Effective Date: June 18, 2004

ATTACHMENT B

NOTICE

NOTICE IS HEREBY GIVEN that a first and second reading of **an ORDINANCE No. 03-1014**, of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for inspection at the Office of the City Recorder, 320 Warner-Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on May 19, 2004, at 7:00 o'clock p.m.

The title of said Ordinance is as follows:

AN ORDINANCE ADOPTING A NEW OREGON CITY COMPREHENSIVE PLAN, COMPREHENSIVE PLAN MAP, AND ZONING MAP; ADOPTING NEW WATER AND SANITARY SEWER MASTER PLANS AS ANCILLARY DOCUMENTS TO THE OREGON CITY COMPREHENSIVE PLAN

All interested persons are invited to attend and provide input.

POSTED this 12th day of May 2004, by direction of the City Recorder.

Places of posting are as follows:

1. City Hall, 320 Warner-Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
4. Oregon City Library, 362 Warner-Milne Road, Oregon City.

For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

LEILANI BRONSON-CRELLY
City Recorder

PLEASE DO NOT REMOVE PRIOR TO May 20, 2001

Proposed

Comprehensive Plan

City of Oregon City

May 12, 2004

P.O. Box 3040
320 Warner Milne Road
Oregon City, OR 97045
(503) 657-0891
Fax (503) 657-7892

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5. OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES
6. AIR, WATER AND LAND RESOURCES QUALITY
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APPENDIX

A. COMPREHENSIVE PLAN MAP
B. 2040 GROWTH CONCEPT DESIGN TYPE MAP
C. DEFINITIONS OF 2040 GROWTH CONCEPT DESIGN TYPES

CITY BOARDS AND STAFF ACKNOWLEDGEMENT

CITY COMMISSION
Alice Norris, Mayor
Tom Lemons, Commission President
Doug Neeley, Commissioner
Bob Bailey, Commissioner
Gary Hewitt, Commissioner

PLANNING COMMISSION
Linda Carter
Renate Mengelberg
Lynda Orzen, First City
Tim Powell, Citizens Involvement Committee Council
Dan Lajoie

CITIZENS INVOLVEMENT COMMITTEE COUNCIL
Rick Winterhalter

PLANNING STAFF
Dan Drentlaw
Tony Konkol
Sean Cook
Christina Robertson-Gardiner
David Knoll
Chris Dunlop

DAVID EVANS AND ASSOCIATES
Gillian Zacharias
Chris Cocker
Laura Hudson
Alex Dupey
Richard Friday
Aaron Turecek
Ed Murphy

CITIZEN TECHNICAL ADVISORY COMMITTEE
Tim Powell, Citizen Involvement Committee Council (CICC)
Rick Winterhalter, Citizen Involvement Committee Council (CICC)
Linda Carter, Planning Commission
Renate Mengelberg, Planning Commission
Lynda Orzen, Planning Commission/First City
Jerry Herrmann, Environmental Interests
Brenda Bernards, Metro – Land Use
John Kluken, Commerce/Industry
Bill Taubman, Commerce/Industry
Gloria Lewton, Low Income Housing
Betty Schaafsma, Transportation Advisory Committee
Adam Kendall, Youth/Oregon City High School Student
Roberta Herndon, Oregon City School District

First City's Future
Vision Statement Preamble

Oregon City, Oregon

Where powerful natural forces converge, people also gather,
At a bend in Oregon's mightiest river,
Where cold clear water from thirteen watersheds bathes migrating salmon,
And flowery oak Savannah bluffs meet temperate rainforest canyons,
Our three-tiered City rises above rumbling, roaring Willamette Falls.
At this ancient fishing ground and confluence of native cultures,
At the destination of one of the greatest migrations in all of human history,
Lies Oregon City, where the forces of nature and people unite.

Introduction

This plan is the first major revision of the Oregon City Comprehensive Plan that was adopted in 1983. From late 2002 to spring 2004, many, many citizens worked very hard and dedicated many hours to assisting the City Commission, Planning Commission, and city staff in preparing the revised plan and changes to the city development code. This effort included several public open houses, many work sessions, and well-attended public hearings. The plan reflects the comments, suggestions, and vision of Oregon City residents and expresses that vision in the land-use policies, regulations, and map designations to achieve it.

Oregon City's plan and implementing ordinances must comply with applicable statewide planning goals adopted by the Land Conservation and Development Commission as the result of 1973 state law. The city plan must also comply with relevant portions of the Metro Urban Growth Functional Plan. However, this plan is intended to do more than simply meet the requirements of the law. The City Commission firmly believes that this plan is necessary to protect and maintain the quality of life and social and economic vitality of the community. The City Commission understands that good planning is necessary to ensure that land resources are thoughtfully and efficiently used, that public services are cost-effective and adequate, that natural and historic resources that help define the city's character are protected and preserved, and that citizens will have continuing influence in the on-going decisions about the growth and development of their community.

Plan Contents

The Oregon City Comprehensive Plan is composed of several levels of goal and policy statements.

1. Plan Principles are overarching descriptions of key concepts that shape the City Commission's vision for future development and population growth in the city. They are not legally binding statements because many of them represent a synthesis of specific plan goals and policies. They are intended to help city residents understand the kind of city this plan will help achieve.

2. Plan Goals and Policies are official statements of the City Commission that provide standards for applying land use plan designations to real property and for making decisions about specific development. The goals and policies are organized by topics that reflect the Statewide Planning Goals of the Land Conservation and Development Commission. Because this plan is by law and by necessity a comprehensive land use plan, there is no hierarchy implied in the order of the sections and none of these goals or policies has priority except as stated in particular policies. When used to make decisions, all relevant goals and policies must be accounted for and considered.

Implementing the Plan

The Oregon City Comprehensive Plan is implemented in several ways.

1. City Code are enforceable detailed regulations regarding land use, land development, protection of natural resources, building design, traffic management, etc. For land use, City Code particularly emphasizes the City Zoning Ordinance, which lists specific standards for uses of land in the city, Subdivision Ordinance, which provides standards and regulations for new subdivisions and other land development, and related ordinances for issues such as steep slopes, tree cover, historic review, and site design or architectural design standards. The City Commission is responsible for adopting all code.

2. Ancillary Plans are adopted by the City Commission for such activity topics as Parks and Recreation, Transportation Systems, Water Facilities, and Sewer Facilities. These Ancillary Plans, usually prepared by city departments through a public process, are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the overall Comprehensive Plan.

3. Concept Plans are land use plans for areas of the city that have just been included in the Urban Growth Area. Before these areas can be zoned or subdivided, a concept plan must be completed and adopted by the City Commission and accepted by Metro. Concept plans require a detailed assessment of the area to determine the most appropriate intensity and type of land use, and when completed, are adopted as part of the Comprehensive Plan.

4. Master Plans are required for large phased development proposals for institutional uses such as the health services district around Willamette Falls Hospital. They are intended to accommodate a variety of land use and address community factors at a neighborhood scale.

Plan Principles

While the Comprehensive Plan is, in fact, comprehensive in its scope of issues, concern, actions, and policies that will guide development, there are a number of principles that describe the vision of the City Commission and the community in using the plan to make land use decisions. These principles include:

1. Sustainability and sustainable development. Images of the Earth taken from space in 1968 began a transformation in the way that we think about land, water, and air resources. The Earth is, in fact, finite. As such, the City Commission agrees with its citizens who believe that it is incumbent on the City of Oregon City to use its land, water, and air resources in a sustainable manner, which means meeting the city's social, environmental and economic needs in a way that benefits all citizens and does not undermine the ability of future generations to meet their needs. This is the essence of sustainable development. Taken together, the policies in the Oregon City Comprehensive Plan will enhance the likelihood of a sustainable community, but cannot guarantee it. Land use decisions will be made with the concept of sustainability in mind to assure that development, over time, will enhance the long-term quality of life in Oregon City.

2. Urban containment. Accommodating population growth while controlling the spread of development into surrounding rural resource lands is one the city's greatest challenges. The effects of suburban sprawl cause or contribute to a wide variety of economic and social losses or dislocations, environmental degradation, and ultimately, loss of civic identity. The City Commission strongly supports containing urban sprawl within a define geographic extent of the city as in the best long-term interests of the citizens of Oregon City. Containment will promote redevelopment within older areas of the city, promote transportation alternatives, conserve and protect the rural lands surrounding the city, and help to promote the identity of the City of Oregon City. Specifically, the Commission declares that the future southerly limits of the City of Oregon City should extend no further than the northern edge of the steep topography of the Beavercreek canyon and that this drainage should remain in rural uses.

3. Promote redevelopment. Oregon City's history is important to the culture, economy, and civic identity of the community. Redevelopment and restoration of historic structures and neighborhoods is increasingly embraced as necessary and desirable to maintain these values. Redevelopment of older or under-utilized areas within the city makes efficient use of land and existing public services, protects the city's historic character, avoids sprawl into surrounding rural areas, and facilitates economic development. The City Commission will promote redevelopment through land use policies and by making public investments in deteriorated public facilities or underutilized areas of the city, using Urban Renewal and other mechanisms.

4. Protect natural resources. The City of Oregon City contains abundant, diverse, and unique natural resources that contribute to the quality of life, help define the city's identity, and provide great enjoyment for residents. The most obvious of these resources are the Willamette River and its thunderous falls, the Clackamas River, Newell Creek canyon, and the steep cliffs and bluffs over

which the city is draped. But many other resources are present: small streams, wetlands, wooded areas and oak savannahs, views of the Cascade Mountains, and abundant fish and wildlife, including salmon, sturgeon, deer, ospreys, and bald eagles. The Commission strongly supports protecting these many natural resources and is committed to measures to ensure that resources are secure even as development proceeds within the city.

5. Foster economic vitality. Oregon City was once an economically prosperous city built on abundant timber and agricultural resources, cheap energy from the Willamette Falls, and ready transportation by river and rail. Today, Oregon City lacks a strong manufacturing and commercial economic base that provides residents with local jobs, builds investment in the community, and supports a strong tax base for city services. The Commission will use this land use plan to encourage and support sustainable economic development and to promote or enable job creation. The Commission has identified several areas within the city and urbanize growth area that are designated for job creation as a top priority.

6. Provide efficient and cost-effective services. Water, sewer, fire protection, police services, streets, storm drainage, and other public services are directly affected by land use decisions. This land use plan is the over-arching plan for ensuring that land development decisions are linked to master plans for specific services such as water or sewer, and to capital improvement plans that affect budgets and require taxes to build. The City Commission believes that citizens are economically well served through compact urban form, redevelopment of existing areas, and carefully tying public investments (e.g. street improvements) to private investments when development occurs.

7. Ensure a sense of history and place. The historical character of Oregon City is one of its defining features while its pivotal role in the great westward movement of the United States is the city's most profound legacy. The city's geographic setting is powerful. These are values that long-time residents cherish and new residents feel. The Commission is committed to protecting and enhancing the city's strong sense of history and defined sense of place. These values will be respected and accounted for in development and land use decisions.

1. CITIZEN INVOLVEMENT

I know no greater depository of the ultimate powers of society but the people themselves. And if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their indiscretion through education. That is the true corrective of abuses of constitutional power.

Thomas Jefferson

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 1, Citizen Involvement. This goal requires local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

Recognizing the vital importance of providing citizens opportunities to be informed and involved in the planning process, Oregon City established a Citizen Involvement Program in the 1980s with two major components: neighborhood associations and the Citizen Involvement Committee (CIC). This element discusses the role of the CIC and its responsibility for developing, implementing, and evaluating the Citizen Involvement Program. The CIC's overall goal is to work for the improvement of the quality of life within the City of Oregon City.

Background

The Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement, mandates that a program be developed that "assures the opportunity for citizens to be involved in all phases on the planning process." Oregon City has recognized this need to involve citizens in the planning and decision-making process. The Citizen Participation Goal in the *Land Use Policies for Oregon City*, established in 1976, is to "provide an active and systematic process for citizen and public agency involvement in the land use decision making for Oregon City."

The philosophy in the *Land Use Policies for Oregon City* was that the formation of a neighborhood program would provide the best means for citizens to become involved in the planning process. With this policy in mind, Oregon City developed its Citizen Involvement Program with two major components: Neighborhood Associations and the Citizen Involvement Committee.

Existing Conditions

The CIC serves as the officially recognized citizen advisory committee to meet LCDC Statewide Planning Goal 1. The CIC is responsible for, as required by Goal 1, developing, implementing, and evaluating the Citizen Involvement Program. The CIC's overall goal is to work for the improvement of the quality of life within the City of Oregon City. The CIC coordinates and communicates various aspects of citizen participation in the community and advises the City Commission, the Planning Commission and other planning and advisory bodies. A City Liaison is provided through the City Manager's Office, and the Public Affairs Manager provides staff assistance.

Prior to the initiation of the comprehensive plan update in spring 2002, the CIC began working on revisions to the citizen involvement procedures for Oregon City. The CIC developed a Five-Year Strategic Plan—including a Mission Statement, Vision, Values, and Roles and Responsibilities—and Citizen Involvement Committee By-laws (approved by membership on January 11, 2000) and a Citizen Involvement Handbook. Each of the documents was developed over three years by the entire CIC, which consisted of the elected leadership of the recognized neighborhood associations in Oregon City.

The By-Laws and 5-year Strategic Plan were written to meet the intent of Statewide Goal 1 for Citizen Involvement, which clearly expresses the need for citizen involvement in all aspects of land-use planning and other livability issues for cities in Oregon.

The area served by the CIC includes the current legal city limits and all areas of impact within the current Urban Growth Boundary, such as: county islands within any of the neighborhood association boundaries; areas of the county adjacent to recognized neighborhood associations; and areas of the county not adjacent to a recognized neighborhood association, but within the Urban Growth Boundaries and not represented by a Community Planning Organization (CPO).

First City's Future

In February 1999 a meeting was held to evaluate a proposal for a "visioning process" and how the city might benefit from the undertaking. The committee concluded the process could work if properly structured with realistic 'visions' which could be accomplished by volunteers working throughout all segments of the community; governments, medical community, educational leaders, and business organizations. From that meeting, the First City's Future Initiating Task Force was developed and worked toward development of a strategy to create a vision for Oregon City.

In November 2000, the Task Force held the first community-wide open house attended by 125 community members and City staff. From the November meeting emerged a draft vision statement that brought forward shared common goals for the future of Oregon City. The visioning process is an ongoing project and needs to be reviewed and updated periodically. A successful visioning process is a constant, dynamic process that must be initiated and maintained by the community

GOALS AND POLICIES

Goal 1.1: Citizen Involvement Program

Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land use process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.

Policy

Policy 1.1.1 Utilize Neighborhood Associations, as the vehicle for neighborhood-based input into the process to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen

Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

Goal 1.2: Community and Comprehensive Planning

Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.

Policies

Policy 1.2.1 Encourage citizen participation in appropriate functions of government and land-use planning.

Policy 1.2.2 Encourage development and refinement of by-laws for the CIC and Neighborhood Associations that govern their formation and operations.

Goal 1.3: Community Education

Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of our neighborhoods.

Policies

Policy 1.3.1 Encourage training of volunteers involved with Neighborhood Associations and the CIC.

Goal 1.4: Community Involvement

Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation.

Policies

Policy 1.4.1 Provide information and notices on community involvement opportunities when appropriate.

Goal 1.5: Government/Community Relations

Provide a framework for facilitating open, two-way communication between City representatives and individuals/groups/communities.

Policies

Policy 1.5.1 Support the CIC in planning and initiating events in cooperation with the City on issues of mutual interest. Topics could include working with local schools regarding citizen involvement or stakeholders involved with Comprehensive Plan development and Urban Growth Boundary expansion.

Goal 1.6: CIC Continuous Development

Support the CIC's team spirit and dedication to community involvement for the purpose of ensuring continuous improvement.

Policies

Policy 1.6.1 Assist the CIC in finding funding for the Community Involvement Program's current and future growth and development.

Policy 1.6.2 Support an Annual Leadership Development Conference for CIC members (to include the updating of the CIC Strategic Plan) if funding is available.

Goal 1.7: Neighborhood Plans
Adopt neighborhood plans that encompass a broad range of concerns for each neighborhood over a five- to ten-year time period as refinements of the Oregon City comprehensive plan.

Policies

Policy 1.7.1 Ensure that neighborhood plans are consistent with the comprehensive plan.

Policy 1.7.2 Provide opportunities for property owners, residents, and businesses within the neighborhood to be involved in all phases of the preparation of a neighborhood plan.

Policy 1.7.3 Use the neighborhood plans to make recommendations to city boards, commissions, or agencies regarding public improvements and land use decisions.

Goal 1.8: Advisory Committees
Establish and support Citizen Advisory Committees and Commissions.

Policies

Policy 1.8.1 Identify those areas of city government in which the counsel of a formal citizen advisory committee or commission is warranted if funding is available to provide appropriate staff support..

Policy 1.8.2 Solicit and support citizen participation on advisory committees and commissions. Identify desirable expertise from the broader Portland Metro area as needed to best serve the interests of the Oregon City community.

2. LAND USE

We abuse the land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.

Aldo Leopold, *A Sand County Almanac*, 1949.

[The city planning process] should undertake to develop principles . . .[that] should be constructed into policies that will ensure that the resources of the city, site, and artifacts, are recognized as values and determinants of form, both in planning and the execution of works. Rio differs from Kansas City, New York from Amsterdam, and Washington [D.C.] from all of them, for good and sufficient reasons. They lie, at base, in the geological history, climate, physiography, soils, plants and animals that constitute the history of the place and the basis of its intrinsic identity.

Ian McHarg, *Design with Nature*, 1969.

The Statewide Planning Goal for Land Use Planning (Goal 2) establishes a land use planning process and policy framework, with which local comprehensive plans must comply. This element of the Oregon City Comprehensive Plan identifies the City's goals and policies related to the land use planning process consistent with the statewide planning goal and consistent with the regional goals and requirements of Metro. The Waterfront Master Plan and Downtown Community Plan will help to revitalize the residential aspects of downtown and the Clackamette Cove area, and implement a vision of the downtown area as a Regional Center in accordance with Metro's 2040 Growth Concept. The Metro Design Type Map with Oregon City's 2040 Growth Concepts is located in Appendix B of this document. This element also addresses Statewide Planning Goals for Agricultural and Forest Lands (Goals 3 and 4: to preserve and maintain agricultural lands and to conserve forest lands for forest uses).

The Oregon City Comprehensive Plan (comprehensive plan) and the Comprehensive Land Use Plan Map (plan map) control and guide land uses and development in the city. The Comprehensive Land Use Plan Map is located in Appendix A of this document. The plan map designates geographic areas for general land uses in accordance with the comprehensive plan. The plan map shows the general development pattern of the city. It indicates which areas are best suited for residences, which areas are best suited for commercial and office uses, which areas are best suited for industry, and which should be left undeveloped.

Background

State and Metro Requirements

The Statewide Planning Goal for Land Use Planning (Goal 2) establishes a land use planning process and policy framework, with which local comprehensive plans must comply. It requires land use plans to identify issues and problems, conduct inventories of land, and create policies and implementing ordinances to further applicable statewide planning goals. A prime focus of statewide land use planning has been to require the efficient use of existing urban land to protect against unnecessary urban encroachment into prime agricultural and forestland. This element is intended to address general land use planning issues for Oregon City.

In the mid-1990s, Metro adopted Regional Urban Growth Goals and Objectives (RUGGO), including the 2040 Growth Concept, which were developed to implement regional compliance with state goals for land use in a coordinated way and to ensure that housing and employment growth can be accommodated equitably across the region. The Urban Growth Management Functional Plan (UGMFP) implements the RUGGO and contains several requirements for local implementation.

The 2040 Growth Concept requires cities and counties to draw boundaries for each of the Design Types defined in Title 1 of the UGMFP that correspond to the general boundaries on the 2040 Growth Concept map. Design Types applicable to Oregon City include Regional Center, Industrial Areas, Corridors, Inner Neighborhoods and Outer Neighborhoods. The Design Types are defined in the glossary and delineated on the plan map. Regional Centers serve large market areas outside the central city, with connections via high capacity transit and highways. Oregon City is designated as one of nine regional centers by Metro. Molalla Avenue, 7th Street, Beavercreek Road, and Highway 99 are identified as Corridors, which are intended to feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities. A boundary between Inner and Outer Neighborhoods was drawn to distinguish residential areas with smaller lot sizes and more access to jobs and neighborhood businesses from residential areas with larger lot sizes that are farther from large employment centers. Industrial Areas are those areas set aside primarily for industrial activities with limited supporting uses.

Efficient Use of Land

Mixed uses and more intense development promote more efficient land use. From the early 20th century, separating residential, commercial, and industrial activities was a major trend; cities tried to prevent incompatible uses from creating problems for both citizens and businesses and allowed outward expansion without consideration of costs in terms of loss of vibrancy in downtowns, and loss of resource lands. Since then, the trend has shifted to include more mixed uses and more intense development where appropriate, as retail and residential uses in central business districts, for example, can greatly enhance the safety, livability, and vibrancy of the area.

Policies adopted to comply with other UGMFP requirements, such as minimum density standards, policies and evaluations to assure residential and job capacities, and protection of employment areas, are addressed in the comprehensive plan in this element, and in the Housing and Economic Development elements.

Downtown and Corridor Redevelopment

Metro's 2040 Growth Concept, as discussed above, includes the Regional Center and Corridor design types for Oregon City. The Waterfront Master Plan, 7th Street and McLoughlin Corridor Plan, and Downtown Community Plan will help to revitalize the residential aspects of downtown and the Clackamette Cove area, and implement a vision of the downtown area as a Regional Center. As a result, new policies to implement the Downtown Community and Waterfront Master Plans were added to this element.

Transit corridors are designated with Mixed Use Corridor to encourage somewhat more intensive and mixed-use development than exists, creating more efficient land use and travel patterns. The MUC designation is intended to implement Metro's vision of the Corridor design type.

Residential Development
Neighborhood livability depends on good design and efficient use of land, so new policies and action items call for evaluating development standards and developing incentives to ensure that new development contributes to the city's livability.

Neighborhoods and specific places within them give people an orientation and a sense of history, community, and "groundedness". The City recognizes neighborhoods as the essential building blocks to a livable city. A "place" may be a feature such as a large public clock downtown where people agree to meet each other before going off to lunch; or it may be simply a bench near the edge of a bluff with a great view. Place making adds to the quality of life for a community. As the city grows, existing places should be protected and opportunities to create new special places should be explored.

Commercial
Retail uses are discussed in more detail in the Economic Development element. However, policies to encourage neighborhood commercial uses are presented in this element as part of the City's desire to create more efficient land use and transportation patterns. Several areas of the city do not contain convenient, small-scale neighborhood commercial centers that reduce the distances residents need to travel to obtain essential goods and services. Policies to allow and encourage such development are therefore added to the plan.

Retail Business
Retail outlets and shopping areas are usually provided at discrete, different levels of size and private investment. They are sometimes classified as neighborhood centers, community centers, or regional centers. Characteristics of this hierarchy of commercial uses are provided below. These descriptions are critical for ensuring that the scale of commercial development and level of services are compatible with their locations. For example, some neighborhoods are underserved by neighborhood-scale retail and services.

- Neighborhood Retail Centers provide for the sale of convenience goods (foods, drugs and sundries) and personal services (laundry and dry cleaning, barbering, shoe repairing, etc.) for the day-to-day needs of the immediate neighborhood. It may range in size from 30,000 to 100,000 square feet.

- Community Retail Centers provide a wider range of facilities with a greater variety of merchandise available than the neighborhood center. Many are built around a junior department store, variety store or discount department store as the major tenant. Others are built around multiple anchors in power centers or super community centers. It may range in size from 100,000 to 300,000 or more square feet.

- Regional Retail Centers provide for general merchandise, apparel, furniture and home furnishings in depth and variety, as well as a range of services and recreational facilities. It is built around one or two full-line department stores of generally not less than 75,000 square

feet. It may range in size from 250,000 to 900,000 square feet. Regional centers provide services typical of a business district yet not as extensive as those of the super regional center.

Industrial Land

Industrially zoned land is often under pressure to convert to other uses and easily developable sites at a premium. The goal of the City is to protect existing industrial land from conversion where appropriate, to annex industrial land and expand the UGB to add urbanizable industrial land to the inventory, and to ensure that public facilities can serve the land.

Land Use Types Planned (Map Categories)

The comprehensive plan and plan map should be maintained and reviewed as the official long-range planning guide for land use development of the city by type, density and location. Land use categories are identified on the plan map. These are:

1. Low Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.

2. Medium Density Residential [MR]: MR areas are planned for residential developments with dwelling unit types such as attached single-family units, rowhouses, or townhouses. Included in this classification is the McLoughlin Conditional Residential district, which is unique in the sense that it allows existing residential uses, assuming they were established legally, and new single-family homes on existing lots. More intensive new and redeveloped residential construction can be built at medium densities under certain circumstances.

3. High Density Residential [HR]: These areas typically include high density, multiple-dwelling residential areas. Permitted uses include apartments, condominiums, and single-family attached or rowhouse dwellings.

4. Commercial [C]: These areas provide for commercial uses serving local, city-wide, and regional needs, such as retail and service commercial. Typically this classification is associated with newer, suburban development and located along arterial streets.

5. Industrial [I]: Industrial areas are designated for uses related to manufacturing, processing and distribution of goods. Employment based uses are encouraged. Intense or heavy industrial uses are allowed in certain zones. Zone(s) in this district are designed to comply with Metro's Title IV functional plan requirements.

6. Mixed Use Corridor (MUC): This category allows higher density mixed uses that are supportive of transit and are conducive to pedestrian traffic. Urban density residential and commercial goods and services are typical uses. Zones in this district are intended to be compatible with Metro's Corridor design type.

7. Mixed Use Employment (MUE): This classification is intended for areas where employment-intensive uses such as office, research and development, and light manufacturing, and associated commercial uses are allowed.

8. Mixed Use Downtown (MUD): Urban density mixed use conducive to pedestrian and transit use is intended for this designation. This category is intended to implement the Downtown Community Plan, the Waterfront Master Plan, and Metro's Regional Center concept, particularly in terms of connecting the downtown with the waterfront. A historic overlay is also included in this area.

9. Public and Quasi-Public [QP]: Areas in this category are publicly owned lands other than city parks, such as schools, cemeteries, undeveloped lands, open space, government buildings and public utility facilities, such as the sewage treatment plant and water reservoirs.

10. Parks [P]: Properties in this category are city parks.

11. Future Urban Holding (FUH): Properties in this category have not been designated a land use type.

Plan Maintenance and Implementation

Comprehensive plan maintenance involves keeping the Oregon City comprehensive plan current. As citizen attitudes, needs and desires change, some plan policies may become inapplicable. Also, as updated information for LCDC-required inventories becomes available or regional plans require change, plans and policies may need revisions.

The plan and the implementing ordinances should be reviewed for amendments to maintain compliance with the goals and objectives and functional plans of Metro. Amendments and revisions to comply with the regional plan must be consistent with any schedule for reopening of local plans approved by LCDC. In addition, land use information should be kept current and inform changes to the comprehensive plan periodically. In the process of implementing the City's comprehensive plan, careful consideration should be given to the economic, environmental, social, and energy impacts of proposed programs and regulations. The Planning Commission has responsibility for reviewing the comprehensive plan approximately every five years for major amendments to the Goals and Policies, Map, and implementing ordinances. The Staff will review the plan as needed to assure its applicability to current trends and conformance with state and regional requirements.

Implementation of the Comprehensive Plan

Implementation of planning for the community is through the comprehensive plan and other ordinances.

Comprehensive plan: The comprehensive plan is the principal land use planning ordinance. The comprehensive plan is the City's controlling land use document, containing goals, policies and a generalized land use map that guides development on lands in the city. It establishes the City's legal record of policy on land use and other development and conservation issues. As a land use planning document, the comprehensive plan represents a future, desired vision of Oregon City. A fully developed comprehensive plan that addresses Statewide goals is required to be prepared

and adopted by all cities and counties in Oregon. Oregon City also must comply with the relevant portions of Metro's Urban Growth Management Functional Plan (Functional Plan). The Functional Plan is a regional land use plan that implements the 2040 Growth Concept. The previous Oregon City Comprehensive Plan was acknowledged by the state in 1982.

In 1999, the Downtown Community Plan goals and policies were added to the 1982 Comprehensive Plan as a new Chapter P. The goals and policies have been incorporated in the housing and commerce and industry elements of the 2004 comprehensive plan. The Downtown Community Plan in its entirety (Phase 1) is considered ancillary to the Comprehensive Plan.

Ancillary Plans

Since 1982 several documents were adopted as ancillary to the 1982 Comprehensive Plan, including the Public Facilities Plan (1990 as amended), the Transportation System Plan (2001), the Downtown Community Plan (Phase 1, 1999), the Waterfront Master Plan (2002), the City of Oregon City 2003 Water Master Plan, City of Oregon City 2003 Sanitary Sewer Master Plan, The Drainage Master Plan (1988), the Caufield and South End drainage basin area plans (1997), the Molalla Avenue Boulevard and Bicycle Improvements Plan (2001), and the Parks and Recreation Master Plan (1999).

Two park-specific master plans for Jessie Court and Chapin Park were adopted as ancillary documents to the Parks and Recreation Master Plan (1999). The new 2003 Comprehensive Plan references those documents, but does not incorporate them as elements of, or ancillary to, the comprehensive plan. The reason for the change is that the plans contain details not suited to inclusion in a comprehensive plan, for example, street standards. When those standards need to be changed, a comprehensive plan amendment should not be necessary for their approval.

In addition, there is a need for a new institutional and/or public facilities zoning designation to accommodate the development of school, institutional, and government facilities.

Zoning

Oregon City's zoning ordinance was adopted in 1954, with many amendments to the wording and location of districts since that time. Most, though not all, of the documents that amended the Comprehensive Plan since 1982 were implemented by changes to the zoning and/or subdivision ordinance. As a result of piecemeal changes, however, there are inconsistencies as well as outdated concepts that should be revised. For example, Oregon City does not have a zoning designation for institutional uses and there are no provisions for master planned sites. Both of these implementation measures should be considered action items to follow from the 2003 Comprehensive Plan.

Subdivision Regulations

Title 16 Of the OCMC governing subdivisions help implement provisions of the comprehensive plan.

Design Review

Site plan and design review provisions are intended to promote design integrity and neighborhood livability. New design guidelines were added to the zoning ordinance in 2001. It

is expected that they will continue to be refined over time, to strike the right balance of predictability for developers and neighborhood protection and livability. The City will consider design review for the "H" [Historic] overlay for downtown.

Regular Review And Update

Periodically, technical review of the Plan should be conducted by the Planning staff. Review and any subsequent recommendations for updating the comprehensive plan should be presented to the Citizen Involvement Committee. The Planning Commission shall make a recommendation to the City Commission for input and discussion.

This review should consider:

(1) Plan implementation process;
(2) Adequacy of the Plan to guide land use actions, including an examination of trends;
(3) Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
(4) Addition of updated factual information including the City by regional, state and federal governmental agencies.

Agriculture

Under Oregon land use law (ORS 197), there are no agricultural lands that must be protected under Statewide Planning Goal 3 – Agricultural Lands within the city limits and Urban Growth Boundary. Clackamas County is responsible for designating "exception lands" (i.e. lands available for future development that are otherwise subject to protection under Goal 3) and other lands that are ready for transition to urban uses. Oregon City works with Clackamas County to preserve agricultural uses within the urban growth area until lands that support those uses are ready for urban services and development through incorporation into the city.

Forest Lands

Oregon City has no forestlands subject to protection under Statewide Planning Goal 4 – Forest Resources within the city limits. Many wooded areas exist throughout the city, mainly parks, undeveloped slopes, and undeveloped lots in the urban growth area, which offers a variety of recreational opportunities, scenic views, and wildlife areas. The trees in these and other areas should be preserved because trees provide a variety of benefits to the city. They are natural visual, noise and wind buffers, enhance air quality, filter pollutants from rainwater, help to control stormwater run-off, prevent erosion on steep slopes and riverbanks, and help to separate conflicting land uses. Trees and treed areas are one means of providing an orderly transition from rural to urban land uses. Total tree cover in the city has diminished over time as development has occurred without mechanisms to protect urban trees.

GOALS AND POLICIES

Goals

Goal 2.1: Efficient Use of Land

Ensure that property planned for residential, commercial, office, and industrial use is used efficiently and that land will be developed following the principles of "Sustainable Development."

Policies

Policy 2.1.1 Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios or maximums for parking and setbacks.

Policy 2.1.2 Encourage the vertical and horizontal mixing of different land use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on the private automobile, create more business opportunities and achieve better places to live.

Policy 2.1.3 Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.

Policy 2.1.4 Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.

Goal 2.2: Downtown Oregon City

Develop the Downtown area (which includes the historic downtown area, the "north end" of the downtown, Clackamette Cove, and the End of the Oregon Trail area) as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for foot and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

Policies

Policy 2.2.1 Redefine the regional center concept to recognize the unique character of Oregon City while being in accordance with Metro's 2040 Growth Concept.

Policy 2.2.2 Support multi-modal transportation options throughout the regional center and to other regional and town centers.

Policy 2.2.3 Develop and promote a vision for the economic development and redevelopment of the downtown area that solidifies the Downtown Community Plan and Waterfront Master Plan.

Policy 2.2.4 Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the regional center develops to its maximum capacity and realizes its full potential.

Policy 2.2.5 Encourage the development of a strong and healthy historic downtown retail, office, and residential center.

Policy 2.2.6 Work with major stakeholders, develop and implement a strategy to help the historic downtown area enhance its position as a retail district. Such a strategy might include funding for a "Main Street" or similar program.

Policy 2.2.7 Explore options for improving downtown vehicle circulation and parking in a manner that promotes revitalization.

Policy 2.2.8 Implement the Downtown Community Plan and Waterfront Master Plan with regulations and programs that support compatible and complementary mixed-uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial, and retail uses in the regional center, all at a relatively concentrated density.

Policy 2.2.9 Improve connectivity for vehicles, bicycles, and pedestrians within the downtown and waterfront master plan areas and improve linkages between residential areas to the community beyond.

Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Water Front Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office/retail, and family recreation.

Policy 2.2.11 Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.

Policy 2.2.12 A master plan will be required at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development which includes changing the overall site to non-industrial land uses.

Goal 2.3: Corridors

Focus transit oriented higher intensity, mixed-use development along selected transit corridors.

Policies

Policy 2.3.1 Ensure planning for transportation corridor includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.

Policy 2.3.2 Work with Clackamas County, Gladstone, Milwaukie, and Metro to develop a plan for the redevelopment of the 99E corridor that connects the Oregon City regional center with the Milwaukie town center.

Goal 2.4: Neighborhood Livability

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Policies

Policy 2.4.1 Develop local neighborhood plans to strengthen and protect residential neighborhoods and historic areas from infill development; such as development along linear commercial corridors.

Policy 2.4.2 Strive to establish facilities and land uses in every neighborhood that help give the neighborhoods vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

Policy 2.4.3 Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

Policy 2.4.4 Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement comprehensive plan and zoning designations that encourage compatible transitional uses.

Policy 2.4.5 Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and child care facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.

Goal 2.5: Retail and Neighborhood Commercial

Encourage the provision of appropriately scaled services to neighborhoods.

Policies

Policy 2.5.1 Encourage the redevelopment of linear commercial corridors in ways that encourage expansion of existing businesses and infill development, and at the same time reduces conflicting traffic movements, improves the aesthetic character of these commercial areas, and encourages trips by transit, bicycling and walking.

Policy 2.5.2 Allow and encourage the development of small retail centers in residential neighborhoods, primarily providing goods and services for local residents and workers. Generally, these centers should be located at intersections of two or more streets that are classified neighborhood collector or higher.

Policy 2.5.3 Review design standards and the sign code to insure compatibility with existing neighborhoods.

Policy 2.5.4 Encourage the development of successful commercial areas organized as centers surrounded by higher density housing and office uses, rather than as commercial strips adjacent to low-density housing.

Policy 2.5.5 Encourage commercial and industrial development that enhances livability of neighborhoods through the design of attractive L.E.E.D. certified buildings and environmentally-responsible landscaping that uses native vegetation wherever possible, and by ensuring that development is screened and buffered from adjoining residential neighborhoods and access is provided by a variety of transportation modes.

Policy 2.5.6 The area designated "Future Urban Holding" on South End Road lacks sufficient commercial services. The concept plan for this area shall include commercial designations in an amount sufficient to serve the needs of the South End neighborhood.

Goal 2.6: Industrial Land Development

Ensure adequate supply of land for major industrial employers with family wage jobs.

Policies

Policy 2.6.1 Work with Metro to ensure there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial development. If there is not enough land within the current UGB, identify areas outside the UGB that may be appropriate to annex into the UGB. The selection of these areas will be based on market factors, protection of environmentally sensitive areas, compatibility with adjoining and nearby uses, public facilities and infrastructure, proximity to expressways and transit, site requirements of specific types of industries, and the desires of the property owners.

Policy 2.6.2 Ensure that land zoned or planned for industrial is used for industrial purposes, and that any exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.

Policy 2.6.3 Protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses by limiting non-industrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.

Policy 2.6.4 Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses, and minimize deterrents to desired industrial development.

Policy 2.6.5 Ensure that land use patterns create opportunities for citizens to live closer to their workplace.

Policy 2.6.6 Identify Industrial uses that could partner with Clackamas Community College as training centers and future employers of students graduating from CCC.

Policy 2.6.7 Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.

Policy 2.6.8 The lands east of Clackamas Community College that are designated "Future Urban Holding" shall be the subject of concept plans, which if approved as an amendment to the Comprehensive Plan, will guide zoning designations. The majority of these lands should be designated Campus Industrial in order to generate new jobs and move towards meeting the city's employment targets.

Goal 2.7: Comprehensive Plan Map
Maintain and review the comprehensive plan map as the official long-range planning guide for land use development of the city by type, density and location.

Policies

Policy 2.7.1 Maintain a sufficient land supply within the city limits and the Urban Growth Boundary (UGB) to meet local, regional, and state requirements for accommodating growth.

Policy 2.7.2 Use the following 11 land use classifications on the comprehensive plan map to determine the zoning classifications that may be applied to parcels:

Low Density Residential (LR)
Medium Density Residential (MR)
High Density Residential (HR)
Commercial (C)
Mixed Use Corridor (MUC)
Mixed Use Employment (MUE)
Mixed Use Downtown (MUD)
Industrial (I)
Future Urban Holding (FUH)
Public and Quasi-Public (QP)
Parks (P)

Policy 2.7.3 Recognize the Design Types of Metro's 2040 Growth Concept. Establish boundaries for the Regional Center in downtown Oregon City; Corridors along 7th Street, Molalla Avenue, Beavercreek Road, and Highway 99; Industrial Areas; and between Inner and Outer Neighborhoods.

5. OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

This element addresses Statewide Planning Goal 5: To conserve open space and protect natural, scenic, and historic resources. Oregon City is blessed with a wealth of natural resources that provide physical definition to a high quality of life, and provide a range of ecosystem services. Watered by western Oregon's ample rain, the city's steep topography is carved into 13 watersheds that collectively support a wide variety of habitats. Concerns for the natural environment have increased as citizens have become aware of the importance of natural resources to the quality of life and the importance of conserving and protecting those resources. Protecting, restoring, and preserving the city's valuable natural resources is thus a primary goal of Oregon City. In addition, the city must comply with federal, state, and regional laws protecting natural resources including scarce, threatened, or endangered species and their habitats.

Oregon City stands out in the region because of its historic character. This element is intended to foster protection of that character by identifying the resources defining the city's historic character and promoting the development of an aggressive and systematic preservation process to maintain and enhance Oregon City's special community identity.

Background

Oregon City occupies a landscape with important ecological resources of fish, wildlife, plants, and habitats that are regionally and nationally significant. Conservation and protection of these ecological resources are guided by Statewide Planning Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources, which requires inventory mapping of resource, assessments of importance, and measures to protect significant resources.

Open Space

The Oregon City Parks and Recreation Master Plan (1999) defines natural open space as undeveloped land left primarily in its natural form with passive recreation uses as a secondary objective. It is usually publicly owned or managed or may not have public access. According to the Master Plan, the City owns about 38 acres of open space in 4 sites: Old Canemah Park, River Access Trail, Singer Creek Park, and Waterboard Park. Only Waterboard Park is entirely undeveloped. Open space owned by Clackamas County, Metro, the State of Oregon and public schools own approximately 278 acres in the city. The Master Plan recommends adding 250 acres of natural open space to meet standards. Much of this land can be found in the Canemah Bluff and Newell Canyon areas. Metro has purchased a significant amount of open space in Newell Creek Canyon, the Canemah Bluff and along the Willamette Greenway.

Scenic Views and Sites

Oregon City is blessed with a setting and topography that provides outstanding scenic views and sites that create a sense of place and civic identity for residents and visitors. Distant views of Mount Hood, the Cascade Mountains, as well as nearer views of the Willamette and Clackamas Rivers, and Willamette Falls, scenic cliffs, and wooded areas such as Newell Creek canyon provide Oregon City with an abundance of scenic amenities, many dramatic and unique. These sites and views, both within the city and to vistas far beyond the city, are economic and aesthetic resources that contribute to the overall distinctiveness and identity of Oregon City, and should be protected.

While views and vistas toward distant landscapes from promontories or high elevations are often protected, views from lower elevations toward the higher topographic points of Oregon City have not been as appreciated or protected. These views should be considered and maintained when development is proposed. Major scenic views and vistas have been inventoried, within a list that is maintained by the City.

Views can be preserved through a variety of means, from prohibiting development in particularly significant view corridors to design that is appropriate to the site and with color or landscaping treatments that hide or minimize visual incongruity. The City should develop guidelines to integrate the built environment with natural resources and views. The City should continue to adopt and use guidelines to address views both looking down from higher points, and looking up from lower points.

Historic Preservation

Preservation ... "is not just a romantic indulgence in nostalgia. It is a physical restatement of the long hallowed American values of frugality, good craftsmanship, and community responsibility."
— Bruce Chapman, National Trust

In the 1960s a great many of the nation's older buildings were lost to "urban renewal" programs. These programs negatively affected inner-city core areas by destroying established residential neighborhoods. Many of these neighborhoods could best be described as mixed-use, offering a variety of housing and commercial opportunities. The misguided programs lead to loss of inner-city amenities and quality housing stock, encouraging residential dislocation into suburban areas.

However, a new attitude towards historic preservation and redevelopment has emerged in the last few decades. Losses in architectural and historic resources and the resulting urban dislocation have lead to a new appreciation for and an awareness of the need to retain the character of neighborhoods. Areas where people have traditionally lived and worked are as worthy of preservation as are individual landmarks and memorial sites.

Today, historic preservation recognizes a variety of building types (residential/commercial) and styles contribute to the unique character of a community. An effort must be made, when planning for historic preservation, to include the conservation of whole neighborhoods. Retention of those irreplaceable assets requires strong community leadership and cooperation between private and public interests.

Preservation in Oregon City

It would be difficult to find a community in the West with more significant local, state and regional heritage than Oregon City. Oregon City's role in history is well documented. As the seat of the first provisional government (1843–1849), capital of the Oregon Territory (1849–1850), and the first incorporated town west of the Rockies (1844), Oregon City has many homes, commercial buildings, and sites related to its important place in history.

Preservation of these community resources—landmark sites, historic buildings, areas, and archaeological sites—offers an opportunity to maintain and enhance Oregon City's unique identity. A well-developed preservation program, based on thorough analysis, can yield benefits

to property owners, local historians and students, community spirit, tourism and to the cultural appreciation of citizens of Oregon City.

Certified Local Government Program

The City of Oregon City is designated as a Certified Local Government (CLG) by the State Historic Preservation Office (SHPO). Administered by the National Park Service, the CLG Program integrates local governments with the national historic preservation program through activities that strengthen decision-making regarding historic places at the local level. The CLG program seeks to (1) develop and maintain local historic preservation programs that will influence the zoning and permitting decisions critical to preserving historic properties, and (2) ensure the broadest possible participation of local governments in the national historic preservation program while maintaining preservation standards established by the Secretary of the Interior. Participating in the CLG program allows Oregon City to apply for non-competitive and competitive grants administered by SHPO. The surveys of the McLoughlin District (2002) and the Historic Downtown (2000) were funded utilizing this grant process. The City stands committed in maintaining active participation in the CLG program.

Archaeological Sites

Oregon City is extremely significant in prehistoric as well as historic resources. The Willamette Falls was an important center in Native American culture and attracted great activity well before the 1800s.

Archaeological resources in Oregon have been overlooked by many communities, including Oregon City. Special attention shall be given when locating new construction to avoid impacting archaeological sites. A number of state and federal antiquity laws now provide varying degrees of protection of archaeological sites. Once a site is damaged by extensive building cover, archaeological values are likely to be lost. If it is likely that a site may yield archeological resources, further review may be needed to ensure that these sites can be protected.

Historic Districts

Historic Districts are areas with concentrations of historic or architecturally significant buildings. A Historic District is recognized for retaining its "sense of place," meaning that a traditional atmosphere of distinct character remains evident.

Generally, historic district designation requires new construction, exterior alterations, and proposed demolitions to be reviewed within a district's boundaries through the Historic Overlay Ordinance. Oregon City's older areas are valued for their neighborhood character, architecture, and the identity they possess as a result of their role in the development of the city. Unfortunately, some structures have been allowed to deteriorate with a corresponding affect on the character of these areas.

Designation as an historic property assures the owner that a compatible setting will be maintained. All residents and property owners benefit from the protection and enhancement of property values, incentives for revitalization, and the stabilization of an area.

Criteria. Historic districts are concentrated areas of buildings with significance in national or local history and/or architecture that:

- have a continuity of architectural features that are well related to each other
- appear as a discrete entity
- exhibit visual harmony in the character of public ways, consistent with the architectural character of the area
- are made up of generally compatible uses and intended uses

Existing Historic District: Canemah. Canemah is a significant example of a relatively intact riverboat town with architectural resources dating from the 1860s. Having evolved from a community for the elite of the riverboat industry to a workers' community, Canemah retains essentially the same sense of place that it had in the latter half of the 19th century. Situated above the Falls of the Willamette, it was the important portage town, and it was the major shipbuilding center on the upper Willamette River.

Present Status. Canemah was listed as a Historic District in the National Register of Historic Places in 1977. The area was zoned in 1954 for industry along the river, commercial and multi-family along McLoughlin Boulevard, and multi-family along Third Avenue and portions of Fifth Avenue. In 1982, a majority of the area was rezoned residential except for a small strip of property located on McLoughlin Boulevard, which was rezoned to Historic Commercial.

In the last twenty years many homes within this district have been rehabilitated. However, some homes have not been maintained to a level ensuring their significance and status as contributing structures. New construction and exterior alterations need to be reviewed for their long-term effect on the neighborhood and National Register Historic District status.

Proposed Historic District: Downtown. Downtown Oregon City is historically significant as it is the original town site, following Dr. John McLoughlin's claim of the Willamette Falls area in 1829. The downtown was surveyed by Sidney Moss in 1842 and then by Jesse Applegate in 1844, and the city grew between the Willamette River and the bluff during the period of 1843-1865. Industrial, commercial and residential development all took place. McLoughlin had set aside a Mill Reserve in the land area closest to the Falls, where the mills developed; commercial establishments grew along lower Main Street; and residences were built throughout the area.

Following the Civil War, industrial development increased rapidly; the woolen mill was built in 1865, and other small industries and trading establishments expanded. The residential qualities of the area deteriorated as the commercial district grew. Access to the upper level was developed and residents relocated there, some physically moving their houses. Over the years, commercial uses have continued to grow, transforming the original pioneer settlement into a Central Business District.

While many of the original impressive downtown buildings have been lost over time, a substantial number of historic and/or architecturally significant buildings still stand. The area from 5th to 9th Streets and from the river to the bluff contains the largest concentration of historic buildings that merit preservation. The area is generally cohesive, and intrusive or out-of-

character uses are relatively few. Improvements could be made in the public rights-of-way to enhance the area as a district without disruption to commercial activity.

The proposed Downtown District consists of eight city blocks from the original Oregon City plat. Total land area of the district is approximately 21 acres. The area is commercial and professional office in use and character and contains approximately 44 structures. Parking lots exist on all but one block.

Present Status. In 2000, a re-survey of the historic downtown was initiated to determine the current status of buildings and the potential for the area to be listed as a National Register Historic District. The re-survey indicates that Oregon City's central business district was not eligible as a National Register Historic District. The results, however, indicate that there is a potential for restoring a sufficient amount of historic fabric and character to resources currently categorized as "Non Contributing in Current State" so as to bring the percentage of "Contributing" Resources to an eligible level for a historic district designation.

The Historic Downtown area is part of the Downtown Community Plan Phase II Implementation Program. Rezoning based on that plan, along with new design guidelines that directly address exterior alterations and new construction in the area, will ensure that future development is compatible with the significant structures of the area.

Proposed Historic District: McLoughlin Conservation District. The McLoughlin District is currently a city Conservation District. However, the findings of the 2002 Re-survey of the District, as described in the following section, support the creation and designation of a National Register Historic District.

Conservation Districts

A Conservation District is designed to protect the buildings within the District through an ordinance requiring review of new construction, exterior alterations to designated structures and demolitions. While not as encompassing as a Historic District, a Conservation District can ensure that a neighborhood's significance does not further erode.

Existing Conservation District: McLoughlin. Many of Oregon City's historic and architecturally significant buildings are above the bluff in the McLoughlin Neighborhood. The original Oregon City plat includes the neighborhood area up to Van Buren Street, and it is within this area that early residential development took place, beginning in the 1850's. As the downtown area changed from a residential to commercial district, home building increased above the bluff. All of the churches that originally stood in the downtown eventually relocated to the McLoughlin area as well.

Present Status. In 2002, a re-survey was begun to determine the current status of buildings and the potential for the area to be listed as a National Register Historic District. In 2003, Oregon City High School moved from the McLoughlin neighborhood to the newly built Oregon City High School on Beavercreek Road. This provides an opportunity to work with the school district to reuse this historic high school building. The City supports any rehabilitation of the campus

that continues its role as a community gathering place and is consistent with the Secretary of Interior Standards for Rehabilitation and the Goals and Policies of the Historic Review Board.

Proposed Conservation Districts
Other historic districts may exist in this historically important community. The Ely, Park Place, and Rivercrest neighborhoods have many historic proprieties and upon further evaluation may be eligible for designation as Conservation Districts. An appropriate, well-constructed historic preservation plan will provide for identification and establishment of safeguards of these areas, which are important to the quality of Oregon City as a whole and the identity of the Northwest.

Historic Buildings Outside Identified District Boundaries
There are many individual historic buildings outside of the identified Historic Districts where important buildings are concentrated. Some of these buildings are among the oldest in the City; many stand alone because they were originally built outside of "urban" Oregon City in what was farm/pasture land.

City areas outside of the Canemah and McLoughlin areas have been generally surveyed to identify the most significant buildings.

Present Status. Efforts to preserve individual historic buildings are scattered and disconnected at best. There is little public recognition of the historic value of significant buildings outside of McLoughlin and Canemah, except for the more prominent and expensive estate homes. The Ely, Park Place, Rivercrest, and South End areas in particular have experienced deterioration and demolition of older homes, often to the detriment of the area. Demolition and major incompatible remodeling are critical problems for historic preservation because they are usually irreversible. Private preservation and restoration efforts would be encouraged and assisted by local recognition of significant individual buildings throughout Oregon City.

Historic Landmarks
Historic landmarks are structures or sites of unusual historic importance which help establish the city's identity. Maintenance costs are often returned in tourism revenues at several of the sites. Appreciation of local culture and history is enhanced.

Criteria. Landmarks are unique structures and sites with significance in national or local history and/or culture that are:

- associated with the life of a major historic person;
- associated with an historic event or period of time;
- associated with a past or continuing institution that has contributed to the life of the city;
- associated with a group/organization/enterprise in history.

An inventory of existing Historic Landmark sites and structures with proposed improvements where needed can be found in the technical appendix. This inventory is not intended to place controls on the future use of these sites unless deemed necessary by the Historic Review Board.

Natural Resources
The ecological resources of Oregon City result from the topographic complexity of Oregon City, which was created by volcanic geology, erosion and scouring from the post-Ice Age Missoula

Floods, and erosion and deposition from modern Willamette and Clackamas rivers, Abernethy and Newell creeks, and other minor streams. Metro has inventoried, evaluated, and mapped important Goal 5 resources in the region as part of developing a region-wide Fish and Wildlife Habitat Protection Plan. Two large areas in Oregon City scored 6 (medium quality habitat) on a scale of 1 to 9: the area along the steep slopes and bluffs overlooking the Willamette River on the western edge of the city, and the area of Newell Creek Canyon. Oregon City will coordinate with Metro to maintain the city's Goal 5 resources inventory in accordance with the new protection plan. The City will also coordinate with the Fisheries Department of the National Oceanic and Atmospheric Administration (NOAA Fisheries, formerly NMFS) and on actions that may affect salmonid habitats.

Anadromous fish, including salmonids such as Coho, Chinook, and Chum Salmon, as well as Lamprey eel, were historically plentiful in Oregon City's major waterways. These species supported a rich ecosystem that included wide range of animals, from insects and small invertebrates within the stream and riparian corridor to large animals such as seals and bears, and birds such as osprey and bald eagles that relied on a functional ecosystem. Native people also relied on these stream resources for food and culture, returning annually to Willamette Falls to harvest and preserve salmon and other fish. Declines in anadromous fish species in the Willamette River Basin is a consequence of a variety of land use practices that have altered or destroyed habitat and changed the hydrographic profile of runoff. Several species of salmonids, including Chinook Salmon and Steelhead Trout, have been listed as threatened under the federal Endangered Species Act (ESA), which has triggered significant protection and restoration activities throughout the region.

In Oregon City, the Clackamas River along the northern boundary of the city, as well as Abernethy, Newell, Holcomb, Potter, and other creeks provide both spawning and rearing habitat for Steelhead Trout and Coho as well as Cutthroat Trout, which are not currently warranted for listing under the ESA. Riparian corridors, which are the areas on either side of a stream that is affected by and in turn affects the ecological and physical function of stream, are critical corridors for protecting and maintaining in-stream habitat quality and overall ecosystem functions that support salmonids and other stream-dependent species.

Oregon City can improve and protect habitat conditions for salmonids and other species by adopting standards and implementing programs that protect vegetation along riparian corridors from destruction or alteration, remove invasive non-native plant species and re-plant native riparian vegetation, reduce pulsed storm runoff that can erode banks and alter streambed profiles and gravels, maintain water quality and quantity in streams and maintain/or provide fish passage in all streams. Because virtually all rainfall anywhere in the city eventually runs to a stream, these standards and programs will need to be applied city-wide. Ancillary Plans such as the Waterfront Master Plan, Transportation System Plan, Parks and Recreation Master Plan, Stormwater Master Plan will be important in ensuring that the city protects these resources.

Other unique or important habitats and ecological resources have been identified in the city. These include Newell Creek canyon, the Canemah Bluffs that contains a variety of unique habitats and plant assemblages, the rocky cliffs along the Willamette River that harbor rare plants, the Willamette Falls, and other streams, rivers, bogs and wetland areas. These habitats and resources will be inventoried in the Goal 5 update subsequent to adoption of the comprehensive plan in 2003.

Because lands surrounding the city within the urban growth boundary have significant undeveloped habitat areas, these lands will need to be inventoried to identify important ecological resources as a basis for ensuring that these resources are protected before development occurs. The City and Clackamas County should ensure that Urban Growth Management Agreements contain provisions for identifying and protecting these resources.

Wetlands

Wetlands, along with associated hydrology, soils, vegetation, and wildlife, provide a wide range of valuable services to the public. These wetland functions enable the city to efficiently meet a number of goals in maintaining the quality of life in Oregon City, such as:

- preventing degradation of stream quality and damage from flooding during storm events by storing runoff from precipitation and moderating its release into stream networks;
- preventing pollutants and sediments from roadways and other development from reaching streams by filtering the flow of groundwater toward streams;
- recharging groundwater aquifers for slow release later into streams and through uptake by vegetation into the environment by reducing the speed of runoff and enabling water to percolate into the ground;
- providing essential wildlife habitat which is important to residents; and
- providing open space, recreational opportunities, aesthetic and landscape amenities to buffer various uses, all of which maintain the unique environmental setting of Oregon City.

Important wetlands have been identified and mapped by the City and Metro in a Local Wetlands Inventory that will be the basis for protection measures through the comprehensive plan, implementing ordinances, and other measures.

Streams

Streams define the physical configuration of Oregon City and thus its land use patterns, transportation patterns, and community functions. The Willamette and Clackamas rivers, major waterways of regional significance, border two sides of the city and create an aesthetic and recreational setting of great value to the city. Other principal streams are Abernethy Creek and Newell Creek, tributaries of the Willamette River which create major topographic and ecologic areas within the city; Beaver Creek, tributary to the Willamette River, whose minor tributaries create the topographic definition of the city's southern edge; and other creeks that drain directly to the Willamette such as Singer Creek and Coffee Creek that drain from the Hilltop area through the McLoughlin and Canemah neighborhoods, respectively. Together, these rivers and streams contribute to the uniqueness of Oregon City, and to the variety of natural resource, recreational, and open space values enjoyed by residents and visitors.

Vegetation

Many wooded areas exist throughout the city, mainly parks, undeveloped slopes, and undeveloped lots in the urban growth area, which offer a variety of recreational opportunities, scenic views, and wildlife areas. The trees in these and other areas should be preserved because trees provide a variety of benefits to the city. They are natural visual, noise, and wind buffers, enhance air quality, filter pollutants from rainwater, help to control stormwater run-off, prevent

erosion on steep slopes and riverbanks, and help to separate conflicting land uses. Trees and treed areas are one means of providing an orderly transition from rural to urban land uses. Total tree cover in the city has diminished over time as development has occurred without mechanisms to protect urban trees.

The city could benefit from a comprehensive program to conserve and enhance tree cover on public lands and on private property. Such a program should include standards and regulations pertaining to cutting of trees on private undeveloped lands or in view corridors, planting of new trees as part of street or property landscaping, and incentives and assistance for tree planting and maintenance.

Water Quality

Oregon City receives about 46 inches of precipitation per year. Other parts of the Willamette and Clackamas river watersheds receive more than 80 inches per year. The city has significant ground and surface water resources that contribute to the physical and cultural identity and natural heritage of the city, and to the quality of life for residents. These water resources provide important habitat and ecological conditions for a wide range of fish, wildlife, and plants. Water resources include the Willamette and Clackamas rivers and tributaries of Abernethy, Newell, and Beaver creeks and associated minor creeks. Other water resources include bogs and wetlands perched on Oregon City's unique topography; and groundwater that percolates through the geology underlying the city. Because land use practices and patterns, development design, and city infrastructure and practices can affect the quality and quantity of water resources in the city, the City will seek to protect and restore these resources through a variety of means, including the application of a Water Resources Overlay District, development standards, and civic projects to restore and protect water resources.

Groundwater

The geology of the rocks underlying Oregon City, coupled with high annual rainfall, creates conditions for significant groundwater flowing beneath the city and, in some areas, a relatively high water table where this groundwater is close to the surface. Groundwater is important to the city in several ways. It can affect the safety and functionality of buildings or other development, such as streets, when construction intercepts the groundwater flow. It can carry chemical pollutants from development, roads, landfills, and industrial sites into drinking water wells or into streams. Groundwater provides a slow release mechanism for precipitation that would otherwise run quickly into streams and increase the likelihood of flooding. Groundwater has historically been the source of domestic drinking water for some residences and agricultural wells within the area. Groundwater provides essential water for the vegetative cover that is so important to Oregon City.

Groundwater within 1.5 feet of the surface is defined as a "high water table." High water tables are of special concern because of their vulnerability to contamination and interception. Because much of Oregon City lies on basalt bedrock that was scoured clean of overlying soils during the post-glacial Missoula Flood events, water does not penetrate deeply or rapidly. Consequently, there are many areas of high water tables in the Oregon City area that were inventoried by the State Department of Geology and Mineral Industries (DOGAMI) and maps of it are kept by the City. Development proposed on sites identified in the DOGAMI inventory are subject to

requirements in the City's development codes to ensure that the development will meet applicable engineering standards for such sites.

GOALS AND POLICIES

Goal 5.1: Open Space

Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.

Policies

Policy 5.1.1 Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

Policy 5.1.2 Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor education. Built features in open space sites should harmonize with natural surroundings.

Goal 5.2: Scenic Views & Scenic Sites

Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.

Policies

Policy 5.2.1 Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city.

Policy 5.2.2 Maximize the visual compatibility and minimize the visual distraction of new structures or development within important view sheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.

Goal 5.3: Historic Resources

Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Policies

Policy 5.3.1 Encourage architectural design of new structures in local historic districts, and the central downtown area to be compatible with the historic character of the surrounding area.

Policy 5.3.2 Evaluate the establishment of Historic/Conservation Districts to preserve neighborhoods with significant examples of historic architecture in residential and business structures.

Policy 5.3.3 Promote the designation of qualifying properties located outside of Historic and Conservation Districts as historic.

Policy 5.3.4 Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, as well as through the use of regulatory tools and incentive programs.

Policy 5.3.5 Support efforts to obtain historic designation at the city, state and national level for public and private historic sites and districts. Natural and cultural landscapes should also be considered.

Policy 5.3.6 Maintain Oregon City's "Certified Local Government" status in the National Historic Preservation Program.

Policy 5.3.7 Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

Policy 5.3.8 Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

Goal 5.4: Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

Policies

Policy 5.4.1 Conserve and restore ecological structure, processes and functions within the city to closely approximate natural ecosystem structure, processes, and functions.

Policy 5.4.2 Cooperate with Clackamas County, Metro and other agencies to identify and protect wildlife habitat, distinctive natural areas, corridors and linkages and other ecological resources with the urban growth area and incorporate the information into the Urban Growth Management Agreement with Clackamas County.

Policy 5.4.3 Identify, initiate and cooperate in partnerships with other jurisdictions, businesses, neighborhoods, schools and organizations efforts to conserve and restore natural resources within and adjacent to Oregon City.

Policy 5.4.4 Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating or assessing costs of city actions.

Policy 5.4.5 Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value to aquatic and terrestrial species. This could include an aggressive tree and vegetation planting program to stabilize slopes, reduce erosion, and mitigate against invasive species and stream impacts where appropriate.

Policy 5.4.6 Support and promote public education, interpretation, and awareness of the city's ecological resources.

Policy 5.4.7The city shall encourage preservation over mitigation when making decisions that affect wetlands and a "no net loss" approach to wetland protection.

Policy 5.4.8 Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation and fish, and wildlife habitat.

Policy 5.4.9 Protect and enhance riparian corridors along streams in Oregon City to increase shade, reduce streambank erosion and intrusion of sediments, and provide habitat for a variety of plants, animals, and fish.

Policy 5.4.10 Encourage and promote the restoration of the hydrologic and ecological character and function of streams and wetlands that have been degraded by channeling or eliminated from the landscape by routing into culverts.

Policy 5.4.11 Maintain and enhance the function and quality of natural wetlands and create, where appropriate, wetlands or swales to moderate the quantity and velocity of water runoff entering streams during storm events and to reduce the amount of pollutants carried into streams.

Policy 5.4.12 Use a watershed-scale assessment when reviewing and planning for the potential effects from development, whether private or public, on water quality and quantity entering streams.

Policy 5.4.13 Adopt and/or establish standards for all new development that promote the use of pervious surfaces and prevent negative ecological effects of urban stormwater runoff on streams, creeks and rivers.

Policy 5.4.14 Comply with Federal and State regulations for protecting, conserving and restoring threatened and endangered species and critical habitat.

Policy 5.4.15 Partner with Metro, Clackamas County, ODOT and other agencies to establish an invasive weeds management strategy.

Policy 5.4.16 Protect surface water quality by:

- providing a vegetated corridor to separate protected water features from development;
- maintaining or reducing stream temperatures with vegetative shading;
- minimizing erosion and nutrient and pollutant loading into water; and
- providing infiltration and natural water purification by percolation through soil and vegetation.

Policy 5.4.17 Protect and maintain groundwater recharge through conservation and enhancement of wetlands and open space.

Policy 5.4.18 Encourage use of native and hardy plants such as trees, shrubs and ground covers in order to maintain ecological function and reduce maintenance costs and chemical use.

6. AIR, WATER, AND LAND RESOURCES QUALITY

Statewide Planning Goal 6 deals with maintaining and improving the quality of air, water and land resources. All waste and process discharges from future development are proscribed from violating or threatening to violate federal and state standards. The waste products from future development that are discharged to air sheds and river basins must not exceed the long-range carrying capacity of the resource, degrade the resource; or threaten its availability. The source of waste discharges come from all types of land uses, though some are more regulated than others. The City's influence over potential impacts can be through direct regulation, such as with stormwater regulation, through ensuring developments' compliance with federal and state standards, and through actions to encourage the reduction of impacts based on education or development incentives.

Background

Air Quality

The quality of air is increasingly understood as a key factor in the health of individuals, the attractiveness and livability of their community, and the ability of the community to attract and accommodate growth and development. Oregon City has relatively high quality of air during most of the year. As part of the Portland Air Quality Maintenance Area, Oregon City is subject to airflows that can carry air-borne pollutants from other parts of the urban region and surrounding areas into the city. These airflow patterns are most likely when winds are from the northwest, particularly in summer.

Motor vehicles are the largest source of air pollution in Oregon, leading to a growing concern with "personal pollution" from individual actions such as driving cars; using woodstoves, operating gasoline-powered lawn mowers and boat engines; applying paints; using aerosol products such as hairspray and air fresheners; and outdoor burning. Other sources of air pollution include dust from agricultural and land development activities and particulates in smoke from agriculture, forestry, and industry. The Portland metropolitan area is currently an air quality maintenance area, which means the area has a history of non-attainment (of air quality standards). However, a variety of pollution reduction programs now enable the region to meet the National Ambient Air Quality Standards.

Air pollution standards are set by the Oregon Department of Environmental Quality (DEQ). Oregon City will need to work with the DEQ to ensure that existing and new sources of industrial and commercial pollution comply with state and federal standards and encourage citizens to reduce their personal generation of air pollution. One of the biggest contributions that Oregon City can make toward reducing air pollution is to promote land use patterns and practices and transportation alternatives that reduce the use of single-occupancy motor vehicles. Other actions could encourage the conservation and enhancement of tree cover in the city as a means of filtering particulate pollution in the air.

Water Quality

The City has significant ground and surface water resources that contribute to the quality of life for residents. Water resources include the Willamette and Clackamas Rivers and tributaries of Abernethy, Newell, and Beaver Creeks and associated minor creeks. Other water resources

include bogs and wetlands perched on Oregon City's unique topography; and groundwater that percolates through the geology underlying the city. Because land use practices and patterns, development design, and city infrastructure and practices can affect the quality and quantity of water resources in the city, the City will seek to protect and restore these resources through a variety of means, including the application of a Water Resources Overlay District, development standards, and civic projects to restore and protect water resources. Protection of these resources is primarily covered by the goals and policies of the Opens Spaces, Scenic and Historic Areas, and Natural Resources element of this plan.

The Oregon Department of Environmental Quality (DEQ) has mapped groundwater flows or "aquifers" that are known or have the potential to carry pollutants due to previous contamination. These so-called "sensitive aquifers" are located generally along Abernethy Creek in the floodplain along the Clackamas River. The aquifer in the Abernethy Creek area near the former Rossman's landfill is contaminated with a variety of pollutants resulting from the landfill and other activities over the past 100 years. Clearances from DEQ may be necessary for many of the properties in this area. The DEQ will not allow the construction of any well (drinking, irrigation, or other) that may allow the contaminated groundwater in the aquifer to be released into the environment and adversely impact public health and safety. Only a groundwater monitoring well to monitor contaminants associated with the landfill will be allowed.

Erosion is the movement of soil particles by running water or wind caused by manmade or natural disturbances. Erosion not only causes loss of productive soil, but also damages stormwater and sanitary sewer infrastructure and degrades water quality in streams and rivers, thus affecting habitat quality for aquatic species. Excessive sediment deposition and accumulation behind dams can decrease reservoir storage capacity and increase risks of flooding. Removal of excess sediment from behind dams and areas of unwanted deposition can be costly. Dredging costs are incurred to remove sediment from reservoirs and streams.

Runoff of soil from construction sites is by far the largest source of sediment in developing urban areas. Implementation of Statewide Planning Goal 6, Air, Land, and Water Quality, involves the adoption of policies and standards that protect water quality, specifically requiring erosion and sediment control. The City is also required to comply with Title 3 of the Metro Functional Plan. The erosion and sediment control requirements of Title 3 will significantly reduce sediment loading to receiving streams. Statewide Planning Goal 6 and Title 3 requirements are implemented in Oregon City through the Water Resources Overlay District, Erosion and Sediment Control standards, and other provisions of the Municipal Code.

Land Resources

Light Pollution

Artificial light has extended many human activities well into evening and night and provides much-needed safety along roadways and at intersections. However, much of this nighttime light is wasted into space, as confirmed by satellite images of the earth at night from space. At ground level, night lighting is often a source of environmental pollution that can degrade night time viewing of starry skies, interfere with evening outdoor experiences in yards or intrude through windows into homes, and lead to unsafe situations from glare and shadows. In Oregon City, in

particular, the Haggart Astronomical Observatory at Clackamas Community College is an educational resource for the entire community that is diminished by nighttime light pollution.

Technologies and practices have been developed for nighttime lighting that enable lighting to be installed and operated appropriately for the situation and that does not create safety or pollution concerns. These technologies and practices are readily available and require little more than an understanding of their benefits to the community, clear information and standards to potential users, and a commitment to applying them in a flexible but appropriate way.

Noise Pollution

Noise is a factor in everyday urban living. Noise is generated by vehicular traffic, emergency vehicles, industrial activities, railroads, air traffic, leaf blowers, stereo sound systems, construction, and many other sources. Loud persistent noise has been recognized as a serious environmental problem by both state and federal authorities. In 1971, the Oregon Legislature authorized the Environmental Quality Commission to adopt and enforce noise control standards, which are administered through the Department of Environmental Quality. These standards cover noise from motor vehicles and industrial and commercial noise sources.

Oregon City has several significant noise sources including major vehicle corridors (such as Interstate 205, McLoughlin Boulevard, Highway 213, Molalla Avenue, South End Road, and others), the railroad corridor through downtown and the Canemah neighborhood, the industrial operations of the Blue Heron paper mill; and the natural roar of Willamette Falls, especially in the wintertime. Because noise is relative (an unwanted, intrusive sound), nuisance noise can originate in neighborhoods and homes as well. Local noise control is primarily handled through the Nuisance Code (Chapter 6, City Code) and through design review of development projects to ensure that industry and commercial activities do not negatively impact their immediate neighborhood environment.

Mineral and Aggregate Operations

The Oregon Department of Geology and Mineral Industries has inventoried four areas within Oregon City's Urban Growth Boundary that contain mineral and aggregate resources. These areas are listed in the Natural Resources Inventory. No commercial mineral or aggregate removal operations are currently operating at any of the four sites (see resource document). Although important to the local economy, mineral and aggregate removal operations are not compatible with urban land uses and quality of life in Oregon City because of noise, dust, traffic, water quality, and other issues.

GOALS AND POLICIES

Goal 6.1: Air Quality

Promote the conservation, protection and improvement of the quality of the air in Oregon City.

Policies

Policy 6.1.1 Promote land use patterns that reduce the need for distance travel by single-occupancy vehicles and increases the opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Policy 6.1.2 Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.

Policy 6.1.3 Set an example through City operations to employ and demonstrate practices and technologies that reduce air pollution and protect air quality.

Policy 6.1.4 Encourage the planting and maintenance of the city's tree canopy to allow natural systems to improve air quality.

Goal 6.2: Water Quality
Control erosion and sedimentation associated with construction and development activities to protect water quality.

Policies

Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface or groundwater by requiring erosion prevention measures and sediment control practices.

Policy 6.2.2 Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

Goal 6.3: Light
Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for night-lighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, reduces light trespass onto neighboring properties, conserves energy, and reduces light pollution via use of night-friendly lighting.

Policies

Policy 6.3.1 Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.

Policy 6.3.2 Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.

Policy 6.3.3 Employ practices in City operations and facilities, including streetlighting, which increases safety and reduces unnecessary glare, light trespass, and light pollution.

Goal 6.4: Noise
To prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

Policies

Policy 6.4.1 Provide for noise abatement features such as sound-walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise, and industrial uses.

Policy 6.4.2 Encourage land use patterns along high traffic corridors be developed to minimize noise impacts from motorized traffic through building location, design, size and scale.

Goal 6.5: Solid Waste

Reduce solid waste and promote recycling.

Policies

Policy 6.5.1 Ensure that cost effective and convenient solid waste and recycling services are provided to the city's residents, businesses and public facilities.

Goal 6.6: Mineral and Aggregate Operations

Protect the livability and environment of Oregon City by prohibiting commercial aggregate extraction operations within the City and urban growth area.

Policies

Policy 6.6.1 Prohibit new commercial aggregate removal operations and encourage relocation of existing operations (aggregate removal for habitat improvement or for public recreational needs are not considered commercial operations).

7. NATURAL HAZARDS AND NATURAL DISASTERS

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 7, Areas Subject to Natural Hazards. This Goal requires local governments to "...adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards." This section of the comprehensive plan is also intended to comply with Title 3 of the Metro urban growth management functional plan, adopted in 1998, which requires local governments to comply with regional regulations pertaining to flooding and water quality.

The natural features and processes that shape the topographic, scenic, and natural resource setting of Oregon City also present a variety of hazards to development and urban uses. In a natural environment where human development is not present, these processes present no "hazard." However, when land uses and development occurs within this naturally active landscape, these same processes create hazards to these activities. These geologic hazards are present when gravity acts on steep slopes, soils and bedrock saturated with water, or when bare soil and rock is exposed from removal of vegetation and earth movement and eroded by rain or wind. City goals, policies, and implementation measures can help to minimize the potential risks and impacts associated with conflicts between development and hazardous areas by limiting development in those areas, and working with residents

Background

Natural environmental processes operate on several time scales that can affect a range of areas within the city. For instance, floods, once described as "100-year floods" can occur with much greater frequency, particularly as humans have altered the watersheds and hydrology of the Willamette and Clackamas river systems. Locally, heavy winter rain events can saturate soils and cause localized landslides or rock falls that can damage roadways and buildings in steeper sections of the city. Even the seemingly durable rocky cliffs in the city can succumb to thermal expansion in summer and freezing in winter that, over time, can cause dangerous rockfalls. Mt. Hood and other Cascade Mountain volcanoes can erupt on time-scales of tens of thousands of years. Major subduction-zone earthquakes, potentially catastrophic, are known to affect the Pacific Northwest on time-scales ranging from 300 to 800 or more years, while smaller but none-the-less potentially destructive earthquakes can occur on a decadal scale. Fires, which have been a part of the natural processes on the landscape for eons, are a hazard when structures are present.

There are two fundamental approaches to addressing the potential of natural hazards. One is to manage the hazard itself; the other is to manage development to avoid a hazard. Either approach requires an understanding of the spatial and temporal scales of the natural process, the ability of engineering practices to address the potential hazard at a reasonable cost over a reasonable time, and the consequences of intervention in the larger system of natural processes. For instance, it may be appropriate to employ drainage techniques to control small scale, site-specific flooding or high water tables and keep development dry. In other cases, it is safer, less costly, and ultimately wiser to prohibit development in high-velocity floodways or on slide-prone slopes. These two approaches constitute a strategy of "hazard mitigation" to reduce or eliminate long-term risk to people and their property from hazards and their effects.

The City of Oregon City has adopted a Hazard Mitigation Plan that was prepared by a Community Planning Team in March – October 1998. This mitigation plan describes eight types of hazards that are present or have the potential to be present and affect development and residents of the city, lists goals and objectives, describes potential mitigation measures for five different strategies, and outlines an action plan. The Hazard Mitigation Plan also contains maps of the 100-Year and 1996 flood areas, potential landslide areas, relative earthquake hazard, the location of hazardous materials and natural gas pipelines, and critical facilities. This plan was developed in consultation with a number of federal, state, and regional governmental agencies.

Flooding

Flooding occurs in Oregon City principally from three major streams: the Willamette River, Clackamas River, and Abernethy Creek, although minor flooding can occur in localized areas during storm events. Flooding is most likely to occur between October and April and generally results from a series of heavy rainfall events that can be aggravated, as in 1964 and 1996, by concurrent snowmelt in the watershed that adds substantial additional runoff to the storm event. Because the Willamette River is influenced by tidal height nearly to the base of the falls, flooding at the confluence of the Clackamas and Willamette Rivers and Abernethy Creek can be exacerbated by high river levels caused by high winter tides and storm surge on the coast. The area is subject to flooding (base floodplain) and floodways associated with the Willamette and Clackamas rivers and Abernethy Creek have been mapped and are shown in the Hazard Mitigation Plan for Oregon City.

Localized flooding also occurs in Oregon City, principally due to high water tables, relatively level land that does not drain quickly, and alteration of natural streams by culverts and storm sewers that are inadequate for storm events. A 1988 Drainage Master Plan inventoried areas with drainage and localized flooding problems. This Master Plan was updated in 1999 as the Public Works Stormwater and Grading Design Standards.

A number of structures are present in the areas subject to flooding, including such key public facilities as the wastewater treatment plant for Oregon City, West Linn, and Gladstone, the intake on the Clackamas River for the city's water treatment plant, the sub-regional solid waste transfer station, an electrical substation, and a site with hazardous waste.

In 1999, the City of Oregon City adopted a Flood Management Overlay District as part of the Municipal Code. The purpose of this district is to minimize public and private losses due to floods through a variety of means. Lands subject to this district have been mapped and contain:

1. Land contained within the one-hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps including areas of special flood hazard delineated in 1979 and the area inundated by the February 1996 flood; and

2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

In 1994, the City adopted an Unstable Soils and Hillside Constraint Overlay District for the purpose of providing "safeguards in connection with development on or adjacent to steep hillside and landslide areas and other identified known or potential hazard areas, thereby preventing undue hazards to public health, welfare and safety." The ordinance addresses such hazards as landslides, mudflows, high ground water tables, soil slump and erosion. The hazards covered by this overlay district have been mapped by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), and in subsequent DOGAMI mapping for the Oregon City area; and by Portland State University in a study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992).

Unstable Soils

Areas of unstable foundation soils have been mapped for Oregon City and are on file at the Oregon City Planning Department. Development or construction in these areas will require special development standards on a site-specific basis to prevent or minimize future damages. Maintenance of existing vegetation or re-vegetation will be required for excavation and road slopes for those areas designated as landslide-prone. Unstable soils are those identified on the city's unstable soils and hillside constraint overlay district map and in other areas that may be identified on city, county or federal or state agency maps as being subject to soil instability, slumping or earth flow, high ground water level, landslide or erosion, or identified by field investigation performed by a qualified geotechnical engineer or engineering geologist.

Landslide

Landslides include rockslides, mudslides, debris flows, earthflows, and slumping. These phenomena are natural geologic processes that occur principally when soils and rock in steep areas become saturated with water, which increases weight and lubricates the mass. Gravity pulls the affected areas downhill to a new angle of repose. Landslides can be exacerbated by adding fill material to a slope, removing vegetation, altering drainage and runoff patterns, and undercutting a slope. Landslides can be triggered by heavy rains, groundshaking from earthquakes or heavy traffic, or undercutting the lower edge of the slope from erosion, as in a stream, or from development, as in a highway roadcut.

Areas most susceptible to landslides in Oregon City are those with slopes greater than 25%. These areas have been mapped by the Oregon Department of Geology and Mineral Industries and are included in the 1998 Oregon City Hazard Mitigation Plan. The Unstable Soils and Hillside Constraint Overlay District requires professional geotechnical site surveys of other potential hazard areas and provides development standards that relate potential hazard from landslides on slopes of various steepness to the amount and configuration of development on a particular property.

Seismic Hazards

Oregon is located in a region of intense seismic activity generated by the subduction of the Juan de Fuca Plate under the North American Plate and by the collision of the Pacific Plate with the North American Plate along the San Andreas Fault and associated faults in California. However, seismic events occur at time-scales and over distances that make prediction very difficult, if not

impossible. Geological and archaeological investigations show that the Pacific Northwest has been affected by catastrophic "subduction zone" seismic events that have resulted in down-drop of the land relative to sea level and generated enormous tsunamis along the coast. These events, which appear to re-occur between 300 and 800 years, are also known to have triggered major landslides throughout the region. The last such event was in January of 1700.

Tectonic uplift of the entire Pacific Northwest region, driven by subduction of the Juan de Fuca Plate far offshore, has spawned many faults throughout the region, including the West Hills Fault along the axis of the toe of Portland's West Hills. A "Spring Break Quake" in March 1993 near Molalla, just south of Oregon City, had a magnitude of 5.6 and caused significant damage to buildings throughout the region. In February 1999, a small earthquake of magnitude 2.7 cracked plaster in Oregon City High School.

Seismic hazards result from ground shaking generated by energy waves triggered by an earthquake. While the entire city is vulnerable to seismic hazards, ground shaking can vary from place to place, depending on the subsurface geology. Areas of flood plain soils or gravels and containing significant water are likely to experience far more severe groundshaking than areas of solid basalt bedrock that resist movement. Areas of potential seismic hazard have been mapped by the Oregon Department of Geology and Mineral Industries and are shown in the 1998 Oregon City Hazard Mitigation Plan. Not surprisingly, the most hazardous area coincides with the most severe flood-prone area north of Abernethy Creek, primarily due to the alluvial soil and high water table that are most subject to liquefaction during an earthquake. Areas in the McLoughlin Neighborhood and on the Hilltop are far less vulnerable to groundshaking because they are underlain by basalt flows with little soil cover.

Oregon City can take several steps to reduce hazards from seismic events. These include retrofitting existing public facilities and other buildings to withstand shaking and minimize damage, requiring new development to be built to new standards designed to withstand shaking, and developing an emergency response plan for earthquake situations.

Other Hazards

Oregon City is subject to several natural hazards that occur with far less frequency than some of the hazards delineated above. The dry, generally rainless summers, dense vegetation in steep hillside areas, and the invasion of non-native weeds in parts of Oregon City could set up a situation of wildfire hazard. In fall and winter, major storms from the Pacific Ocean bring high winds to the Oregon coast but are generally moderated by the time they reach Oregon City. However some storm events can result in damaging high winds, as was the case in October 1962. More frequently, a combination of climatic conditions set up in winter that result in freezing rain and ice storms throughout western Oregon. In addition, although it has not erupted in historic times, Mt. Hood has the potential to erupt with lava, ash, and pyroclastic flows of hot ash mixed with water. These flow swiftly down the flanks of the mountain and can reach as far as the Columbia River. Depending on wind conditions, ash can drift across the city and present a health and structural hazard.

Wildfires
Wildfires are particularly likely in areas with steep slopes and limited groundwater so that vegetation dries out by late summer, where there is combustible brush or debris, and where structures with flammable exterior materials are present. The danger of wildfire can be exacerbated by lack of adequate road access for fire equipment and by inadequate or poorly placed fire hydrants. While much of Oregon City is not vulnerable to wildfires, some areas are, especially in the so-called "wildland-urban interface" where dwellings are in the middle of heavily treed or vegetated areas and where steep, vegetated terrain can contribute to a "chimney effect" as fires burn uphill. These same conditions could apply to areas near Waterboard Park, Canemah Bluffs, Park Place, and such canyons as Singer Creek and Newell Creek.

Wind and Ice Storms
Wind and ice storms are relatively common but can result in damage to property as well as loss of life. These storms affect the entire city but the results can be more damaging in some situations, particularly where trees can be blown over or limbs droop onto power and telephone lines. Electrical power service can be interrupted because of downed lines, which can lead to additional safety and comfort complications for the city and for residents. Traffic signals, emergency communications, roads, and other public facilities are especially vulnerable. These events are usually of short duration, from a few hours to a few days.

Volcanic Activity
Oregon City is situated in a landscape shaped by volcanic activity. Mt Hood, some 35 miles northeast of the city, is the most visually attractive example of volcanic activity but is only one of a number of volcanic features in the region. Other volcanoes in the Cascade Mountain Range include Mt. St. Helens about 70 miles away in Washington state, which erupted in May and July, 1980, and the South Sister east of Eugene that shows distinct signs of subsurface volcanic activity. In addition, much of Oregon City lies on a series of basalt flows that resulted from volcanic eruptions many thousands of years ago. Other small lava buttes and cinder cones form the forested buttes between Oregon City and Gresham.

While volcanic events are rare in terms of human life, they can occur anytime and with a force that is enormous by human standards. Scientists are developing the technological capability to predict when and where eruptions will occur. It is unlikely that Oregon City would be directly affected by a volcanic eruption in the region. More likely are secondary effects from air-borne ash deposition that can severely affect air quality. Ash, mudflows, and pyroclastic flows could affect the watershed of the Clackamas River, thus potentially compromising the supply of water for Oregon City and West Linn.

GOALS AND POLICIES

Goal 7.1: Natural Hazards
Protect life and reduce property loss from the destruction associated with natural hazards.

Policies

Policy 7.1.1 Limit loss of life and property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Policy 7.1.2 Protect existing development from natural hazards through mitigation measures identified in the Hazard Mitigation Plan for Oregon City.

Policy 7.1.3 Reduce risk to residents and businesses by maintaining accurate information on the presence or potential presence of hazards.

Policy 7.1.4 Ensure key public facilities (emergency service) are located outside of recognized hazard areas.

Policy 7.1.5 Minimize and avoid risk of loss of life and damage from flooding by limiting development in the 100-year flood plain or ensure that accepted methods of flood proofing are utilized.

Policy 7.1.6 Encourage uses of areas subject to flooding that are resilient to periodic effects of flooding, such as parking or other uses not normally occupied by humans.

Policy 7.1.7 Prohibit uses in areas subject to flooding that would exacerbate or contribute to hazards posed by flooding by introducing hazardous materials, filling or obstructing floodways, modifying drainage channels, and other detrimental actions.

Policy 7.1.8 Provide standards in city codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.

Policy 7.1.9 Locate, design, and construct structures in conformance with current building codes and standards for seismic-resistant design.

Policy 7.1.10 Evaluate the need to retrofit existing public facilities such as water reservoirs, bridges, pipelines, and hospitals to better withstand earthquakes.

Policy 7.1.11 Prioritize roadways needed for public service, medical, and emergency vehicles during emergency events.

Policy 7.1.12 Ensure that key public services, such as water and sewer; and key public facilities such as police, fire, and hospital structures have the capability to back-up electricity during emergency events.

Policy 7.1.13 Reduce and avoid loss of life and property from wildfires within the city and the urban growth area.

8. PARKS AND RECREATION

Parks and recreation facilities enhance the livability of a city and contribute to the well-being of its citizens. Oregon City is committed to providing and maintaining places and facilities for its growing population to recreate. The Parks and Recreation Master Plan is the primary inventory, planning, and implementation document for those resources. This element references the master plan as an ancillary document to the comprehensive plan, and sets out general goals and policies to manage city recreation facilities, both are active and passive, for the benefit of its residents.

Background

In 1999, the City adopted a new Parks and Recreation Master Plan as ancillary to the comprehensive plan, and substantially changed the way parks and recreations services are provided. The organizational structure of combining parks and cemetery operations with recreation (Carnegie Center, Aquatics, Pioneer Center and city-wide recreational programming) was implemented at the beginning of 2000, paving the way for greater implementation of the entire master plan.

Continued implementation and periodic reviews and updates of this plan should continue, with special attention paid to those areas of the city where rapid growth is occurring. Since it is difficult to purchase large tracts of park land within already-developed areas, the City should look to newly annexed areas and to areas within potential future expansions of the Urban Growth Boundary for possible regional and community parks while large, relatively inexpensive property still exists.

The Waterfront Master Plan contains important provisions for recreation activities and open space/habitat protection. The City should work to implement the vision of the Waterfront Master Plan.

The City should partner with other service providers as well a private industry wherever possible to develop green spaces and areas for active recreational sites. The proposed sports complex in cooperation with Tri Cities (Environmental Services) in the area of Clackamette Cove is a prime example and this project should be aggressively courted. Where possible, the City should work with developers to include neighborhood park sites in subdivisions and, where possible, work with the developers to have them establish the park to city standards during subdivision development that would be given to the City to operate and maintain.

Because of funding constraints and need to keep up maintenance of existing inventories, regional and community parks should include revenue producing amenities to create revenue to at least partially fund maintenance of the system. The City should form either an endowment fund or some other steady revenue stream to offset the adding of new maintenance responsibilities on a currently overburdened system.

The development of bike and pedestrian connections through green ways, natural parks and already existing parks as well as through newly acquired property and easements should be aggressively pursued. In particular, agreements with Metro and Clackamas County to implement

Metro's Regional Trail System through and around Oregon City should be pursued. The City should consider taking the lead role in joint applications for state and federal Trail Grants.

A great emphasis needs to be placed on the development of recreational facilities as the City continues to grow. Demands for a Community Center with a new pool and other recreational amenities and programs are building, as was shown in the series of Town Hall meetings held in 2001 as part of the First City's Future planning (see *First City's Future Phase 1 Report*). Programming for youth and families in Oregon City is becoming ever more important. Activities for teens appear to be the greatest current need.

With the rapid growth bringing new families into the city and the surrounding area, revisiting the 1999 Parks and Recreation Master Plan on a 5- to 10-year cycle will become imperative, as new residents will bring new ideas and demands.

GOALS AND POLICIES

Goal 8.1: Developing Oregon City's Park and Recreation System
Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.

Policies

Policy 8.1.1 Provide an active neighborhood park-type facility and community park-type facility within a reasonable distance (as defined by the Park and Recreation Master Plan or within a reasonable distance to be determined by a future Parks and Recreation Master Plan) to residents of Oregon City.

Policy 8.1.2 Whenever property adjacent to an existing neighborhood/community park becomes available, consider adding property to the park and develop it to meet the current needs of existing neighborhoods.

Policy 8.1.3 Regional and Community parks should both be developed in such a way that revenue producing amenities are included to bring in a revenue stream to fund partial maintenance of the system.

Policy 8.1.4 Create either an endowment fund or a steady revenue stream to offset the adding of new maintenance responsibilities on a currently overburdened system.

Policy 8.1.5 Identify and construct a network of off-street trails throughout the city for walking and jogging.

Policy 8.1.6 Provide land for specialized facilities such as sports fields and indoor recreation facilities.

Policy 8.1.7 Seek out opportunities to coordinate and partner with other departments, agencies, and jurisdictions to fulfill the aims of the Parks and Recreation Master Plan.

Policy 8.1.8 Explore the possibility of developing a full service community recreation center which includes an aquatics facility, with focus on providing programming and activities for the youth and families of Oregon City.

Policy 8.1.9 Where passive recreation is proposed, emphasis shall be placed on the retention of natural conditions and the natural environment.

Policy 8.1.10 Identify revenue producing opportunities for inclusion within existing and future park development to offset operational costs.

Policy 8.1.11 Explore opportunities for the school district and the city to share recreation facilities such as athletic fields and meeting space.

Policy 8.1.12 Identify and protect land for parks and recreation within the urban growth boundary.

Policy 8.1.13 Explore the development of a riverfront promenade along the Willamette River from River View Plaza at 5th Street to Clackamette Park.

Policy 8.1.14 Require or encourage developers to dedicate park sites as part of the subdivision review process. Where possible, parks should be built to city standards and given to the City to operate and maintain.

Policy 8.1.15 Investigate the possibility of forming a regional parks and recreational district to replace city provided services.

Policy 8.1.16 Investigate partnerships with existing or new heritage organizations for joint programming and/or management of historic buildings such as the Ermatinger House and the Buena Vista Club House.

9. ECONOMIC DEVELOPMENT

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 9, Economy of the State, which calls for diversification and improvement of the economy. This goal requires local government "to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs."

Through the goals, policies, and action items of this element, Oregon City shall strive to provide for a higher mix of commerce and industry to provide more local, family-wage jobs for its residents. Vacant industrial land inside the UGB should be monitored to ensure a sufficient supply to support continued economic growth. Other factors in a healthy economy are efficient land use patterns, coordination with public agencies and the business community, adequate transportation for goods and services, job training, and support for home-based businesses. This element, and the supporting resource document (Economic Development Technical Report), demonstrates that Oregon City will continue to have a sufficient supply of commercial and industrial land and policies to promote a healthy economy.

Background

Oregon City has long had a prominent place in the history of commerce in Oregon and the Willamette Valley. From early times, the need to portage around the Willamette Falls created an opportunity for development. Regular river steamer service in 1850 made Oregon City a hub for the exchange and transfer of goods from the upper and lower Willamette River and the land routes on the east side of the river. The first large industry was based on waterpower — in 1865, the Oregon City woolen mill was established.

In 2003, the city is well served by new industrial and commercial establishments. Much of the land designated for future commercial development has now been developed. Industrial areas, such as the Fir Street light industrial area and the Red Soils industrial park, are also almost completely developed.

Employers

No single employer or sector dominates the employment picture, as most of the employers in Oregon City are relatively small businesses. Nine businesses have 100 or more employees, and the top three have over 200 employees: Willamette Falls Hospital (726), Fred Meyer (275), and Blue Heron Paper Company (250). The nine businesses account for almost 20 percent of the total number of private-sector employees in Oregon City. The rest are distributed among numerous small businesses. Out of 1,632 businesses,[1] 28 employers have over 50 employees and 94 have over 20 employees. In fact, the bulk of employers (1,215 out of 1,632 businesses registered), have fewer than 5 employees.

Willamette Falls Hospital and Clackamas Community College should be supported in their efforts to grow. In some respects they are mutually supportive. For instance, Clackamas Community College medical technologies and nursing programs provide qualified employees for the hospital and other related medical providers. Willamette Falls Hospital is by far the largest

[1] As per the Oregon City's business license information, July 2002

private employer. In addition to the number of employees working at the hospital, another 997 people are employed in health-related fields.

With respect to the breakdown of employment by industry sectors, 967 employees work in "eating and drinking establishments",[2] 400 employees in "fabricated metals" and "primary metal industries," and 250 employees in "paper and allied products" (Blue Heron paper mill). There are 248 working in "auto repair services" and "auto repair shops". Another 185 work in "credit agencies" or "banking."

The largest public employer is Oregon City School District, with 1,080 employees. Interestingly, in 1982 the largest public employer was Clackamas Community College, which had 750 to 850 employees seasonally. Now it has 349 employees, or less than half its 1982 employment. The City of Oregon City has fewer employees now than it did in 1982 (159 now compared to 165 in 1982). There are a total of 3,287 employees between the City and County governments, School District, and Community College. There are also state and federal employees, such as the Oregon City Self-Sufficiency Center, with 146 employees.

Together, based on business license information and information from public agencies, there are approximately 9,718 private and 3,287 public employees in Oregon City, or 13,005 employees in Oregon City. About one-third of the total employment in the City is in the public sector. These numbers are most likely low, since not every business has a business license, and businesses may report a lower number of employees than they actually have. (The public sector employment number does not include state or federal workers). If both the public and private employees were underestimated by 10 percent, there would be a total of 14,305 employees in 2002. That compares with a 1982 estimate of 7,291 employees.

Buildable Land

An analysis of the current buildable land in Oregon City that might be available for commercial or industrial development was conducted for the updated Economic Development element of the 2003 Comprehensive Plan. The study looked at the density of commercial development and the number of employees per acre for different types of commercial and industrial land uses. The analysis is contained in the Resource Document supporting this Economic Development Element. The study also presented an estimate of future employment capacity based on available land. That is, how many employees could be accommodated within Oregon City and its current Urban Growth Boundary.

With respect to commercial land, the analysis illustrated that there were few remaining buildable acres within the city limits and the UGB. About 22.7 unconstrained[3] acres of vacant and redevelopable, commercially zoned property was documented.

The situation with land zoned or planned for industrial purposes was different, with 181 net acres remaining of industrially zoned, buildable property. Most of the available land was in the downtown area, north of Abernethy Creek and south of Highway 213, or near Clackamas Community College along both sides of Beavercreek Road.

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[2] These are Standard Industry Classification, or "SIC" descriptions

[3] "Constraints" refers to steep slopes, wetlands, wetland buffers, and riparian corridors.

Metro Requirements

The Urban Growth Management Functional Plan established employment targets and other economic policy directives for jurisdictions within Metro. The City must substantially comply with the directives found within the Functional Plan or justify an exception to the directives.

As part of Title 1 of the Metro Urban Growth Management Functional Plan, Metro assigned a target number of jobs to Oregon City (8,185) which is the number of jobs the city should plan to accommodate between 1994 and 2017 within the 1996 city limits. In addition, Clackamas County allocated another 2,987 jobs to the area between the 1996 city limits and the UGB. This was part of Clackamas County's employment and housing target distribution in the urban unincorporated area surrounding Oregon City, as reported in the "Clackamas County Urban Growth Management Functional Plan Compliance Report" (June 29, 2000). Although Oregon City never formally agreed to the County's employment distribution of 2,987 jobs, combining Metro's job capacity for Oregon City (8,185) with the County's allocation for the UGB (2,927) results in a combined target number of 11,172.

The technical analysis concluded that, with the implementation of the Downtown Community Plan and some other modest changes to the zoning ordinance and comprehensive plan map (changing the area north of the Fairways Airport land strip to industrial and adding two neighborhood commercial centers), the city could accommodate 9,048 jobs within the projected time period. This is short of the target amount by only 2,124 employees. Put another way, the city can reach 81 percent of the combined employment target.

The downtown area is designated as a Regional Center Design Type on the Metro 2040 Growth Concept map and is planned to encourage the development of very high density, mixed-use retail, office, and residential uses, served by high quality transit service and multi-modal street networks. The City has adopted a Downtown Community Plan that is consistent with the regional center designation. The zoning proposed in the Downtown Community Plan assigns a new "Mixed Use Downtown" (MUD) zone designation for current industrial zone designations on some of the properties. The effect will be to replace some exclusively industrial land with mixed uses that will generate employment but not in light or heavy industries.

Another Design Type assigned to Oregon City on the 2040 Growth Concept Map is Employment Areas. Oregon City has elected to apply the Industrial Area Design Type on its comprehensive plan map by including all industrial designations in that category.

Title 4 of Metro's Urban Growth Management Functional Plan restricts "big-box retailers" (i.e., a single retailer with over 60,000 gross leasable area in size) from locating within areas identified as an employment area on Metro's Employment and Industrial Areas map. A new "Mixed Use Employment District" restricts retail uses to less than 60,000 gross square feet.

Once a concept plan is completed for the UGB expansion along Beavercreek Road, it is anticipated that a significant amount of industrial land will be added to the city's industrial land supply. To ensure efficient, orderly, and adequate provision of services and creation of compatible industrial development, a Concept Plan (see Land Use element for discussion) must be adopted prior to any proposed urban levels of development.

Preserving and Growing Oregon City's Economy

Ensuring an adequate supply of industrial land is only part of the equation for economic health. The City can participate in other ways to help grow the local economy. The City can work with local businesses, organizations and other jurisdictions to develop partnerships in development, develop incentives to help promote development, and keep abreast of changing conditions that might require regulatory or plan changes. Other activities include encouraging the creation of a skilled workforce, working to retain and expand existing employers, promoting tourism and home-based businesses, and ensuring that the transportation system can meet the needs of industry and employees. Transportation bottlenecks can constrain the expansion of businesses and prevent new ones from locating here because of the added costs that congestion imposes. Alternative transportation modes and transportation demand management strategies can relieve some of the pressures on the roadway system.

Economic Development Incentives

Through the public involvement process for the comprehensive plan update, citizens recommended market-based incentives to encourage development in the Downtown and Waterfront areas. Market-based incentives can fall into the following categories:

1. Public commitments and actions such as locating city offices downtown, supporting transit operations, and following through on critical City projects recommended by the Downtown and Waterfront master plans.

2. Regulatory code compliance relief, which could be linked to development standards (reduced setbacks, reduced parking, reduced percentage of landscaping or site coverage), or relief from fees or charges, such as SDC's.

3. Public support, which could include design assistance, small business and marketing assistance, providing marketing studies or pro-forma analysis, promoting downtown in city publications, and supporting special events like parades, farmers' markets, or antique fairs.

4. Financial assistance, which could range from using the City's Capital Improvement Program or Urban Renewal programs to improving public infrastructure or building parking lots, providing low interest loans or direct grants, using local improvement districts (with or without the City picking up part of the design and administration costs), and property tax abatement.

5. Direct assistance with development, which could be public/private partnerships or co-development (i.e., sharing the cost of building and maintaining a parking structure with spaces allotted to both the public and the private business), land assembly and resale, and loan guarantees.

GOALS AND POLICIES

Goal 9.1: Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities working towards an economically reasonable, ecologically sound and socially equitable economy.

Policies

Policy 9.1.1 Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.

Policy 9.1.2 Contribute to the health of the regional and state economy by supporting efforts to attract "traded sector industries" such as high technology and production of metals, machinery, and transportation equipment. (Traded sector industries compete in multi-state, national, and international markets and bolster the state's economy by bringing money in from sales of goods and services outside of the state.)

Goal 9.2: Cooperative Partnerships

Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.

Policies

Policy 9.2.1 Seek the input of local businesses when making decisions that will have a significant economic impact on them.

Policy 9.2.2 Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's comprehensive plan.

Policy 9.2.3 Simplify, streamline, and continuously improve the permitting and development review process.

Policy 9.2.4 Use financial tools available to the City, including its urban renewal program and capital improvement program, to support its economic development efforts.

Policy 9.2.5 Utilize public-private partnerships as a means to leverage private investment when appropriate.

Goal 9.3: Retention of Existing Employers

Retain existing employers, whether public or private, and encourage them to grow and expand within the City.

Policies

Policy 9.3.1 Protect existing industries from encroachment by incompatible land uses, and ensure that expansion options are available to them wherever possible.

Policy 9.3.2 Support programs of Clackamas County, the Oregon Department of Economic and Community Development, the Small Business Administration and other

agencies that provide business-related services such as low-interest loans, job training, and business counseling.

Policy 9.3.3 Encourage the retention and expansion of Clackamas County as a major employer inside the city.

Policy 9.3.4 Work cooperatively with Clackamas Community College, Clackamas County (for Red Soils Facility), and Willamette Falls Hospital to help facilitate their expansion, and encourage master planning for future expansions.

Goal 9.4: Education, Skills And Workforce Training

To ensure that the major employers in the city are able to find qualified and skilled workers to meet their needs.

Policies

Policy 9.4.1 Encourage Clackamas Community College and the Oregon City High School to continue providing job-related training to develop relevant job skills. Support partnerships between Clackamas Community College and potential employees such as Willamette Falls Hospital and other private businesses and new employers on the City's industrial lands, especially near the college.

Policy 9.4.2 Promote the development of ongoing partnerships between the college, the Oregon City School District, the Workforce Investment Council of Clackamas County, local and regional businesses, the Oregon Employment Department, and other agencies to train new workers.

Goal 9.5: Retail Service

Allow for a variety of retail outlets and shopping areas to meet the needs of the community and nearby rural areas.

Policies

Policy 9.5.1 Develop local neighborhood or "specific" plans where appropriate to blend infill development along linear commercial areas into existing neighborhoods.

Policy 9.5.2 Develop plans to provide the necessary public services to surrounding rural industrial lands for future development.

Goal 9.6: Tourism

Promote Oregon City as a destination for tourism.

Policies

Policy 9.6.1 Protect historic, recreational, and natural resources as the basis for tourism, such as the historic downtown.

Policy 9.6.2 Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This could include connections to the End of the Oregon Trail Interpretive Center and Train Depot.

Policy 9.6.3 Provide land uses in the Downtown Historic Area, 7th Street corridor, and the End of the Oregon Trail Interpretive Center that support tourism and visitor services.

Policy 9.6.4 Encourage and support citywide events that would attract visitors and tie to the historic attractions of the city. Preserve tourism-related transportation services like the Oregon City Elevator and Trolley.

Policy 9.6.5 Encourage river-related tourism facilities and services, such as docking facilities, river transit and river tours.

Policy 9.6.6 Encourage private development of hotel, bed and breakfast, restaurant facilities and other visitor services.

Goal 9.7: Home-Based Businesses

Provide a supportive climate for home-based businesses.

Policies

Policy 9.7.1 Encourage home-based businesses that are low impact and do not disrupt the residential character of the neighborhoods in which they are located.

Policy 9.7.2 Encourage the support services that home-based businesses need.

Goal 9.8: Transportation System

Recognize the importance of the land use-transportation link and encourage businesses to locate in areas already served by the type of transportation system they need.

Policies

Policy 9.8.1 Through coordination with TriMet and local employers, encourage and promote the use of mass transit to travel between residential areas and employment areas.

Policy 9.8.2 Participate in regional efforts to encourage employers to promote telecommuting and other flexible work arrangements.

Policy 9.8.3 Assess the feasibility of implementing Transportation Management Associations in the city.

Policy 9.8.4 Promote "shared parking" and transportation demand management (TDM) techniques such as transit vouchers, car or van pooling, and flexible schedules and telecommuting options to reduce peak hour trips.

Policy 9.8.5 Work with the Oregon Department of Transportation to preserve and improve the capacity of Highway 213 and its intersection with I-205.

Policy 9.8.6 Encourage the provision of multi-modal transportation to support major existing employers.

Policy 9.8.7 Assess methods to integrate the pedestrian, bicycle and elevator transportation modes into the mass transit system.

10. HOUSING

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 10, Housing. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Oregon City is required by regional and state requirements to provide an adequate supply of vacant and buildable land for future residential growth and ensure that land is designated for a variety of housing types to fit a range of income and need. The housing element and its supporting resource document are intended to satisfy those requirements.

Oregon City recognizes that the health of the city depends on the health of the neighborhoods that form the building blocks of a livable city. The housing goals and policies are intended to ensure that the integrity of existing neighborhoods is protected and that planning for new neighborhoods as the city expands is comprehensive and inclusive of a range of housing types and services to serve residents.

Background

Oregon City is unique in the area for its role in Oregon history and for the age and diversity of its housing stock. Many of the older homes and buildings have historical significance. Therefore, housing planning in the city is aimed at both development of new housing units and preservation or careful redevelopment of older historic housing units. Like many other communities in the Willamette Valley, Oregon City grew more quickly than expected in the 1990s—nearly doubling in size—and more units will be needed to accommodate new residents or citizens wishing to move into different types of housing.

Existing Conditions

This Housing Element summarizes the results of a housing study conducted in 2002 to determine whether existing comprehensive plan and zoning designations would accommodate growth through 2017. The study included an inventory of existing vacant buildable and underutilized land, compared the characteristics of the existing housing stock and demographics in Oregon City and the region, and forecasted housing needs. The housing study became the Housing Element Resource Document and supports this Housing Element. Readers should refer to the resource document for detailed information on Oregon City's demographic composition (2000), residential land inventory (2002), and projected housing need (to 2017).

The housing study revealed that affordability of housing is an issue, as in many jurisdictions. Housing affordability is based on the percentage of monthly income spent on housing. Using the US Department of Housing and Urban Development's standard formula to determine affordability of 30 percent of monthly income, 12 percent of Oregon City residents cannot afford a studio apartment, and over 23 percent are not able to afford a two-bedroom apartment. When compared against the region it is found that 12 percent of the Portland Metro Area cannot afford

a studio apartment and 26 percent are not able to afford a two-bedroom apartment. Fair market rents are slightly higher in the Portland Metro Area, making rents less affordable for low and very low incomes when compared to Oregon City.

Other demographic characteristics revealed by the housing study were:

- Oregon City has a higher percentage of its total population in group quarters (3.5 percent) than the Portland Metro Area (1.8 percent). The number of residents seeking housing in group quarters (nursing or residential care facilities) is likely to increase as the population ages over the next 20 years.
- Oregon City has a slightly younger population than the Portland metropolitan area.
- The percentage of female-headed households living in Oregon City in poverty is significantly higher than the Portland metropolitan area (25 percent to just over 20 percent).
- Household income distribution in Oregon City mirrors that of the Portland metropolitan area.
- Oregon City's composition of housing stock by type of housing (e.g., single family detached and multi-family) and the percentage of renters versus owners is similar to that in the Metro area.
- Oregon City has a deficit of land for multifamily units to meet expected demand.

State and Metro Requirements

The Statewide Planning Goal for Housing (Goal 10) is to provide for the housing needs of citizens of the state. Part of complying with the Housing Goal is ensuring not only that there is an adequate supply of vacant and buildable land for future growth, but also that the land is designated for a variety of housing types to fit a range of income, need, and preference.

In the mid-1990s, the Metro government adopted the 2040 Growth Concept, which was developed to ensure that the region complies with state goals for land use in a coordinated way and that housing and employment growth can be accommodated equitably across the region. After the establishment of the Metro Urban Growth Boundary (UGB) around the cities, the affected cities and counties negotiated targets for new dwelling units and jobs. In 1994, Metro and Clackamas County estimated that Oregon City should expect to accommodate 9,940 additional units between 1994 and 2017, within the city and the UGB. To comply with the Metro target, Oregon City needed to demonstrate that, after subtracting units built between 1994 and 2002, the land use designations on remaining vacant and underutilized land would accommodate the difference in needed new dwelling units. If Oregon City could not accommodate the new housing units, then the City would need to find other ways to meet the capacity target, most likely through increasing minimum residential densities within the city and UGB.

The 2002 housing inventory revealed that 3,665 dwelling units were built between 1994 and 2002, which left 6,075 new units needed to meet the Metro 2017 target. After accounting for expected future accessory dwelling units and environmentally constrained land, the overall planned density of residential land in Oregon City and within the UGB was not sufficient to meet the dwelling unit capacity targets established by Metro. Full development of all vacant and

partially vacant land under the current comprehensive plan designations would result in only 4,593 new units missing the capacity target by over 1,400 units.

Through the involvement of a citizen advisory group and with input from staff, the City made changes to the comprehensive plan map and to the zoning code. Overall, the changes in the comprehensive plan update provided the additional units needed to meet Metro's 2017 residential target for Oregon City. The 2002 population of 27,270 plus the population expected at build out (including the 2002 UGB expansions at South End Road and Redland Road), yields a population of approximately 45,700 in 20 years.[1]

A new plan map designation of "Mixed Use" was developed to include the mixed use zones planned for downtown as well as other areas of the city suited to combinations of compatible uses. To increase the range of housing available, some areas of the city were recommended to be redesignated to more intense residential uses based on the following locational criteria:

- along arterials or collectors
- close to business districts and employment and education centers
- in the downtown mixed use area
- adjacent to similar more intense densities

Many of the policies from the 1982 comprehensive plan were still relevant and were carried over into the updated plan. Since the housing inventory conducted in 2002 established baseline data for housing, an action item to keep the database current was also added.

GOALS AND POLICIES

Goal 10.1: Providing diverse housing opportunities for Oregon City residents.

Provide for the planning, development and preservation of a variety of housing types and lot sizes to provide for needed affordable housing.

Policies

Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing comprehensive plan and zoning designations where appropriate.

Policy 10.1.2 Ensure active enforcement of the City's Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.

Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring needed affordable housing is provided.

[1] Assumes 2.62 per household and 5% vacancy.

Policy 10.1.5 Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.

Policy 10.1.6 Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)

Policy 10.1.7 Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

neeley: [shd insert language for affordable housing @ this section]

neeley Language for new section:

10.1.8 50% median

neeley

11. PUBLIC FACILITIES

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 11, Public Facilities. This goal calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

This element deals with the provision of public facilities and services to residents of Oregon City. The goals and policies are intended to foster development in Oregon City that is guided and supported by the timely, orderly and efficient provision of public facilities and services. Oregon City is committed to providing safe and accessible public facilities that contribute to the quality of life and welfare of its citizens.

Background

LCDC Goal 11 requires that development be guided and supported by the timely, orderly and efficient provision of public facilities and services, including police protection, wastewater collection and treatment, water supply and distribution, stormwater management, health services, energy and communication services, and local governmental services. Comprehensive plans are required to provide for key facilities. A public facility or service should not be provided unless there is a provision for the coordinated development of other urban facilities and services appropriate to the area. Highest priority should be given to service provisions within City limits. Services should also be extended on a timely basis to serve development within the UGB.

Below is a brief description of the community facilities provided by Oregon City or other providers. Relevant ancillary documents are referenced as well. The Oregon City Comprehensive Plan Resource Document contains more detailed information about existing conditions, including system maps.

Wastewater Collection, Water Distribution, and Stormwater Management

The planning and implementation of wastewater collection (sanitary sewer), water distribution, and stormwater management systems in Oregon City are governed by documents ancillary to the comprehensive plan, including:

- Sanitary Sewer Master Plan (2003)
- Water Master Plan (2003)
- Drainage Master Plan (1988)
- Caufield Basin Master Plan (1997)
- South End Basin Master Plan (1997)

Funding for operations and maintenance of the City's wastewater collection, water distribution, and stormwater management systems is provided by utility fees paid by users.

Wastewater: Oregon City collects wastewater within the community for treatment at the Clackamas County Tri-City Water Pollution Contol Facility (WPCF). The Oregon City Sanitary Sewer Master Plan establishes the existing and future wastewater collection system. The plan indicates that Oregon City's sanitary sewer system is in relatively good condition with isolated

areas of capacity-related problems for the next 20 years for land within the UGB. The greatest deficiencies in the system are found in the older pipes which will need repair, rehabilitation, or replacement. In addition, the City continues to work with Tri-City Service District to reduce inflow and infiltration (I&I) into the system.

The Tri-City treatment plant is located in Oregon City and has historically treated wastewater from West Linn and Gladstone (thus the Tri-cities). Wastewater flows from the greater Clackamas County area were recently diverted to the Tri-City plant as a result of a cost-efficient strategy that benefited Tri-City ratepayers. Increased flows may occur if the Kellogg plant in Milwaukie closes and as growth occurs in the Damascus area. The need for major expansion to this plant will have to be weighed against the need to preserve the valuable property around the plant for future parks, recreation, and mixed-use development. The City and Tri-City should continue to collaborate on the Clackamette Cove area improvements identified in the Tri-City WPCP Master Plan and the Oregon City Waterfront Master Plan.

Water: Surface water from the Lower Clackamas River is the source of potable water for Oregon City and West Linn. The South Fork Water Board is a wholesale water supplier that is equally owned by the Cities of Oregon City and West Linn. The water is distributed by each city under separate utility departments. The South Fork Water Board has secured rights to withdraw 42.6 mgd at its existing water intake. These rights are expected to sufficiently meet the projected 30-year demand. Water storage within Oregon City's distribution system will need to be expanded to meet growing needs.

Stormwater: The focus of stormwater management has changed over the years from underground stormwater and sanitary sewer combined and piped systems to maintaining open natural drainage channels where possible. The subbasin master plans like those for Caufield Creek and South End call for drainageways to remain in a natural state for maximum water quality, water resource preservation, and aesthetic benefits. The City's *Stormwater and Grading Design Standards* manual encourages open ponds for stormwater runoff control where feasible. Detention ponds that serve more than one development and regional detention facilities are preferred because they require a lower level of monitoring and maintenance effort than single site or on-site detention. Updated plans for all of the drainage basins in Oregon City should be developed using a watershed planning approach.

The City's stormwater management program is subject to the City's NPDES MS-4 (National Pollution Discharge Elimination System Municipal Separate Storm and Sewer System) permit which is administered by the Oregon Department of Environmental Quality (DEQ) for the United States Environmental Protection Agency (EPA).

Oregon City, Clackamas County and its other urban municipalities have operated since 1996 under a joint NPDES permit that prescribes requirements for each entity. Oregon City is responsible for regular maintenance and monitoring of the system and the flows conveyed to assure environmental integrity of the system's receiving waters (the Willamette and Clackamas Rivers). The City prepares annual reports that document permit compliance.

Solid Waste (Trash) Disposal

Curbside collection of garbage and recyclables is franchised by Oregon City to Oregon City Garbage Company for most residences and businesses in the city limits. Metro oversees regional garbage disposal and recycling and waste reduction programs and owns the Metro South Transfer Station on Washington Street near Highway 213. Regional landfill sites are estimated to have potential capacity to serve the region until mid-century. (*Regional Solid Waste Management Plan, 1995-2005*, Metro, reprinted April 1999) so no capacity issues are anticipated for the duration of this comprehensive plan.

Transportation Infrastructure

The planning and implementation of transportation systems in Oregon City are governed by the Oregon City Transportation System Plan (TSP), adopted in 2001. The City is subject to Oregon Revised Statute (ORS) 197.712 and the Land Conservation and Development Commission (LCDC) Oregon Administrative Rule (OAR 660-12) known as the Transportation Planning Rule (TPR).

The Oregon City Public Works Street Division provides operations and maintenance for city streets. As of 2002, funding for transportation infrastructure maintenance has been primarily limited to gas tax revenues which provide a limited maintenance budget and no funding for capital needs (pavement reconstruction, new or replacement sidewalks and curbs, replacement signals, etc.). Oregon City has historically sold bonds to pay for transportation infrastructure and road maintenance, but the pay-back obligations cripple ongoing maintenance needs. Based on pavement management system data and capital improvement needs, the gas tax needs to be supplemented by additional revenue. Alternative funding sources are needed to maintain the city's transportation system at a cost-efficient level. The City should work with Tri-Met to develop Park and Ride facilities at convenient neighborhood nodes to facilitate access to regional transit.

OCPW Operations, Reservoirs, and Pump Station Sites

The Operations Division of the Public Works Department resides in facilities located throughout the city that provide offices for operations staff; shops for sign fabrication; storage for equipment, tools, and inventory for pump station and pipe maintenance; storage for fleet; and shops for fleet maintenance. Pump station and reservoir sites are located at strategic locations throughout the city and are secured, controlled, and monitored through telemetry.

Oregon City provided its own fire protection until it arranged for fire and emergency services by different agencies under contract. In 1999, responsibility for fire protection was transferred to Tualatin Valley Fire and Rescue (TVFR), East Division. Since July 2003, fire protection has been provided by Clackamas County Fire District #1.

The East Division office is currently in a historic building, Station 54, and is staffed by a Division Chief and 10 other employees in a variety of emergency and community service roles. Two fire stations are maintained: the main station at the old City Hall in the McLoughlin Neighborhood, and a substation along Molalla Avenue near Clackamas Community College.

A new fire station has been built on South End Road. The City will be exploring methods to provide more stable funding to support the provision of adequate fire and emergency services as the city grows.

Electricity, Gas and Telecommunications Facilities

Several utilities provide energy and communication services to residents and businesses in Oregon City. Portland General Electric, an electric utility providing electricity to Oregon City, owns generating and transmission facilities. The Bonneville Power Administration markets wholesale electrical power and operates a high voltage transmission line just south of Oregon City and just east of Holly Lane in Newell Canyon. Currently, there is no electricity deficiency in the Oregon City area that would limit industrial, commercial, or residential expansion. Future expansion of transmission line facilities should be located underground where economically and technically feasible to preserve the aesthetic qualities of neighborhoods and reduce the risk of power outages. Local service lines in new subdivisions should be underground. Development of a new program to bury existing power and telephone lines should be encouraged. Sub-stations should continue to be allowed as a conditional use.

Northwest Natural (NWN) pipes natural gas to homes and businesses in the Metro area. NWN's system is sized to support the existing customer base. Planning capacity for the future is focused primarily on the supply of natural gas, not on the supply of pipelines. There are no infrastructure capacity constraints with the existing natural gas pipeline system.

Qwest Communications International Inc. provides local, long distance, and wireless telephone services as well as broadband data, and voice and image communications for businesses and consumers. Qwest maintains older telephone transmission lines and newer fiber optic lines. Beavercreek Telephone provides local services as well.

Emerging technologies, including wireless communications, geographic information systems, and digital subscriber lines (DSL) play increasingly important roles in the economy and education. Still, the growth of emerging technologies is so rapid and volatile that documenting current information transmission resources, providers, demand, and usage in the Oregon City area is extremely difficult. Because information transmission resources are federally regulated, the Federal Communications Commission maintains a listing of its Clackamas County licensees, which indicates that all the emerging technologies listed are available to the residents of Oregon City to some degree. Because these resources are typically privately owned, the City's role in the information transmission system should be to inform city residents and businesses about available resources and act as an advocate for the provision of up-to-date services to residents and businesses. Staff needs to keep abreast of methods of mitigating adverse impacts that can result from both the volatility of the industry and the construction of system infrastructure such as cell towers and in-ground fiber optic lines.

Health Services

Health services in Oregon City consist of Willamette Falls Hospital, Clackamas County departments for human and social services, and a variety of private providers of communal care such as assisted living, nursing homes, and retirement communities.

Willamette Falls Hospital has a Master Facilities Plan that projects demand and expansion needs for 10 to 20 years. The hospital has been purchasing properties in the neighborhood in anticipation of expansion, but traffic circulation and access continues to be a challenge and may be a hindrance to future expansion. The City and County should continue to work with the hospital to balance the needs of the neighborhood, health care users, and the hospital. New health service facilities, including doctor and dentist offices, should be compatible in size and scale with surrounding areas. A City approved master plan is needed to assure adequate facilities and infrastructure during future construction phases.

Clackamas County health services are found in various locations in the city. Although regional health planning is essentially provided by other public and private providers, Oregon City should endeavor to keep abreast of changes in the citizen population and health care trends that can affect land uses. For example, "aging in place" refers to providing accommodations for citizens that can be adapted to the physical limitations associated with aging, and thereby limit disruption to individuals. Issues of compatibility of health care facilities with adjacent land uses are also a concern. (Source: Clackamas County). In addition, the City should support revisions of the Uniform Building Code that require adequate facilities be included in single-family and appropriate multi-family residences to accommodate accessibility for the disabled.

K-12 Education

The Oregon City public education system consists of elementary schools, middle schools, and a high school. The Oregon City School District projects enrollment for each school based on a ratio of 0.94 school children per residential household, taking into account demographic trends and interest rates. A "rolling" five-year projection is done every fall to ensure that the facilities will be able to accommodate growth over time. A ratio of 25 students per classroom is considered preferred, while the maximum capacity is considered to be 30 students per classroom.

To the extent possible, future school facilities should be located within the Urban Growth Boundary in neighborhoods to reduce traffic impacts and better serve the surrounding residents. Elementary schools should be located in or at least adjacent to residential areas, to maintain convenience for students, to provide a focus for the neighborhood and to promote energy conservation. Neighborhood schools and athletic facilities should also serve a "community center" function by being available during evenings and weekends for community meetings and events. The disposition of the original high school and other vacant or unused school properties should be studied in conjunction with both the Oregon City School District and the City of Oregon City for the mutual benefit of all residents, as well as public and private students.

Higher Education

Clackamas Community College (CCC) has been, and will continue to be, an important resource and significant partner in the future development and character of Oregon City. CCC offers a wide array of educational opportunities, job training, social programs, recreational facilities, and meeting spaces that benefit the residents of Oregon City and the surrounding communities. CCC is connected to Oregon City High School-School to the south by a walking path, allowing access of high school students to CCC for advanced classes. Development on nearby industrial

land should offer opportunities for internship and employment opportunities for students at both CCC and OCHS.

The TriMet hub on the center of campus will play a role in future public transportation routes through Oregon City and should be enhanced to improve service. The Environmental Learning Center offers provides a valuable community resource as an educational and demonstration site. The Haggart Observatory is among the largest telescopes in the Pacific Northwest, and is a positive educational resource that should be protected. Lighting standards to protect the night skies from increased light pollution should be pursued, including minimum lighting standards where suitable, and appropriate shielding of parking, street, path, and building lights.

CCC and the City should work cooperatively to properly zone the 164-acre CCC site to allow for taller buildings to increase the efficient use of the remaining property in a compact and dense urban form. There is still vacant land on the campus that would allow the college's facilities to expand. Master planning of the site is also critical to ensure that adequate facilities are available in a timely manner for the students of CCC, and that the pedestrian and transportation system, including the extension of Meyers Road, can support the increased enrollment that will be associated with the expanded services CCC will provide. The City should support expansion that is consistent with good site planning and design compatible with adjacent conforming uses.

Civic Center

Many civic functions are performed in the City Hall building and connected portable buildings on Warner Milne Road. In order to continue to provide services efficiently, the City needs to examine its operations and facilities and develop an overall facility plan for future development.

The City Hall building contains facilities for the City Commission and Manager, the Municipal Court, and the departments of Community Development, Public Works, Finance, Police, and Community Services. The permanent building, which contains offices and the City Commission/Municipal Court Chambers, is supplemented by three portable buildings connected by covered walkways. Space and design constraints of the City Hall facility on Warner Milne Road severely limit space and function for future staff needs. The existing facility is undersized for existing staff and does not allow for desired and much needed additional staff. The City supports continuing efforts to develop a long-term plan for providing a permanent home for City departments.

The Community Development Department provides long-range and current planning and design review services. The City's Geographic Information System (GIS) provides mapping and is a critical support function for all planning functions.

The Public Works Department plans and constructs capital improvements and operates and maintains city infrastructure, administers the downtown parking program, and provides code enforcement.

The Finance Department oversees the annual budget; provides accounts receivable, accounts payable, and utility billing services; and provides human resources support for all departments.

The Police Department consists of three divisions: support, records, and operations (chiefly patrol, including traffic). Facilities at City Hall for the department are severely deficient. The City should work to develop more stable funding to support the minimum level of service for policing as the city grows.

The Community Services Department plans and operates the city's library and parks and recreation activities (see list under recreation facilities).

The Oregon City Public Library leases a 13,000 square foot facility on Warner Milne Road for its collection of 98,000 items. The library program is partially funded by a county library levy with funds distributed to each library in the county according to a formula based on a designated population service areas as well as the circulation of library materials. According to Oregon Library Association standards, the Oregon City library does not meet the adequate standard for the number of employees per the size of the service area. There are currently no public meeting, study, or equipment-use rooms. The City supports the library building program plan for a new facility to accommodate growth over the next 20 years. The City of Oregon City is actively searching for a site for a new library, which should be centrally located and accessible by multiple modes of transportation including car, transit, pedestrian and bicycle where possible.

Library

A new facility is desperately needed to accommodate the population growth. In 1993 the city was unsuccessful in its effort to pass a construction bond measure for a new library. In 1995 the City was forced to look for alternatives to relocate the library, and in the fall of 1995, the library was moved into a leased space in Danielson's Hilltop Mall where it currently resides. The facility today is still only half of the size necessary to meet the needs of Oregon City residents let alone the current service district of county residents who utilize the library.

In 1998 the City contracted for the services of Providence Associates, Inc., a nationally recognized consultant in the field of library building development. The subsequent report *"From One Century to the Next: a Twenty Year Needs Assessment for the Oregon City Public Library"*, recommended a 59,000 square foot facility to meet the needs of the areas population in the year 2020.

Following the report the city commission directed the library building committee to re-examine the proposed cost figures, parking requirements and, ultimately, the overall project size itself. Between late 1998 and early 1999 the building committee and city commission reviewed these issues and reached agreement on a two-stage approach which would involve an initial phase for a building in the 30,000+ square foot range. During this time the consultant was assisting the City in the development of a Building Program to identify all external and internal elements that would make up the facility (basically, a narrative description that would service as an initial guide for the architect). The Building Program was finalized in February, 2000 and describes a 32,000 square foot facility.

Since then the Library Building Committee has been actively searching for the appropriate site for a new library facility. As with a retail store, the success of a public library is dependent upon being in the right location -- where people tend to go during the course of their daily activity. For

Oregon City that location has been identified as somewhere in the Hilltop area in proximity to the retail services and with good access to not only the Oregon City neighborhoods but also the main roads coming in from the rural areas to the east and south. A site of at least 4 acres is considered essential to accommodate not only the initial building and parking needs but also future expansion. Either a stand-alone library facility or civic complex that includes the Library are feasible options.

Recreation Facilities

The City owns and oversees a number of parks and recreation facilities in numerous locations throughout the city. The major community buildings include the Aquatic Center, Buena Vista House, Carnegie Center, Ermatinger House, and the Pioneer Community Center. A brief description of each facility is found below, while the Parks and Recreation Master Plan discusses these facilities and future plans for them in greater detail.

The End of the Oregon Trail Interpretive Center, which is located on a City Park that was formerly Kelly Field, a baseball and sports field, is located on a 8.40-acre site in the north portion of town adjacent to the County Maintenance Shops. While the City owns and maintains the site, the Oregon Trail Foundation maintains the site as well as operates the interpretive facility and a Visitor Information Center.

The McLoughlin and Barclay Houses are historic homes (now museums) which are now owned by the National Park Service. Operations of these facilities is in the process of being transferred from the McLoughlin Memorial Association to the NPS. The Buena Vista Club House, which is owned and maintained by the Parks and Recreation Division houses recreation programs and is available for community rentals through park operations.

The Ermatinger House sits on 0.25 acres and is one of the oldest buildings in Oregon. This facility, managed by Parks and Recreation is now in stable condition, having received major renovations to the roof and foundation, but there are major facility and structural upgrades needed to make it a viable tourist attraction and safe for large groups. It is currently open limited hours as a living history museum with special events and period teas.

The Aquatic Center is adjacent to the old Oregon City High School on Jackson. It is heavily used by the school district for swimming lessons in the PE program and by the High School Swim Team as well as by residents from the city and the surrounding areas. Facilities include an indoor pool, a wading pool, and meeting space. The Center has deteriorated from age and inadequate maintenance and has functional problems related to its location in a residential area with limited parking. Since a significant amount of public investment would be required to remedy the problems, a feasibility study should be conducted to investigate the feasibility of rehabilitating or expanding the existing facility or constructing a new facility either as a stand along pool or as part of a full service community center in a more suitable location.

The Carnegie Center is a 1.30-acre site located in the middle of the McLoughlin neighborhood. Once the City Library, the building was converted into a cultural arts facility with an art center, children's area and coffee shop. A recent renovation has returned the facility to it's original façade and made required fire safety upgrades. The Center is housed in Library Park, which

includes a wading pool that has been converted to a spray pool, a playground and pathway system. A recent Strategic Plan calling for program upgrades, better marketing and relocation of the Children's Museum has just been completed and should be implemented.

The Pioneer Community Center is a building used primarily for senior-related activities and service however after 5 PM and on week ends this facility is for general recreation programs, classes, public meetings, social events and rentals. Aside from the center, facilities at the site consist of a peace garden, pathway system, and parking area. While the main level of the building is extensively used, the basement is underutilized due to lack of an elevator and a public stairway connecting the two floors. This area of the building has had continuing problems with water damage. This facility has suffered from many years of deferred maintenance as well as heavy use. Much of the equipment, especially in the kitchen, is original and will need to be replaced.

Summary

The preceding plans for provisions of public facilities and services can be implemented a number of ways.

General Fund. Limited revenue source from property taxes and shared by a multitude of other government agencies and special districts.

Urban Renewal funding comes from designating specific areas as deficient in assessed values and development ability and creating a plan for increasing property tax values and revenues through public infrastructure improvements and private development incentives. The Urban Renewal tax mechanism affords municipalities the opportunity to collect revenues for highly needed value-based improvements for which other resources are insufficient. The improvements, in turn, provide a higher tax base for future City budgets.

The Capital Improvement Program (CIP) provides a detailed financial analysis of proposed projects, and generally is a short term (1-5 years) plan for public facility improvements and extension.

Special levies or bond issues can be submitted to voters to raise funds for specific projects. These tools have traditionally been used for large projects such as school funding, construction or purchase of recreational facilities, and sewer or water system replacement.

Grants may be available for many projects meeting certain federal and/or state guidelines. Local Improvement Districts (LID) are useful for many projects deemed necessary only for a small area.

User fees can be assessed for many services. Provision of water, wastewater, stormwater, street maintenance, power, gas, telephone, garbage removal, health services, and some governmental services (courts and permit issuance) can be funded in this manner.

System Development Charges are collected when building permits are issued and are used to construct infrastructure required to serve new development and growth of system needs. The SDC is directly related to the CIP for Transportation, Water, Wastewater, Stormwater, and Parks.

Tax increases may also be used, although they are usually insufficient and highly unpopular.

Although funding is not directly addressed, many planning mechanisms, including zoning, subdivision control, site plan review, and others are used to require or encourage installation of many public facilities and services.

Better coordination of services and improved operating efficiencies are highly desirable, where possible.

The costs of public facilities serving new developments should be borne as much as possible by builders and residents of developments. New development proposals should be approved only if the vital public facilities necessary for additional land development and population growth are existing or committed.

GOALS AND POLICIES

Goal 11.1: Provision of Public Facilities
Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policies

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

a. Streets and other roads and paths
b. Wastewater collection
c. Storm water management services
d. Police protection
e. Fire protection
f. Parks and recreation
g. Water distribution
h. Planning, zoning and subdivision regulation
i. Library services
j. Aquatic Center
k. Carnegie Center
l. Pioneer Community Center
m. City Hall
n. Buena Vista House
o. Ermatinger House

Policy 11.1.2 Provide public facilities and services consistent with the goals, policies and implementing measures of the comprehensive plan, if feasible.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policy 11.1.6 Enhance efficient use of existing urban facilities and services by encouraging development at maximum levels permitted in the comprehensive plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.

Policy 11.1.7 Develop and maintain a coordinated Capital Improvements Plan which provides a framework, schedule, prioritization, and cost estimate for the provision of urban facilities and services within the City of Oregon City and its Urban Growth Boundary.

Goal 11.2: Wastewater
Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Policy 11.2.2 Given the vision for Clackamette Cove, investigate strategies to deal with increased flows, including alternate locations for treatment, from growth in the Damascus area and the potential closure of the Kellogg Plant.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

Policy 11.2.4 Seek economical means to reduce inflow and infiltration of surface and ground water into its wastewater collection system. As appropriate, plant riparian vegetation to slow stormwater, and to reduce erosion and stream sedimentation.

Policy 11.2.5 Implement the City's wastewater policies through the Wastewater Master Plan.

Goal 11.3: Water Distribution
Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.3.2 Collaborate with the South Fork Water Board to ensure that an adequate water supply system is maintained for residents. Coordinate with the South Fork Water Board, the City of West Linn, and Clackamas River Water to ensure that there is adequate regional storage capacity.

Policy 11.3.3 Maintain adequate reservoir capacity to provide all equalization, operational, emergency, and fire flow storage required for the City's distribution system.

Policy 11.3.4 Adopt a progressive water rate structure that will encourage water conservation.

Goal 11.4: Stormwater Management
Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.2 Adopt "green streets" standards to reduce the amount of impervious surface and increase the use of bioswales for stormwater retention where practicable.

Policy 11.4.3 Assure parking lot designs mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption through the use of bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and tree planting.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Policy 11.4.5 Design stormwater facilities to discharge surface water at pre-development rates and enhance stormwater quality in accordance with criteria found in the City's *Stormwater and Grading Design Standards.*

Policy 11.4.6 Regularly review and update the above standards to reflect evolving stormwater management techniques, maintenance practices, and environmental compatibility.

Policy 11.4.7 Provide stormwater management services and monitor and report the impacts of those services in accordance with its NPDES MS-4 permit.

Goal 11.5: Solid Waste
Seek to ensure that the most cost effective integrated solid waste plan is developed and implemented.

Policies

Policy 11.5.1 Acknowledge Metro's responsibility for preparing and implementing the Regional Solid Waste Management Plan as solid waste disposal is a regional concern requiring regional solutions.

Policy 11.5.2 Coordinate with Metro and the County as needed to help implement the goals and objectives of the Regional Solid Waste Management Plan.

Policy 11.5.3 Commit to long-term sustainability and recognize the link between reduction of solid waste, reuse and recycling of materials, and protection of natural resources.

Goal 11.6: Transportation Infrastructure
Optimize the City's investment in transportation infrastructure.

Policies

Policy 11.6.1 Investments will be made to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.

Policy 11.6.2 Advocate for local, state, and regional cooperation in achieving an integrated connected system such as for the Amtrak station, light rail, and bus transit.

Goal 11.7: Non-City Utility Operations
Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high speed internet to Oregon City residents to ensure adequate service levels.

Policies

Policy 11.7.1 Require local service lines in new subdivisions be placed underground.

Policy 11.7.2 Coordinate with private utility providers to install infrastructure during street construction and maintenance activities to reduce the need to repeatedly cut into newly paved streets.

Policy 11.7.3 Adopt lighting practices in street and other public facilities, and encourage it in private development to reduce glare, light pollution, light trespass, and energy

use, while maintaining even lighting ensuring good visibility and safety for the public.

Policy 11.7.4 Encourage development of broadband networks in street rights-of-way in a coordinated way to provide state of the art technology to its residents.

Policy 11.7.5 Maintain and enforce the cell tower ordinance. Innovations in reducing, camouflaging or screening cell towers will be adopted, supported and encouraged.

Goal 11.8: Health and Education
Work with health care and education providers to optimize the siting and use of provider facilities.

Policies

Policy 11.8.1 Work with Clackamas County as needed to ensure that county services are sited appropriately and that citizens of Oregon City continue to have access to County health and human services.

Policy 11.8.2 Coordinate with the master planning efforts by Willamette Falls Hospital to address environmental, neighborhood and health provider concerns about future expansion plans, parking, traffic, and circulation.

Policy 11.8.3 Coordinate with the Oregon City School District to ensure that elementary and middle school sites occupy locations within and as central to the neighborhoods they serve as possible.

Goal 11.9: Fire Protection
Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

Policy 11.9.2 Attempt to maintain the city's Class IV fire insurance rating and work towards achieving a Class III rating, as funds are available.

Policy 11.9.3 Promote public awareness of fire prevention techniques, emergency management, and emergency preparedness education programs as important components of community safety.

Goal 11.10: Police Protection
Preserve the peace and provide for the safety and welfare of the community.

Policies

Policy 11.10.1 Maintain continuous liaison with other elements of the criminal justice system.

Policy 11.10.2 Strive to provide rapid response to emergency and non-emergency calls.

Policy 11.10.3 Promote traffic safety to reduce property loss, injuries and fatalities.

Policy 11.10.4 Continually evaluate operations to maximize effectiveness and efficiency.

Policy 11.10.5 Seek to have a department and community committed to the philosophy of Community-oriented Policing. Develop community partnerships so that both the community and department are empowered to solve problems and seek creative solutions.

Policy 11.10.6 In addition to enforcement, help deter crime through proactive programs that emphasize education, prevention, and cooperation.

Goal 11.11: Civic Facilities
Strategically locate civic facilities to provide efficient, cost effective, accessible, and customer friendly service to Oregon City residents.

Policies

Policy 11.11.1 Locate City facilities in a way that ensures customer service and provides easy access to the majority of residents. Access should be provided for the physically impaired and for those traveling by transit, bicycle, or foot.

Policy 11.11.2 Investigate options for obtaining or building a new City Hall.

Policy 11.11.3 Implement measures to maximize and leverage resources and increase services to the public.

Policy 11.11.4 Incorporate measures to meet long-term rising demand for services. Provide for future needs of increased staff, space and storage when purchasing or building new city facilities.

Goal 11.12: Library
To ensure the Library has an adequate facility and resources to maintain its vital role in the community and accommodate future growth of services, programs and the population of the entire service area.

Policies

Policy 11.12.1 Identify and acquire, if possible, an appropriate site for a permanent library that is centrally located to the service area (this could include a mixed-use facility with retail space and Friends of the Library activities, etc.).

Policy 11.12.2 Explore partnerships with schools and other community groups in regards to shared programming, public meeting rooms and other community use spaces.

Policy 11.12.3 Develop, if possible, means of funding for a permanent library facility

12. TRANSPORTATION

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 12, Transportation, which aims to provide "a safe, convenient and economic transportation system."

How a city manages its transportation system is integral to its well-being. Oregon City shall strive for a complete, functional, and safe transportation system that insures the city's continuing growth and development and protection of the quality of life of its citizens. The Transportation System Plan (TSP) is an ancillary plan to the comprehensive plan that creates and supports goals and policies designed to contribute to the quality of life for residents and to the movement of goods and services for local businesses. This element consists of the key parts of the TSP, and additional goals and policies related to other ancillary transportation plans, such as corridor plans for 7th Street and Molalla Avenue, and sustainable practices. The city is working on plans to improve the 99E corridor in terms of access control, landscaping, pedestrian safety, and connection to the riverfront.

Background

The City of Oregon City has a Transportation System Plan (TSP) that guides the management and development of the City's transportation facilities to 2020. The plan incorporates a vision of a multi-modal community into an integrated and efficient land use and transportation system. The transportation element of the comprehensive plan incorporates the goals and policies of the TSP. Portions of the TSP are included here as background to provide a context for the goals and policies.

The Land Conservation and Development Commission (LCDC) administrative rule known as the Transportation Planning Rule (TPR) (Oregon Administrative Rule 660-12) requires that TSPs plan for roads, public transit, bicycles and pedestrians, rail and air travel, and transmission lines. The Oregon City TSP and its subdocuments provide details about the state and regional regulatory framework for transportation, the existing and future plans for road, pedestrian, transit, bike networks, and the projects and policies to implement those networks.

Implementation of the *Downtown Community Plan, Phase 1* and *Phase 2* will enable a more efficient land use pattern to emerge. The effect of this improved efficiency is a more vital and vibrant downtown area that is better equipped to capture and serve the traveling public, particularly pedestrians and transit riders.

The McLoughlin Boulevard corridor represents a vital transportation link in achieving the Downtown Community Plan goals and the region's 2040 aspirations for regional centers. Oregon City will seek funding and provide leadership for implementing enhancements to successfully attain functional access to the downtown and connection between downtown and the Willamette River.

Implementation of the *7th Street Corridor Design Plan* and the *Molalla Avenue Boulevard and Bikeway Improvements Plan* will enable this corridor to evolve into one that is more pedestrian- and transit- supportive with land uses that support multi-modal transportation. Further land use

planning needs to occur for redevelopment of underutilized parcels along Molalla Avenue that represent opportunities for transit oriented development with higher density and mixed uses. These plans present improvements that are consistent with Metro's 2040 Corridor designation for this important transportation link.

The 7th Street plan contains a multi-modal vision of the corridor with recommended action items. The vision for the street is of cohesive design with a historical character, slower traffic, and lively pedestrian activity. One of the objectives is to revitalize the area by providing parking and transportation improvements. Assistance to rehabilitate building facades and the pedestrian environment is also discussed as a means to make the area more attractive to pedestrians, shoppers, and tourists. An emphasis is placed on pedestrians with easy access across 7th Street, benches, street trees, curb extensions, and other elements to identify "Pedestrian Places." Traffic would move more slowly with a narrower pavement width, curb extensions, traffic calming devices, and trees. Neighborhood safety would be enhanced by more pedestrian activity and mix of uses.

Visual and physical connections with downtown and the McLoughlin neighborhood would improve the vitality of the corridor as well. The plan calls for respecting the existing businesses and preserving the architectural heritage of the community. The business environment should invite new and complementary development and redevelopment that is compatible in scale and style with the neighborhood. New public facilities, such as a branch library, elementary school, civic institutions, and Community Theater should be encouraged, while retaining and enhancing the existing public facilities like the park and promenade system. Diverse mixed-use and infill housing should be encouraged as increased density can contribute to the economic vitality of the corridor. The corridor can also be a buffer between commercial uses and the adjoining single-family neighborhood.

The *Molalla Avenue Boulevard and Bikeway Improvements Plan* was developed to address deficiencies arising from new development along the corridor and the limitations imposed by the mix of land uses, roadway configurations, and streetscape characteristics. The plan identifies regional, local, and neighborhood needs and objectives for the corridor, and integrates them into an overall vision. The plan includes specific recommendations for the provision and maintenance of safe and efficient facilities and services for public transportation, private automobile, and pedestrian and bicycle travel modes.

The *Highway 213 Urban Corridor Design Study* (June 2000) details an evaluation of existing and future congestion on Highway 213 between Henrici Road and I-205 and the recommended improvements. Highway 213 changes along its length from a high-order facility on the north end to a rural two-lane facility at the south end. The preferred alternatives for improvements have been adopted into the TSP. However, it is recognized that a long-term solution to congestion must include improvement on I-205. The City should work with ODOT and Metro to develop and implement a corridor study project for I-205.

Roadway System Plan

The TSP establishes a roadway system plan to accommodate the expected needs of the street network to 2020.It includes new alignments and connections for streets and a road classification

system that establishes a hierarchy of street types and the types of travel expected on them. The TSP identifies capital improvements that address: near-term and long-term roadway and intersection capacity, operational, and safety improvements. Substandard roadway sections that should be upgraded to city standards are also identified. The TSP also sets street and access management standards to ensure that the roadway system fits adjacent land uses and accommodates the expected demands from those uses.

Land uses along roadways should be integrated with the roadway classification while keeping function, safety, aesthetics, and overall livability in mind. Higher density housing and non-residential uses should be clustered around collectors and arterials. If single-family housing develops along non-local and non-neighborhood collector streets, residences should front the street, on-street parking should be provided, and driveway access should be provided from the rear.

Roadway connectivity requirements are intended to create stronger circulation patterns, reduce average auto trip lengths and out-of-direction travel, and improve multi-modal accessibility. The TSP proposes conceptual roadway connections and facilities to improve circulation, access, and traffic operations; and, to provide for the long-range system needs of the city's transportation network. These planned street connections are designed to comply with the 2000 Regional Transportation Plan (RTP) requirements for assuring adequate street connectivity.

In addition to the roadway connections identified above, a Street Connectivity Plan will provide guidance to the City, land owners, and developers on desired street connections that will improve local access and circulation, and preserve the integrity of the regional street system. The map will be prepared for contiguous areas of vacant and redevelopable parcels of five or more acres within Oregon City. The map will be prepared to comply with the Design Standards for Street Connectivity presented in the RTP.

Street Design Standards

Roadway design standards are based on the functional and operational characteristics of streets such as travel volume, capacity, operating speed, adjacent land use, composition of traffic, and safety. The *City of Oregon City Street Design Standard*s is a sub-document of the TSP and addresses the construction of new or improved roadways within the city to ensure their consistency with the overall plan for the road network. New optional "green street" road standards will be added to these documents. Green streets standards aim to lower the impacts of streets on water quality, stream corridors, and vegetation. Standards can include, for example, designs that minimize impervious surfaces by making streets narrower, creating more permeable surfaces, and using swales for treatment and conveyance.

Multi-Modal Improvement Programs

The TSP identifies improvements for alternative transportation modes such as walking, bicycling, and public transit, are outlined in the Pedestrian System, Bicycle System, and Public Transit System Plans of the TSP.

The key objective in development of the pedestrian and bicycle system plans is to provide accessible and safe connections between major activity centers, such as housing, commercial areas, schools, recreation areas, and to improve the safety of pedestrians throughout the city.

Transit service provides mobility to community residents who do not have access to automobiles and provides an alternative mode of transportation to driving for those who do. Public transportation within the City of Oregon City is currently provided by Tri-Met, the South Clackamas Transit District, Canby Area Transit, and the Oregon City Municipal Elevator. The Pioneer Community Center operates two vans that provide transportation for seniors on a point-to-point, pre arranged schedule.

Community input during the development of the TSP stressed the need for improved service on weekends and expanded service on weekdays, in addition to more expansive service area coverage in certain areas of the city. Overall, the City of Oregon City will continue to monitor the adequacy of the transit service provided to the community and work with Tri-Met and other providers to expand service as necessary. In addition, both the City and Tri-Met should promote a greater public awareness of the available public transit.

In particular, the City should promote South Corridor bus or light rail that serves Oregon City. With these services, the City should work with Tri-Met to locate Park and Ride facilities at convenient neighborhood nodes to facilitate access to regional transit.

Local service transit opportunities should be explored to promote availability of non-single occupancy vehicle travel and prolong infrastructure capacity. A local transportation management association (TMA) to serve businesses or local trolley-type transit service along the major and minor arterials should be continually considered to reduce the need for widening right-of-way for additional lanes as well as providing convenient, economical mobility for all ages of the community. Connect to local transit corridors by assuring reliable linkages between Hilltop, Downtown, Beaver Creek (education and employment centers), and the surrounding neighborhoods.

Rail System Plan

Union Pacific Railroad (UPRR) provides rail service within the City of Oregon City region. The UPRR rail line in Clackamas County is not considered to be experiencing capacity constraints, although some at-grade crossings were of concern in certain cases due to the slower speeds needed to maintain safety at the crossings. Four Amtrak passenger trains travel daily on the UPRR mainline. The closest operating station is Union Station in Portland.

A new Amtrak station has opened on Washington Street west of the End of Oregon Trail Interpretive Center. The station will provide rail connection to Portland, Eugene, and other Amtrak locations.

At-grade crossings and constrained topography represent rail system constraints in the Oregon City area, so the City should direct its future freight and passenger rail involvement to solving the problems associated with at-grade railroad crossings. The City should be involved in maximizing safety wherever other transportation modes cross rail lines, minimizing capacity

constraints on roadways that cross rail lines, and minimizing the delay for trains and other modes at railroad crossings. Possible policies and action items include:

- Obtaining federal and state funding, where possible, for railroad related improvements;
- Restoring a pedestrian and bike connection where the 17th Street crossing was closed for the Amtrak Station, for example by building pedestrian overpasses, underpasses, or other alternatives, to assure non-auto connectivity between the End of the Oregon Trail area, the Oregon City Shopping Center, and Clackamette Cove.
- Maintaining adequate active warning devices that control traffic during train crossings.

Marine System Plan

The Willamette River and Clackamas River are the only navigable waterways within the City of Oregon City UGB. The Willamette River provides a through route for commercial vessels from the Willamette Valley to the Columbia River via the Willamette Falls Locks. There is one commercial dock facility within Oregon City, at Sportcraft Marina. There are two recreational boat ramps, one at Clackamette Park and another at Sportcraft Marina. The Clackamas River is a recreational waterway only. In addition to the boat ramp at Clackamette Park on the Clackamas River, there is another Clackamas River boat ramp in Riverside Park at the end of Water Avenue, approximately one-half mile east of Gladstone.

Boats wishing to travel up the Willamette River past Oregon City must pass through the Willamette Falls canal and locks, which have been in continuous operation since 1873 and constitute the oldest such multi-lock system in America. The Willamette Falls Locks contribute to Oregon City's recreation system. While there is currently no commercial dock in the city, they also support the regional commercial marine system. The City should continue to support the Willamette Falls Locks operation as both a recreational and commercial facility.

Oregon City and the Oregon Marine Board are in the process of obtaining funding and permits for a floating commercial dock off of the John Storm Park property that is located between I-205 and the Rivershore Hotel. The dock would provide a stopping point for commercial tours or private boats near the Willamette Falls and would connect via a gangway to the stairs behind the County Courthouse building and to downtown. The purpose of the dock is to enhance commercial and recreational opportunities on the river and provide economic benefits to the city.

Oregon City's regional role in the Marine System Plan is to continue its efforts to ensure adequate commercial access to regional, national, and international marine services through on-going associations with the Port of Portland, Metro, and the Oregon Department of Transportation. Oregon City's role in the Marine System Plan at the local level will be to facilitate connections between the roadway network and the waterway system for both commercial and recreational operations. It is especially important to Oregon City's development as a tourist destination to encourage river related tourism facilities and services, such as docking facilities, river transit, and river tours.

The City will actively support the continued presence of boat launches in the area, as an effective means of recreational transportation. The Waterfront Master Plan incorporates the existing and proposed boat launches and docks in its discussion of future development along the waterfront. The creation of multi-use paths and other facilities that promote the multi-modal use of the

recreational areas along the shore of the Willamette and Clackamas Rivers should also be encouraged. Finally, the City will encourage and participate in any regional study dedicated to the investigation of marine transport as an effective commuter transportation mode.

Air Transportation System Plan

The passenger and freight air transportation demands of the City of Oregon City are primarily serviced by a system of four airports owned and operated by the Port of Portland: Portland International Airport (PDX), Hillsboro Airport, Troutdale Airport, and Mulino Airport. None of these four airports are located within the City of Oregon City study area, so the residents and businesses within Oregon City require strong supporting ground transportation connections for convenient access to each of the air transportation facilities. As such, the City will direct its involvement in passenger and freight air transportation to mitigating problems associated with airport ground transportation connections and access. Actions the City will consider include:

- Supporting improved connections to Interstate 205, for better access to Portland International Airport, the Hillsboro Airport, and the Troutdale Airport;
- Supporting improved connections to Highway 213, from better access to the Mulino Airport;
- Supporting at appropriate points in the decision making process the potential extension of light rail service to Oregon City along the I-205 Corridor, thus providing ground transportation to PDX;
- Working with TriMet and other transportation service providers to develop airport shuttle services and/or other public transportation connections; and,
- Continuing to play an active role in air transportation planning at the regional and statewide level.

Transmission Transportation System Plan

The transmission of natural gas, power, and information are all services of critical importance to businesses, industry, and residents of Oregon City. Northwest Natural (NWN) is the utility company that pipes natural gas to homes and businesses in the study area. Planning for the future focuses primarily on the supply of natural gas, not on the supply of pipelines. There are no infrastructure capacity constraints with the existing natural gas pipeline system.

The Bonneville Power Administration (BPA) is the federal organization that regulates and distributes power from the Columbia River Hydroelectric sources to the Pacific Northwest. Capacity has proven to be adequate to date with the purchase of power from California during the peak session, and sources at BPA do not expect future system congestion. Currently, there is no capacity limitation in the Oregon City area that would limit industrial or residential expansion. To reduce the risk of power outages, the City should pursue a policy of locating power lines underground in new developments and in older sections of town and establish a long-term funding mechanism to accomplish it.

Technologies, including wireless communications, geographic information systems, and the Internet, play a role in telecommuting, vehicle monitoring, and the provision of transportation system information through Internet web sites. The City's role in the transmission transportation system should be focused on disseminating knowledge about transmission resources to City residents and investigating ways in which information technologies can be used to improve the

entire transportation system. The City will work to bring traffic and travel planning information already available on the Internet to residents of Oregon City who may not have access to it – perhaps through their employers – or incorporate the latest advanced technologies into arterial incident management and monitoring. The City will work with Internet providers to develop a network including providing space for broadband fiber along road rights-of-way as roads are being constructed or retrofitted.

Intelligent Transportation Systems (ITS) uses advanced technology to solve transportation problems, improve safety, provide services to travelers, and help implement traffic management strategies. ITS can increase the efficiency of an existing transportation system while reducing the need to add capacity (e.g., new travel lanes, transit equipment). Efficiency is achieved by providing better management of the transportation system, and by providing services and information to travelers and transportation system operators so they can (and will) make better travel decisions, thus reducing overall demand on the transportation systems. Clackamas County is the lead agency in developing a countywide ITS plan and Oregon City is a participant in that effort. The City should continue to look for appropriate ways to implement ITS and improve the efficiency of the city's transportation network and reduce the need to add capacity.

Parking

The TSP complies with Metro's parking requirements in the *Urban Growth Management Functional Plan* by establishing parking maximums at ratios no greater than those listed in the *Urban Growth Management Functional Plan* for the areas illustrated on the Regional Parking Maximum Map. It is City policy to have development regulations that are consistent with the maximums allowed by the regional plans.

The Code Enforcement Division operates, maintains, and provides enforcement for metered parking, city-owned parking lots, and other parking restrictions throughout Oregon City. Strategies for downtown parking accessibility should be reviewed and implemented regularly to support the viability of the Downtown Community Plan. To ease demand for parking in these areas, the City will work to provide better transit, pedestrian, and bike connections where appropriate.

GOALS AND POLICIES

Goal 12.1: Land Use-Transportation Connection

Ensure the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.

Policies

Policy 12.1.1 Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.

Policy 12.1.2 Continue to develop corridor plans for the major arterials in Oregon City, providing for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.

Policy 12.1.3 Support mixed uses with higher residential densities in transportation corridors, including consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.

Policy 12.1.4 Provide for walkable neighborhoods. Walkable neighborhoods are desirable places to live, work, learn and play, and, therefore, a key component of smart growth.

Policy 12.1.5 Investigate the possibility of a new street connection between South End Road and Highway 99E between downtown and New Era.

Policy 12.1.6 Investigate the possibility of a new east-west connection from Highway 213 to Willamette Falls Hospital.

Goal 12.2: Local and Regional Transit

Promote regional mass transit (South Corridor bus, Bus Rapid Transit, light rail) that serves Oregon City as well as regional transit opportunities.

Policies

Policy 12.2.1 Explore local and regional transit opportunities to promote availability of non-single-occupancy vehicle travel and to prolong infrastructure capacity.

Policy 12.2.2 Target local transit where it is expected to be particularly effective, such as with frequent, reliable links between Hilltop, Downtown, the Hospital, the Beavercreek educational and employment centers, and the close in neighborhoods.

Policy 12.2.3 Work with Tri-Met to locate Park and Ride facilities at convenient neighborhood nodes to facilitate access to regional transit.

Policy 12.2.4 Consider establishing a local transportation management association (TMA) to serve businesses or local trolley-type transit service along the major and minor arterials to reduce the need for widening right-of-way for additional lanes as well as providing convenient, economical mobility for all ages of the community.

Policy 12.2.5 Advocate for new regional bus rapid transit and rail transit connections to Oregon City.

Goal 12.3: Multi-Modal Travel Options

Develop and maintain a transportation system that incorporates, provides for, and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.

Policies

Policy 12.3.1 Provide an interconnected and accessible street system that minimizes vehicle-miles-traveled and inappropriate neighborhood cut-through traffic, throughout the network.[1]

Policy 12.3.2 Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators, such as employment centers, public facilities, and recreation areas.

Policy 12.3.3 Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreation areas, and the arterial and collector roadway network.

Policy 12.3.4 Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.

Policy 12.3.5 Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of the Oregon City community.

Policy 12.3.6 Establish a truck route network that ensures efficient access and mobility to commercial and industrial areas while minimizing adverse residential impacts.

Policy 12.3.7 Promote and encourage the possible future extension, connection, and expansion of both rail and river-based transportation services to and through Oregon City.

Policy 12.3.8 Ensure that multi-modal transportation system preserves, protects, and supports the environmental integrity of the Oregon City community.

Policy 12.3.9 Ensure that the city's transportation system is coordinated with regional transportation facility plans and policies of partnering and affected agencies.

Policy 12.3.10 Develop, if possible, dock facilities along the Willamette River to support a range of public and private boat and water transportation opportunities.

Goal 12.4: Light-Rail
Promote light rail that serves Oregon City and locate Park and Ride facilities at convenient neighborhood nodes to facilitate access to regional transit.

Policies

Policy 12.4.1 Support Light Rail development to Oregon City.

Policy 12.4.2 Explore local service transit opportunities to promote availability of non-single occupancy vehicle travel and prolong infrastructure capacity.

Policy 12.4.3 Consider establishing a local transportation management association (TMA) to serve businesses or local trolley-type transit service along the major and minor arterials to reduce the need for widening right-of-way for additional lanes as well as providing convenient, economical mobility for all ages of the community.

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[1] (Please note: A 10-percent reduction in VMT per capita has been assumed within the 20-year horizon consistent with and reflected in the Metro travel demand forecasting model used to evaluate the transportation system and identify needs)

Policy 12.4.4 Ensure efficient use of local transit by providing frequent, reliable links between the land uses and community associated with the Hilltop, Downtown, the Hospital, the Beavercreek educational and employment centers, and the close in neighborhoods.

Goal 12.5: Safety
Develop and maintain a transportation system that provides adequate safety for the transportation system users.
Policies

Policy 12.5.1 Identify transportation improvements needed to increase the safety of the transportation system for all users.

Policy 12.5.2 Identify and implement ways to minimize conflict points between different modes of travel.

Policy 12.5.3 Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

Goal 12.6: Capacity
Develop and maintain a transportation system that provides capacity to serve the system user's needs.

Policies

Policy 12.6.1 Provide a transportation system to serve the existing and projected future travel demand.

Policy 12.6.2 Identify transportation system improvements that mitigate existing and projected future areas of congestion.

Policy 12.6.3 Ensure the adequacy of travel mode options and travel routes (parallel systems), in areas of congestion.

Policy 12.6.4 Identify and prioritize improved connectivity throughout the city street system.

Goal 12.7: Sustainable Approach
Promote a transportation system that supports sustainable practices.
Policies

Policy 12.7.1 Support "green street" construction practices.

Policy 12.7.2 Encourage the use of materials geared for long life cycles within both public and private transportation facilities.

Policy 12.7.3 Encourage the use of reused or recycled materials.

Policy 12.7.4 Promote multi-modal transportation linkages and facilities as a means of limiting traffic congestion.

Policy 12.7.5 Treat roadway pollution along transportation routes through the most effective means.

Goal 12.8: Implementation/Funding
Identify and implement needed transportation system improvements using available funding sources.

Policies

Policy 12.8.1 Maximize the efficiency of the Oregon City transportation system, thus minimizing the required financial investment in transportation improvements, without adversely impacting neighboring jurisdictions and facilities.

Policy 12.8.2 Provide transportation system improvements that facilitate the timely implementation of the Downtown Community Plan and protect regional and local access to the End of the Oregon Trail Interpretive Center.

Policy 12.8.3 Provide incentives for private sector contribution to multi-modal transportation linkages and facilities (i.e. establish new standards in zoning code).

13. ENERGY CONSERVATION

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

All citizens have a stake in conserving energy or using alternative renewable energy sources in the long term, as fossil fuels are a finite resource. The way urban land is used, the types of use and the placement of structures on a site, people's access to alternative modes of transportation, and the proximity of different uses affect energy usage. The goals and policies are intended to demonstrate the City's commitment to energy conservation to be implemented through development ordinances, internal policies for energy use, and incentives for the private sector.

Background

As fossil fuels become scarcer, the costs of non-renewable energy increase, and our technology advances, we will need to find new energy sources and conserve the remaining available energy. In an effort to better understand how we can better deal with non-renewable energy, the State of Oregon uses the following definition for sustainability: *"Sustainability means using, developing and protecting resources at a rate and in a manner that enables people to meet their current needs and also provides that future generations can meet their own needs."* LCDC has mandated Goal 13: "To conserve energy." Land and land uses must be managed and controlled to conserve energy, based upon sound economic principles. The regional objectives relating to this goal are to:

1. Improve the efficiency of fossil fuel consumption.
2. Encourage design that takes advantage of natural light and energy resources.
3. Encourage energy contributions from solar energy systems.
4. Reduce increases in central station generation demand.
5. Reduce energy demand during peak periods.
6. Promote use of non-petroleum fueled means of transit.
7. Encourage materials conservation.
8. Enable full potential to be taken from new energy supply technologies and efficient measures.

Energy Sources

Oregon City is situated at the falls of the Willamette River, which was a principal energy source for the emerging settlement in the 1800s and which subsequently provided the electricity for the first long distance transmission of electrical energy, from Oregon City to the City of Portland. The falls have been modified over time as subsequent generation of electrical and direct waterpower technologies were applied. Today, the Willamette Falls Hydroelectric Project combines Portland General Electric (PGE) and the Blue Heron Paper Company at the falls on the Oregon City side of the Willamette River. In addition, the West Linn Paper Company has power-generating facilities on the West Linn side of Willamette Falls. PGE retains ownership of the former hydroelectric site at the Willamette Falls and is in the process of obtaining a permit to re-license the facility. It is not likely

that the electrical-generating capability at the falls of the Willamette will be expanded dramatically for a variety of economic and ecological reasons

Solar energy is not likely to be a significant energy source in Oregon City because of the climate, but new technologies make solar energy a viable supplemental source to assist in meeting space and water heating needs in buildings and for conversion directly to electricity in specific applications such as powering remote communication facilities. No sources of natural gas or petroleum are known in the city. However, methane gas from the former Rossman landfill on the north end of the city and opportunities for co-generation of electricity from methane generated from operations at the Tri-Cities Waste Water Treatment Facility may provide a supplemental energy source.

A significant source of energy within the community is the energy derived from conservation practices of citizens and businesses. Energy conserved and not used is energy that is available for other uses as surely as if from an original source. The City can promote and stimulate this source of energy through land use development patterns that support public transit and minimize individual automobile trips, and through incentives and regulations to reduce use of energy in homes, municipal facilities, and businesses, and to encourage development to be sited and designed to take advantage of solar energy for water, space heating, and other uses.

Conservation Methods: Land Use

The way urban land is used, the types of use and the placement of structures on a site, affects energy use both directly and indirectly. Direct energy use consists of heating, cooking, driving, and similar tasks. Indirect energy use is that for creating consumer goods and services. Conservation techniques dealing with land use address both types of energy.

Many implementation ordinances segregate land uses, such as industrial, commercial and residential uses, in attempt to separate incompatible uses from one another. The result is often longer travel distances from work to home and to other destinations. Through the promotion of mixed-use development, compact development, residential clustering, increased densities near activity centers, flexible parking requirements, increased landscaping for cooling purposes, water quality, and home-based occupations (as appropriate), these regulations can promote sensible, energy efficient growth.

The proper design of new subdivisions can contribute to energy conservation. Consideration of the solar orientation of homes in subdivisions should be encouraged in plat lay out to allow for maximum use of passive solar energy. The largest wall and window areas ideally face north and south rather than east and west. The south side of a building at 40° latitude receives three times as much winter sun as the east or west side. Due to other considerations in plat lay out, such as street connections, environmental constraints like steep slopes and wetlands, infill development; optimal solar orientation may not be practical. These trade-offs should be recognized as contributing to resource conservation in a different way. For example, efficient street layouts and avoidance of wetlands and steep slopes can minimize use of finite resources.

Landscaping can increase the benefits of sun exposure. Trees reduce heat loss from buildings in winter and absorb radiation in summer. Trees on the south, southeast or southwest sides of a

building are preferably deciduous, providing summer shade while allowing low winter sun to shine through.

Design of transportation systems can and should be used as one way of conserving fossil fuels by making trips more efficient. Planned unit developments (PUDs) should be encouraged to allow for energy-efficient higher density and mixed uses within neighborhoods. PUDs can reduce the use of energy for transportation between living, working and shopping areas. The "neighborhood commercial" district is another method of reducing energy by shortening the trips people need to take to obtain necessities. Commercial, office, and industrial uses should be located along or near major transit corridors. Residential density usually decreases as one moves away from these corridors. To encourage alternative means of transportation, sidewalks and bikeways should be designed for maximum safety, convenience and weather protection, and should allow access to working and shopping areas and schools from residential areas.

Existing structures should be preserved or materials recycled to save energy used to manufacture building materials and for new building construction.

Recycling collection and storage facilities should be encouraged, not only in industrial areas, but also in more convenient commercial areas. Metro's South Transfer Station near Highway 213 and Washington Street provides an opportunity for residents to drop off recyclable materials.

Conservation Methods: Transportation

Land use in Oregon City should encourage alternative transportation modes to single occupancy vehicles such as walking, carpooling, transit, and bicycling. Many related policies are included in the Transportation section of this plan and the City's Transportation System Plan.

Bikeways should be constructed (see both Transportation and Parks and Recreation sections) along with safe bicycle parking areas. Designated "bikes only" lanes along major streets should be developed where possible, such as recently designated along Warner Parrott Road, South End Road, and Molalla Avenue. Multi-use paths should be built in appropriate areas where bicycle- and pedestrian-generator uses are located. Local merchants should be required to supply bicycle racks (preferably under some type of cover) for riders' convenience and as an incentive for cycle use. This is now required as part of site plan review. Streets should be designed for efficient multi-modal transportation while also helping protect the quality of the region's stream systems.

Use of carpools, transit, and preference parking should be examined. Vanpools operated by large firms and agencies in Oregon City for their local employees should also be considered. Areas with employment concentrations—Oregon City Shopping Center, Downtown, the hospital area, and Molalla/7th Street—should also be considered for use of vanpools. Amenities for transit riders, such as appropriate shelters and or seating, can be required or encouraged in association with site development along transit routes.

Conservation Methods: Structures

The purpose of this section is to outline policies designed to optimize energy efficiency and conservation in structures. It is outside the scope of this Comprehensive Plan to mandate policies

regulating the interior construction of both public and private structures. However, as noted in the 1982 Comprehensive Plan, household energy uses consumed over 40 percent of the total personal energy use in 1977 in Oregon - heating of water and space alone used approximately 37 percent. The use of alternatives such as optimizing solar orientation, access to natural air ventilation and other techniques are encouraged to help reduce household energy use. Weatherization of structures, such as weather-stripping and use of storm doors and windows, can help reduce space-heating energy (and heat bills), which accounts for 70 percent of Oregon's residential direct energy use.

Alternative renewable energy systems should be considered. Use of the wind, sun, water, and solid waste may become increasingly important as fossil fuel supplies diminish and technology advances. Interior improvements designed to save energy include insulation of water heaters and pipes and appropriate window and door placement. Architectural design of the structure can also play a major part in conservation. Integration of green design techniques, especially the use of low-cost green design and construction practices will help the City move towards its energy goals. Some general design practices to be encouraged include: building design strategies; siting, land use and landscaping; energy systems; resource friendly products and materials; and increased salvage practices on job sites.

Incentives And Implementation

Implementation of energy conservation policies typically occurs through both public and private sector incentives and through development ordinances. For example, density bonuses can be awarded as incentives to developments incorporating energy-efficient design. Developments incorporating new energy-conserving features can be encouraged in the processes deciding which proposals to approve.

Transportation policies from the 2001 Transportation System Plan and other ancillary documents are designed to create more efficient travel networks for alternative modes such as walking, biking, and public transit by improving facilities and connections between modes.

The Uniform Building Code is the major implementing device for structural conservation methods. This code describes minimum building standards and should be strictly enforced by the City.

Recycling of materials should be done by the City in its own operations, as well as facilitating resource recovery and recycling throughout the community.

GOALS AND POLICIES

Goal 13.1: Energy Sources

Conserve energy in all forms through efficient land use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

Policies

Policy 13.1.1 Maintain the historic use of Willamette Falls as an energy source for industrial and commercial development.

Policy 13.1.2 Encourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit.

Policy 13.1.3 Enable development to utilize alternative energy sources such as solar through appropriate design standards and incentives.

Policy 13.1.4 Wherever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access.

Goal 13.2: Energy Conservation

Plan public and private development to conserve energy.

Policies

Policy 13.2.1 Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

Policy 13.2.2 Create commercial nodes in neighborhoods that are underserved to reduce vehicle miles traveled.

Policy 13.2.3 Plan for complimentary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.

Policy 13.2.4 Encourage use of carpools and transit in cooperation with Tri-Met and other state and regional transportation agencies.

Policy 13.2.5 Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-based transportation.

Policy 13.2.6 Support the concepts of sustainability over the long term by:

- encouraging education efforts such as developing and/or distributing educational materials to the public about energy efficiency and sustainability,
- encouraging designs that achieve a minimum Leadership in Energy and Environmental Design (LEED) certification,
- implementing sustainable concepts within the Oregon City government facilities that receives a minimum "Platinum" LEED rating,
- implementing design guidelines that address sustainability for private sector development,
- taking advantage of up-to-date technology to reduce energy use, and
- developing incentive programs to apply to private sector development, where feasible.

14. URBANIZATION

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 14, Urbanization. This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

The city will continue to grow and needs to manage the growth for the benefit of its citizens and businesses. The goals and policies of this element are intended to ensure that the city grows in ways that are fiscally sound, that result in high quality development, that allow services to be provided efficiently and that protect natural resources. In general, Oregon City will urbanize in a thoughtful and deliberate manner to protect, preserve, and enhance the positive facets of city life.

Background

Urbanization is the conversion of rural or natural resource lands to urban uses as the area of the city expands. In 1982, Oregon City occupied approximately 3,000 acres of land. In 2002, there were approximately 5,892 acres within the city limits. Another 1,403 acres were outside the city limits but within the urban growth boundary, for a total of 7,295 acres. Urbanization at the edge of Oregon City is constrained by the Willamette River to the west, Clackamas River to the north, and steep topography to the south and east.

Much of the future population growth will occur in unincorporated areas that are outside of the 2002 city limits. Metro requires concept plans be completed four years from date of inclusion. Oregon City will continue to grow in land area, through annexations and urban growth boundary expansions, the most recent of which added 738 acres to the south of South End Road, east of Beavercreek Road, and south of Redland Road. A Concept plan for the areas must be completed by March 2007.

An intergovernmental agreement between the City and Clackamas County guides land use designations and extension of public services to the urbanizing area. The "Urban Growth Management Agreement" (UGMA) has been in place since 1990. Under the terms of the agreement, Oregon City, rather than Clackamas County, plans for and provides urban services for the urbanizing area. The agreement stipulates that city Comprehensive Plan designations will apply within the urbanizing area and that the County will zone properties inside the urban growth boundary Future Urbanizable (FU-10) until the City annexes them and applies the appropriate city zone.

Because the City provides sewer and water services to properties in the urban growth area only after properties either are annexed to the city or the property owners agree to annexation, urban level development can occur only within the city limits, under City land development standards and regulations. The UGMA appears to be working well, in that urban level development has not occurred outside of the city limits, as has been the case in other jurisdictions within the Metro region. As expansion of the urban growth area becomes more difficult over time, the UGMA can be amended to ensure that the City and County continue to plan for rational development at the city's edge.

Growth and Urbanization Issues

How will the city urbanize in the future? Will the city grow in quality as well as quantity? What measures can the city government, or other governmental agencies serving the city, take to guide the type, location, quality and design of new development? Some of the challenges facing Oregon City include:

- Protecting and enhancing existing development, including older development that is now considered historic, along with new growth.
- Ensuring an adequate supply of housing in a range of prices and types, including housing that is affordable to low and moderate-income families.
- Attracting multi-story offices, unique commercial centers, vibrant mixed-use centers, and productive employment areas.
- Ensuring that the city's basic utilities and facilities, especially its transportation system, have the capacity to handle the growth.
- Creating an urban environment, while keeping significant amounts of open space and parks available and accessible to its residents.
- Balancing private property rights with the public goals and needs as the City adopts new programs and regulations aimed at shaping the city's built and natural environment.

The City will need to use all available tools in a strategic and coordinated manner to encourage high quality development and redevelopment in appropriate locations, and at the same time protect and enhance the livability of the city. Goals and policies to meet the challenges described above are in some measure implemented through other elements of the comprehensive plan, such as good urban design in development, creating compact growth to reduce the need for expansion of the urban growth boundary, multi-modal transportation initiatives, and creating viable neighborhoods with a variety of uses. Other themes that the city should consider as it grows and expands in the future are discussed below.

Expansion of Boundaries

The city cannot expand west or north because of rivers and the adjacent cities of West Linn and Gladstone. The city will ultimately run out of land on which to accommodate new development, both within the current city limits and within the urban growth boundary. As the city grows, it will need to expand its city limits to accommodate a portion of the regional housing and employment needs. This should be done in a rational and planned manner, in coordination with the city's capital improvement program and its ability to provide services to new areas. In addition, neighborhoods potentially affected by a proposed UGB expansion should be consulted in advance of the proposal to solicit input, determine local concerns and expected impacts, and assess the level of support.

The UGB is established to identify and separate urbanizable land from rural land as described in Statewide Planning Goal 14. Metro regulates the expansion of the Metro UGB, including Oregon City's UGB, through Title III of the Metro Code. However, Oregon City can apply for a major amendment to the UGB every year except a year in which Metro is updating its five-year analysis of buildable land supply.

Metro considers the following main factors when evaluating proposed changes to the UGB:
(1) Demonstrated need to accommodate long-range urban population growth;
(2) Need for housing, employment opportunities, and livability;
(3) Orderly and economic provision for public facilities and services;
(4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
(5) Environmental, energy, economic and social consequences;
(6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
(7) Compatibility of the proposed urban uses with nearby agricultural activities.

Applications for an expansion must demonstrate that growth cannot be reasonably accommodated within the current UGB, that proposed uses are or can be compatible with existing uses, and the long-term environmental, economic, social, and energy consequences after mitigation are not significantly more than they would be elsewhere.

Metro's Title 11 requires cities to include the land within their UGB in their comprehensive plans prior to urbanization. Title 11 intends to promote the integration of land added to the UGB with existing communities when comprehensive plans are amended by ensuring that "concept" plans are developed for areas proposed for urbanization or annexation. Concept plans must include a conceptual transportation plan; natural resources protection plan to protect areas with fish and wildlife habitat, water quality enhancement and mitigation and natural hazards mitigation; a conceptual public facilities and services plan for wastewater, water, storm drainage, transportation, parks, and police, and fire protection; and, a conceptual school plan. Oregon City will require concept plans to be developed for areas added to the southwest and southeast of the city.

Once inside the UGB, areas can be proposed for annexation when and where appropriate. The Oregon City zoning code lists factors that the Planning Commission and City Commission are to use when reviewing a proposed annexation. The annexation should not take on issues that are better suited to development review. Simply, the city should consider the adequacy of facilities and services to the area or the ability to provide those services in an efficient manner. This would leave development plans and related issues to the site development/design review process.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for

annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

Partnerships with Other Governments

The City does not provide all of the urban services necessary for the urban area. Clackamas County, the Oregon City School District, the Oregon Department of Transportation, the TriCities Sewer District, Clackamas Community College, and many other agencies also provide necessary services to the residents and employees in the city. In order to efficiently and effectively use the public dollars available to all of these different agencies, the City should be proactive in forming excellent working relationships with other agencies to address urban service issues.

Green Corridors

"Green corridors" are lands and waterways left in a natural condition to provide open space, recreational, habitat, and a sense of separation of various areas. Metro has identified "green corridors" around the region in the 2040 Growth Concept. Although there are no green corridors within the city at this time, there may be a time in the future when there would be. The City recognizes the value of green corridors, and will ensure that any such corridors within the city limits of Oregon City or within its urban growth boundary are adequately protected. Beavercreek and its tributaries are potential green corridors. Clackamas County is establishing green corridors adjacent to Oregon City on Highway 99E from Canemah to New Era and on Highway 213 from the Oregon City city limits to Molalla.

Options for implementing green corridor concepts elsewhere include:

- Providing a gradual transition from green corridor to urban environment.
- Implementing a green belt or green corridor policy of parks and open space along these corridors. This could include purchase and development of parks along corridors, and restricting development in natural areas with steep slopes, wetlands, or other flooding issues from development along these corridors.
- Preserving these areas by adding zoning language to implement scenic roads policies.
- Reviewing development standards along the corridor to extend setbacks, increase landscaping requirements, encourage native vegetation.
- Developing incentive programs and educational programs.
- Linking tourism promotion or historic preservation to green corridors.

GOALS AND POLICIES

Goal 14.1 Urban Growth Boundary:
Establish, and from time-to-time amend, an Urban Growth Boundary in the unincorporated area around the city that contains within it sufficient lands needed to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.

Policy 14.1.1 The Urban Growth Boundary shall be in conformance with Metro Title 3 and will provide sufficient land to accommodate 20-year urban land needs, result in an

efficient urban growth form and a distinction between urban uses and surrounding rural lands; and will promote appropriate infill and redevelopment in the city.

Policy 14.1.2 Concept Plans that provide more detailed comprehensive planning will be required prior to development of lands within the Urban Growth Boundary, known as the Urban Growth Area.

Goal 14.2 Orderly Redevelopment of Existing City Areas
Reduce the need to develop land within the Urban Growth Area by encouraging redevelopment of underdeveloped or blighted areas within the existing city boundaries.

Policy 14.2.1 Maximize public investments in existing public facilities and services by encouraging redevelopment, as appropriate.

Policy 14.2.2 Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.

Goal 14.3 Orderly Provision of Services to Growth Areas:
Plan for public services to lands within the Urban Growth Area through preparation and adoption of a Concept Plan and related Capital Improvement Program as an amendment to the Comprehensive Plan.

Policy 14.3.1 Maximize use of new public facilities and services by encouraging new development within the Urban Growth Area at maximum densities allowed by the Comprehensive Plan.

Policy 14.3.2 Extension of new services shall not diminish the delivery of those same services to existing areas and residents within the city

Policy 14.3.3 Oppose formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Area.

Policy 14.3.4 The costs of providing new public services and improvements to existing public services resulting from new development shall be born by the entity responsible for the new development to the maximum extent allowed under state law for Systems Development Charges.

Goal 14.4: Annexation of Lands to the City
Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

Policy 14.4.1 In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary,

and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.

Policy 14.4.2 Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.

Policy 14.4.3 When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:

a) avoid creating unincorporated islands within the city;
b) enable public services to be efficiently and cost-effectively extended to the entire area; or
c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.

Policy 14.4.4 The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.

Goal 14.5: Partnerships with Other Governments
Create and maintain cooperative, collaborative partnerships with other public agencies responsible for servicing the Oregon City area.

Policy 14.5.1 Enter into an Urban Growth Management Agreement with Clackamas County to control land uses in the unincorporated area around the city to ensure that conversion of rural lands to urban uses upon annexation is orderly, efficient and in conformance with the Comprehensive Plan for Oregon City.

Policy 14.5.2 Coordinate public facilities, services and land use planning through intergovernmental agreements with the school district, Clackamas Community College, Clackamas County Fire District #1, Tri-Cities Services District and other public entities as appropriate.

Policy 14.5.3 Coordinate with Clackamas County and Metro to contain city boundaries and future urban land uses to areas on relatively level land north of the steep lands of Beaver Creek and its tributaries that border the southern portion of the city and the steep lands of the tributaries to Abernethy Creek that border the east and southeasterly portions of the city.

Goal 14.6: Green Corridors and Green Belts
Promote green corridors and green belts in lands beyond Oregon City's Urban Growth Boundary to maintain the rural character of the landscape and unincorporated communities and to protect the agricultural economy of the region.

Policy 14.6.1 Support Green Corridor policies and practices along major transportation routes to neighboring cities that may be designated by Clackamas County.

Policy 14.6.2 Maintain a green belt around the southern and eastern edge of the city by confining urban land uses to the relatively level lands north of the steep slopes of Beaver Creek and its tributaries along the southern portion of the city and the steep lands of the tributaries to Abernethy Creek that border the east and southeasterly portions of the city.

Policy 14.6.3 Maintain the rural forested appearance along the Willamette River along US. Highway 99E within City areas from Canemah to South End Road at Beaver Creek by requiring vegetative screening and setbacks to provide a visual buffer and by regulating signage and lighting.

15. WILLAMETTE RIVER GREENWAY

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 15, Willamette Greenway. This goal sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

In 1973, the Willamette River Greenway (WRG) was created by the state to protect the Willamette River corridor from Eugene to the confluence with the Columbia River. The natural, scenic and recreational qualities are protected and historical sites, structures, facilities, and objects are preserved for public education and enjoyment. Local jurisdictions are required to plan for and protect uses within the WRG boundary under Statewide Planning Goal 15. Land within the WRG boundary is subject to the goals and policies in this element and the regulations in applicable implementing ordinances. Actual and timely monitoring of compliance of public and private entities with the goals and elements of the Greenway is crucial to the success of this Statewide Planning Goal.

Background

The Oregon State Legislative Assembly created the Willamette River Greenway (WRG) in 1973. The Department of Transportation (DOT) is responsible for coordination of the development and maintenance of the Greenway Plan. The State Land Conservation and Development Commission (LCDC) is authorized under Statewide Planning Goal 15 to determine whether local comprehensive plans satisfy the requirements of the statutes.

Goal 15 requires that each jurisdiction containing the Willamette River incorporate applicable portions of the approved DOT Greenway Plan in their comprehensive plan and implementing regulations. The Oregon City Comprehensive Plan contains goals, policies, an inventory of properties, and a WRG boundary. It implements an overlay zone that regulated allowed uses within the boundary. The WRG element further identifies properties for possible public acquisition and the conditions under which the acquisition could occur.

Land within the boundary is subject to the goals and policies in the comprehensive plan and the regulations in applicable implementing ordinances. Any change or intensification of use or development (as defined in LCDC Goal #15) proposed for land within the Greenway boundary requires a Greenway permit. Land within 150 feet of the ordinary low water mark is considered to be within the WRG Compatibility Review Boundary and is subject to a compatibility review through the conditional use process. WRG Compatibility Review ensures a balance of the best possible appearance, habitat, water quality, public access, scenic, economic, and recreational qualities are provided on lands directly abutting the Willamette River. There are no changes proposed to those processes established by the 1982 Comprehensive Plan and the zoning ordinance. Procedures for and criteria to be used in the administrative review and conditional use processes are consistent with requirements in LCDC Goal #15, and are implemented through the Willamette River Greenway Overlay District.

Additional documents adopted since 1982 that affect the Willamette River Greenway are:

- Oregon City Waterfront Master Plan (Ordinance No. 01-1033, effective January 2002)
- Downtown Community Plan (Ordinance No. 99-1034)

- Water Resources Overlay District of the City's zoning code, which implements Title 3 of Metro's Urban Growth Management Functional Plan.
- Flood Management Overlay District of the City's zoning code.
- Erosion and sediment control requirements of the City's zoning code.

A city-sanctioned "Natural Resources Committee" was established by ordinance in 2002 and should be encouraged to provide input in projects or concerns relating to the Greenway.

Oregon City's waterfront area at the confluence of the Willamette and Clackamas rivers contains spectacular natural features and a rich history. Given the site's unique characteristics and proximity to the heart of downtown Oregon City, revitalization of the waterfront area is key to shaping the future of the community. A Waterfront Master Plan was adopted in 2002 to guide that future. The primary focus of the Waterfront Master Plan is to balance the interplay of the natural environment with the economic potential of public and private development. The plan highlights open space improvements and mixed use redevelopment within the district, which is generally along the waterfront from 5th Street in downtown north to the Clackamas River and east along the Clackamas River to I-205.

The Downtown Community Plan establishes a framework for preserving and strengthening the historic character of Oregon City, refining the mix of land uses and emphasizing pedestrian-oriented design. The Downtown Community Plan discussion, goals, and policies are found in Chapter N of this plan.

The natural environment, and fish and wildlife habitats that have been created through human effort, surrounding the Willamette River should be preserved and protected. Protection is provided through the Water Resources Overlay District of Title 17 of the Oregon City Municipal Code and the Willamette River Greenway Overlay District. The City will review these ordinances to remove any conflicts between them and to meet the goals of the Willamette Greenway, add substance where needed. Since the 1996 flood that inundated portions of the greenway, a new flood plain section of the Natural Resources element was adopted in 1999 to better address the management of development in the flood plain.

Some of the implementing regulations that affect the WRG (Flood Management Overlay District, Water Quality Resource Area District Overlay, and Willamette River Greenway Overlay District) conflict, particularly development regulations. Adoption of the Waterfront Master Plan, the Downtown Community Plan, and the regulations to implement them has the potential to further complicate the regulations within the Greenway. Staff should ensure that development standards and regulations as they affect the Greenway, wherever they occur in the implementing ordinances do not create a conflict.

Greenway area resources, including ownership patterns, are discussed in the resource document that supports the Oregon City Comprehensive Plan.

Land within the WRG Compatibility Review Boundary

Throughout the 1990s, the City acquired many of the privately owned parcels along both the Willamette and Clackamas Rivers that were discussed in the 1982 comprehensive plan. Parcels

were acquired in the late 1990s from along Clackamette Drive in the vicinity of the I-205 bridge around Clackamette Cove.

The majority of waterfront properties in the Canemah District remain in private ownership. It is important for the City to acquire and maintain open space land in Canemah to provide bike and pedestrian connections along Highway 99E to the Willamette River Trail as well as river access and view corridors. Equally important is the protection and enhancement of degraded riparian areas in the Canemah district through municipal, public service, and community planting projects.

The remaining parcels within the Willamette River Greenway that remain in private ownership are owned primarily by the Union Pacific Railroad and Blue Heron Paper Company. The railroad is an important link in the transportation system and plays a critical role in regional freight and passenger transportation (Amtrak). This transportation link must be preserved to maintain functions that significantly impact regional economics and livability.

The Blue Heron Paper Company continues to play a vital role in providing jobs in Oregon City. The existing use plays a role in enhancing the river-related economic resources (that being power and raw material for the pulp and paper manufacturing). However, its location within the Willamette River Greenway makes it difficult for the City to achieve compatibility with the Greenway goals of protecting natural, recreational and scenic resources of the river corridor and inside the WRG Compatibility Review Boundary. Debris cleanup and riparian planting projects involving citizens partnering with the Blue Heron Paper Company are currently possible and should be pursued.

Parcels adjoining McLoughlin Boulevard with commercial or office uses should not be pursued for public ownership. These parcels will be zoned to implement the Downtown Community Plan and are integral to the plan's goals as well as regional 2040 goals for Oregon City as a regional center.

GOALS AND POLICIES

Goal 15.1: Protect the Willamette River Greenway
Ensure the environmental and economic health of the Willamette River by adopting goals, policies and procedures that meet the Willamette River Greenway Statewide Planning Goal 15.

Policies

Policy 15.1.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

Policy 15.1.2 Preserve major scenic views, drives and sites of the Greenway.

Policy 15.1.3 Encourage access to and along the river consistent with the Parks and Recreation Master Plan and the Waterfront Master Plan.

Policy 15.1.4 Restrict new substations and power line towers in the Greenway or river view corridor.

Policy 15.1.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects on the Greenway and in accordance with the Parks and Recreation Master Plan and the Waterfront Master Plan.

Policy 15.1.6 Review uses proposed for inside the Willamette River Greenway Compatibility Review Boundary for consistency with local goals and policies for that area.

Appendix C : Glossary of Metro Design Types

Central City
Downtown Portland serves as the hub of business and cultural activity in the region. It has the most intensive form of development for both housing and employment, with high-rise development common in the central business district. Downtown Portland will continue to serve as the finance and commerce, government, retail, tourism, arts and entertainment center for the region.

Regional Centers
As centers of commerce and local government services serving a market area of hundreds of thousands of people, regional centers become the focus of transit and highway improvements. They are characterized by two- to four-story compact employment and housing development served by high-quality transit. In the growth concept, there are eight regional centers – Gateway serves central Multnomah County; downtown Hillsboro serves the western portion of Washington County; downtown Beaverton and Washington Square serve Eastern Washington County; downtown Oregon City and Clackamas Town Center serve Clackamas County; downtown Gresham serves the eastside of Multnomah County; and downtown Vancouver Washington serve Clark County.

Town Centers
Town centers provide localized services to tens of thousands of people within a two- to three-mile radius. Examples include small city centers such as Lake Oswego, Tualatin, West Linn, Forest Grove and Milwaukie and large neighborhood centers such as Hillsdale, St. Johns, Cedar Mill and Aloha. One- to three-story buildings for employment and housing are characteristic. Town centers have a strong sense of community identity and are well served by transit.

Main Streets
Similar to town centers, main streets have a traditional commercial identity but are on a smaller scale with a strong sense of the immediate neighborhood. Examples include Southeast Hawthorne in Portland, the Lake Grove area in Lake Oswego and the main street in Cornelius. Main streets feature good access to transit.

Corridors
Corridors are major streets that serve as key transportation routes for people and goods. Examples of corridors include the Tualatin Valley highway and the 185th Avenue in Washington County, Powell Boulevard in Portland and Gresham and McLoughlin Boulevard in Clackamas County. Corridors are served extensively by transit.

Station Communities
Station communities are areas of development centered around a light-rail or high-capacity transit station that feature a variety of shops and services that will remain accessible to bicyclists, pedestrians and transit users as well as cars.

Neighborhoods

Under the 2040 Growth Concept, most existing neighborhoods will remain largely the same. Some redevelopment can occur so that vacant land or under-used buildings could be put to better use. New neighborhoods are likely to have an emphasis on smaller single-family lots, mixed uses and a mix of housing types including row houses and accessory dwelling units. The growth concept distinguishes between slightly more compact inner neighborhoods, and outer neighborhoods, with slightly large lots and fewer street connections.

Neighboring Cities / Green Corridors

Communities such as Sandy, Canby, Newberg and North Plans have a significant number of residents who work or shop in the metropolitan area. Cooperation between Metro and these communities is critical to address common transportation and land-use issues. Neighboring cities are connected to the metro area by green corridor transportation routes.

Rural Reserves / Open Spaces

An important component of the growth concept is the availability and designation of lands that will remain undeveloped, both inside and outside the urban growth boundary. Rural reserves and lands outside the UGB that provide a visual and physical separation between urban areas and farm and forestlands. Open spaces include parks, stream and trail corridors, wetland and floodplains.

Industrial Areas and Freight Terminals

Serving as hubs for regional commerce, industrial land and freight facilities for truck, marine, air and rail cargo provide the ability to generate and move goods in and out of the region. Access to these areas is centered on rail, the regional freeway system and key roadway connections. Keeping these connections strong is critical to maintaining a healthy regional economy.

Amendments to the Oregon City Municipal Code

City of Oregon City

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The Planning Division is committed to providing equal access to information and hearings. For equal access to information, call the Planning Division at (503) 657-0891.

Attachment B
Exhibit 3

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Chapter 12.04 – Streets and Sidewalks Generally

12.04.010 Construction specifications--Improved streets.
All sidewalks hereafter constructed in the city on improved streets shall be constructed ~~of concrete and shall not be less than six feet in width except in residential areas which shall not be less than four and one-half feet in width, and shall be located abutting the property line, unless upon a special permit granted by the city engineer.~~ **to city standards and widths required in the Oregon City Transportation System plan.** The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next preceding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer. (Prior code §9-1-1)

12.04.031 Liability for Sidewalk Injuries

(1) The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

(2) If the City is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

12.04.032 Required Sidewalk Repair

(1) When the Public Works Director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.

(2) The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within 90 days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

(3) The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

(4) The person serving the notice shall file with the City Recorder a statement stating the time, place and manner of service or notice.

12.04.033 City May Do Work

If repair of the sidewalk is not completed within 90 days after the service of notice, the Public Works Director shall carry out the needed work on the sidewalk. Upon completion of the work, the Public Works Director shall submit an itemized statement of the cost of the work to the Finance Director. The City may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the Public Works Director for the health, safety and general welfare of the residents of the City.

12.04.034 Assessment of Costs

Upon receipt of the report, the Finance Director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Chapter 12.08 – Community Forests and Street Trees

12.08.020 Street tree planting and maintenance requirements.

All new construction or major redevelopment shall provide street *trees* adjacent to all street frontage. Species of *trees* shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City street tree list. If a setback sidewalk has already been constructed or the engineering manager determines that the forthcoming street design shall include a setback sidewalk, then all street *trees* shall be installed with a planting strip. If existing street design includes a curbside sidewalk, then all street *trees* shall be placed within the front yard setback, exclusive of any utility easement.

A. ~~Street *trees* shall be planted a maximum of forty feet on center for the length of the lot frontage, as practicable. The planning manager may permit tighter spacing of *trees* if the lot frontage is constrained by driveway locations or other obstructions.~~ **One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The Community Development Director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.**

B. The following dimensional standards shall be maintained when planting *trees*:
   1. ~~Twenty-five~~**Fifteen** feet from street lights;
   2. Five feet from fire hydrants;
   ~~3. Twenty feet from stop signs~~;
   ~~4~~3. ~~Twenty-five~~ **Twenty** feet from intersections;
   ~~5. No less than three feet in tree lawn widths (landscape areas) from curbs or curb lines and sidewalks. The tree committee may grant alternatives to this standard in areas where less than three feet is available for planting;~~
   ~~6~~4. A minimum of five feet (at mature height) below power lines.

C. All *trees* shall be a minimum of two inches in caliper **at six inches above the root crown** and installed to city specifications.

D. All *trees* shall be pruned tight to the trunk ~~at between eight and ten feet~~ to **a height that** ~~ensure~~**provides adequate clearance for street cleaning equipment and ensures ADA compliant** ~~adequate~~ clearance for pedestrians~~. and street cleaning equipment. The tree committee may grant exceptions to this requirement if the cost of such *trees* is prohibitive or if the supply of *trees* grafted in this manner is limited or not available.~~ (Ord. 01-1010 (part), 2001)

12.08.042 Public tree removal.

Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the ~~planning manager~~**Community Development Director**. ~~Except for d~~**A** diseased **or hazardous street** tree~~s~~**, as determined by a registered arborist and verified by the city,** ~~any tree that is removed~~ **may be removed and** shall be replaced **with one tree with a minimum 2" caliper measured 6 inches above the root crown that is**~~with a~~ **of a** similar ~~caliper tree and~~ **tree** species, unless the species is not included on the street tree list in, which case, the tree shall be replaced with a species from the street tree list. **A non-diseased, non-hazardous street tree that is removed shall be replaced with ½ the required replacement trees found in Table 16.12.310-1(Fractions shall be rounded to the nearest whole number). All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown.** ~~If it is not practical to replace trees removed with like caliper trees, then the total~~

~~sum of the newly planted trees shall equal the sum of removed tree caliper.~~ The ~~planning manager~~**Community Development Director** may approve off-site installation of replacement trees where necessary due to planting constraints. (Ord. 01-1010 (part), 2001)

Chapter 12.12 – Utility Wires and Poles

~~**12.12.040 Erection restrictions.**~~

~~All poles for the purpose set forth in this chapter shall be of cedar and not less than forty feet long; provided, that in the residence portion of the city the engineer in his discretion may designate a shorter length but not less than thirty-five feet and shall not vary more than six inches from the perpendicular; the poles shall be cleared of all bark and dressed or shaved smooth, and otherwise present a neat appearance; and shall have two coats of paint when put up, and shall be repainted once in every two years thereafter a dark green color. No wires or cables shall be stretched or suspended on any pole less than twenty-eight feet above the ground or established grade of the street. (Prior code §9-9-4)~~

Chapter 12.24 – Pedestrian/Bicycle Access

12.24.010 Purpose.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections ~~within and from new subdivisions and planned developments to~~**between** residential areas, retail and office areas, **institutional facilities,** industrial parks, transit streets, ~~and~~ neighborhood activity centers**, and transit orientated developments** where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways ~~should only be used~~**are appropriate** in areas where public street options are unavailable, impractical or inappropriate. (Ord. 94-1034 §1(part), 1994)

12.24.020 Definitions.

As used in this chapter:

"Accessway" or "pedestrian/bicycle accessway" means any off-street path or way ~~which~~**that** is intended for the primary use of pedestrians and bicyclists and ~~which~~**that** provides direct routes ~~within and from new subdivisions and planned developments to~~ **between** residential areas, ~~retail store~~ and office areas, **institutional facilities,** industrial parks, transit streets, ~~and~~ neighborhood activity centers, **and transit orientated developments** where such routes are not otherwise provided by the street system. Off-street bicycle paths in excess of four hundred feet in length are not considered accessways and are not subject to the requirements of this chapter.

12.24.040 Development standards.

A. Entry points shall align ~~wherever practical~~ with pedestrian crossing points along adjacent streets and with adjacent street intersections.

B. ~~Accessways shall not exceed four hundred feet in length between streets.~~ Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. ~~For a~~Accessways ~~under two hundred feet in length,~~ **shall have** a fifteen-foot wide right-of-way with a centered ~~ten~~**seven**-foot wide paved surface **and two four-foot planter strips.**~~:~~

~~2. For accessways two hundred to four hundred feet in length, a twenty-foot wide right-of-way with a centered ten-foot wide paved surface.~~

~~3~~2. If an accessway also provides secondary fire access or a public utility corridor, the right-of-way width shall be at least twenty-**three** feet **wide** with a centered fifteen-foot wide paved surface **and two four-foot planter strips**.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of ~~three~~ **0.5** footcandles**, a 1.5 foot-candle average, and a maximum to minimum ratio of 7:1** and shall be oriented not to shine upon adjacent ~~residences~~**properties**. Street lighting shall be provided at both entrances~~. and may also be required at intermediate points along the accessway as necessary for safety as determined by the review authority.~~ Lamps shall include a high pressure sodium bulb with an unbreakable lens.

E. Wherever practicable, accessways shall have a maximum slope of five percent and avoid the use of stairways.

F. **The planter strips on either side of the** ~~A~~accessway~~s~~ shall be ~~fenced and screened~~**landscaped** along adjacent property ~~in residential areas~~ by:

1. ~~A vegetation screen at least forty-eight inches high with an additional four-foot high evergreen vegetation screen; or~~**An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and**
2. ~~A minimum five-foot high chain link fence with a row of three- to four-foot high evergreen shrubs or climbers planted along the fence; or~~**Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and**
3. ~~If there is an existing fence on private property adjacent to the accessway, a four-foot high evergreen vegetative screen;~~ **Two-inch minimum caliper trees shall be planted on both sides of the accessway in an alternating pattern and with a maximum of twenty feet of separation between the tree on the opposite side of the path in order to increase the tree canopy over the accessway.**
4. In satisfying the requirements of this section, evergreen plant materials that grow over ~~four feet~~**forty-two inches** in height shall be avoided. All plant materials shall be selected from a **the Oregon City Native Plant** list ~~of suitable plant materials which the city shall maintain~~;
5. ~~The review authority may waive the requirement for vegetative screening upon demonstration that a vegetative screen is not practicable.~~

G. Accessways shall be designed to prohibit **unauthorized** motorized traffic. Curbs~~,~~ **and** removable, lockable ~~posts and~~ bollards are suggested mechanisms to achieve this.

H. Accessway surfaces shall be paved with all weather materials as approved by the city. **Pervious materials are encouraged.** Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent. ~~Unpaved portions of the accessway, excluding gravel shoulders, shall be planted in an evergreen ground cover. Where the right-of-way is twenty feet or more, a row of approved two-inch minimum caliper trees, of medium size not to exceed twenty-five feet in height at maturity, shall be planted at twenty-foot spacings on one side of the path~~.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings. (Ord. 94-1034 §1(part), 1994)

J. The Community Development Director may approve an alternative accessway design due to existing site constraints.

12.24.060 Ownership, liability and maintenance of accessways.

To insure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

A. That the accessways be dedicated to the public as public right-of-way prior to the final approval of the development; or

B. That the developer incorporate the accessway into a recorded easement or tract **that**~~which~~ specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway. (Ord. 94-1034 §1(part), 1994)

Chapter 16.04 – General Provisions and Administration of Land Divisions

16.04.010 Purpose.

This title is enacted in compliance with ORS 92.010 through 92.160 to establish procedures and standards for partitioning and subdividing land within the city. These regulations, along with ~~the~~ requirements of the city's underlying zoning, provide the dimensional requirements for building lots, **street locations,** street **design**~~s~~, rights-of-way, locational requirements for houses on residential lots, the provision of adequate open space for recreation and community facilities, and the basic requirements for the installation of public utilities, all with the aim of achieving:

Chapter 16.08 – Subdivisions: Process and Standards

16.08.040 Preliminary subdivision plat--Required plans.

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. **A subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.**

Chapter 16.12 – Minimum Improvements and Design Standards for Subdivisions

16.12.010 Purpose and general provisions.

All land divisions shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city 's public facility master plan- and city design standards and specifications. In reviewing applications for land division, the ~~decision-maker~~**City Engineer** shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated~~ion~~ with any land division must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction. (Ord. 98-1007 §1(part), 1998)

16.12.030 Street design--Minimum right-of-way.

A. ~~Unless otherwise required by the decision-maker, all accessways shall comply with the following standards:~~**All land divisions shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:**

1. **Complying with the Street Design Standards contained in table 16.12.030 below. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan, in particular, the following figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.**

Table 16.12.030 STREET DESIGN STANDARDS

Type of Street	~~**Minimum**~~ **Right-of-Way Width**	~~**Required**~~ **Pavement Width**
Major arterial	~~80 to 100~~**124** feet	~~58 to 74~~**98** feet
Minor arterial	~~60 to 80~~**114** feet	~~34 to 66~~**88** feet
Collector street	~~60 to 70~~**86** feet	~~34 to 50~~**62** feet
Neighborhood Collector street	**81 feet**	**59 feet**
Local street	~~40 to 50~~**54** feet	~~32 to 34~~**32** feet
Alley	20 feet	16 feet
Private street	None	20 feet

2. **The applicant may submit an alternative street design plan that varies from the Street Design Standards identified above. An alternative street design plan may be approved by the City Engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate service for the residents of the land division as well as the surrounding community.**

16.12.050 Street design--Alignment.

~~As far as is practicable, streets other than local or constrained streets shall be aligned with existing streets by continuation of the center lines. For local streets, staggered street alignment resulting in "T" intersections shall, wherever practicable, leave a minimum distance of two hundred feet between the center lines of streets having approximately the same direction and, in no case, shall be less than one hundred feet. The minimum distance between streets intersecting a collector or arterial shall be five hundred feet between center lines, unless the decision-maker finds that a lesser distance will not pose a safety hazard. (Ord. 98-1007 §1(part), 1998)~~

The centerline of Streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than 10 feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

16.12.055 Minimum Street Intersection Spacing Standards

All new development and redevelopment shall meet the following Minimum Street Intersection Spacing Standards:

A.

Functional Classification	Major Arterial	Minor Arterial	Collector	Neighborhood Collector	Local Street
Major Arterial	2 miles	1 mile	¼ mile	1,000 feet	500 feet
Minor Arterial	1 mile	½ mile	1,000 feet	800 feet	400 feet
Collector	¼ mile	1,000 feet	800 feet	600 feet	300 feet
Neighborhood Collector	1,000 feet	800 feet	600 feet	500 feet	200 feet
Local Street	500 feet	400 feet	300 feet	200 feet	150 feet

***ODOT access standards supercede these standards on ODOT facilities.**

or

B. A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.

16.12.065 Intersection Level of Service Standards.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action. The minimum acceptable LOS standards are as follows:

1) For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole *and* no approach

operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0 for the sum of critical movements.

2) **For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0.**
3) **For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach *and* with no movement serving more than 20 peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.**

16.12.170 Street design--Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets **as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan.** Pedestrian/bicycle accessways shall be provided as necessary in conformance with the requirements in Section 16.12.220 of this code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision-maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified. (Ord. 98-1007 §1(part), 1998)

16.12.180 Street design--Planter strips.

~~Where practicable, a~~All development ~~proposed along local streets~~ shall include **vegetative** planter strips that are ~~four~~ **five** feet in width or larger **and**~~,~~ located adjacent to the curb. **This requirement may be waived or modified if the Community Development Director finds it is not practicable.** Development proposed along **a** collector**, minor arterial,** or **major** arterial street~~s~~ may use tree wells located near the curb **within a 7-foot wide sidewalk** in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth. Trees shall be selected and planted in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction. (Ord. 98-1007 §1(part), 1998)

16.12.232 Building Sites – Minimum Density

All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

16.12.235 Calculations of Lot Area.

A subdivision in a Single Family Dwelling District may include lots that are up to 10% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, storm water tracts, or accessways.

A lot that was created pursuant to this section, may not be further divided unless the average lot size requirements are still met for the entire subdivision.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

16.12.238 Flag Lots

- **A. Flag lots shall not be created through the Subdivision process except where an existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width and depth standards of the underlying zone.**
- **B. If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.**
- **C. The pole portion of the flag lot shall connect to a public street.**
- **D. The pole shall be at least 20 feet wide for the entire length.**
- **E. The pole shall be part of the flag lot and must be under the same ownership as the flag portion of the lot.**

16.12.290 Building site--Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe and better environment for pedestrians and bicyclists. Lots located on **a neighborhood collector,** collector or minor arterial street~~s~~ shall locate the front yard setback on and orient the front of the primary structure to face the **neighborhood collector,** collector or minor arterial street. **An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the Community Development Director.**

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 98-1007 §1(part), 1998)

16.12.310 Building site--Protection of trees.

Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved ~~wherever practicable~~ outside the building area**, which is defined as right-of-way, public utility easements, and within the building setbacks of each lot**. Where the ~~decision-maker~~**Community Development Director** determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings **of** at least two inches in caliper **measured six inches above the root crown and the plan must meet, at a minimum, the requirements of Table 16.12.310-1**.

Table 16.12.310-1 Tree Replacement Requirements	
Size of tree removed (inches in diameter at the 4-foot height)	**Number of Trees to be planted.**
6 to 12	**3 trees**

13 to 18	**5 trees**
19 to 24	**8 trees**
25 to 30	**10 trees**
31 and over	**15 trees**

Where the ~~decision maker~~**Community Development Director** finds this requirement would cause an undue hardship, the requirement may be modified in a manner ~~which~~**that** the ~~decision maker~~**Community Development Director** finds will reasonably satisfy the objectives of this section.~~.~~ The ~~decision maker~~**Community Development Director** may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist. (Ord. 98-1007 §1(part), 1998)

Chapter 16.16 PARTITIONS--PROCESS AND STANDARDS

16.16.010 Purpose and general provisions.

A. Partitions shall be processed as a Type II decision by the ~~planning manager~~**Community Development Director** in the same manner as set forth in Section 16.04.020(A) and the applicable provisions in Chapter 16.12 **and**~~and~~ Chapter 17.50~~.~~. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.

B. If a parcel of land to be partitioned will create lots large enough to be divided again, the ~~planning manager may require the~~ applicant **shall provide** ~~to supply~~ a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots. (Ord. 98-1007 §1(part), 1998)

C. Lot Size Limitations for Partitions. A parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into 4 or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the Community Development Director.

D. A parcel of land in existence at the time this ordinance was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the Lot Size Limitation for Partitions found in (C) above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.

16.16.030 Partition application submission requirements.

A partition application shall include five copies of the proposed partition to the ~~planning manager~~**Community Development Director** on a reproducible material, drawn at a minimum scale of one inch equals one hundred feet with the following information:

A. A completed application on a form as provided by the planning division;
B. A boundary survey prepared by an Oregon professional land surveyor;
C. Legal descriptions of the parent parcel(s) and the resulting parcels to be created;
D. Copies of proposed deeds for the parcels to be created;
E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year;
F. The name and address of the owner and the land surveyor or engineer, if any;
G. County tax assessment map number(s) of the land to be partitioned;
H. The map scale and true north point;
I. Approximate courses and distances of all parts of the partition;
J. Around the periphery of the proposed partition, the boundary lines and names of adjacent partitions and subdivisions, streets and tract lines of adjacent parcels of property;
K. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle accessways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;
L. All areas designated as being within the flood management overlay district regulated under Chapter 17.42;
M. All areas identified as unstable slopes and regulated under Chapter 17.44; and

N. All water quality resource areas designated and regulated under the water quality resource area overlay district in Chapter 17.49. (Ord. 99-1013 § 7, 1999; Ord. 98-1007 §1(part), 1998)

O. A partition connectivity analysis prepared by a transportation engineer licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The partition connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards.

16.16.040 Frontage width requirement.

~~Where a joint accessway is provided pursuant to Section 16.16.050(B), all parcels of land that are created by a partition in a one-family or two-family zoning district shall collectively have a minimum frontage of twenty feet in width, for one or two parcels, or twenty-four feet in width, for three or more parcels, on an existing public, county, state or federal road or street, as approved by the city engineer. For parcels that cannot have a joint access, due to topography, twenty feet of frontage shall be required for each parcel on an existing public, county, state or federal road or street.~~ For parcels of land created by a partition in all ~~other~~ zoning districts **other than the R-10, R-8, R-6, and R-3.5 zone**, the parcels shall have a minimum of thirty feet of frontage on an existing public, county, state or federal road or street. (Ord. 98-1007 §1(part), 1998) **A joint accessway shall be provided to all parcels in the partition unless the configuration, topography, or an existing dwelling unit is located on the property to prevent a joint accessway. No private accessway may serve more than five single-family homes.**

16.16.050 ~~Accessway requirements~~Flag Lots – R-10, R-8, R-6, and R-3.5.

A. Flag lots may be permitted **in Partitions** only where the configuration, ~~of~~ topography, **or an existing dwelling unit is located on the property so that it ~~of the property would~~ would** otherwise preclude the partitioning and development of the property. ~~A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.~~

B. A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney. No private accessway may serve more than five single-family homes.

~~B~~C. Accessways shall have a pavement width of at least sixteen feet to service one to two units or twenty feet to service three or more units. No private accessway may serve more than five single-family homes. A fire access corridor shall be provided to all parcels with a minimum width of sixteen feet to service two units or twenty feet to service three or more units as based on the zoning, as approved by the city engineer and fire chief. **A narrower pavement width may be approved by the Building Official and Fire Chief. The approval may include additional fire suppression devices be provided to assure an adequate level of fire and life safety.** No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor. (Ord. 98-1007 §1(part), 1998) 1(part), 1998)

~~C. A fire access corridor shall be provided to all parcels with a minimum width of sixteen feet to service two units or twenty feet to service three or more units as based on the zoning, as approved by the city engineer and fire chief. No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor. (Ord. 98-1007 §1(part), 1998) 1(part), 1998)~~

D. The pole must connect to a public street.
E. The pole must be at least 8 feet wide for its entire length.
F. The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.

16.16.060 Pavement requirements.
Accessways for lots created through the partitioning process shall satisfy the requirements of Section **16.16.040 and** 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length, it shall be paved to a minimum width of twenty feet and, if more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and fire chief. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions. (Ord. 98-1007 §1(part), 1998)

Chapter 17.04 - Definitions

[17.04.190 Cul-de-sac.
"Cul-de-sac" means a street not more than three hundred fifty feet in length having one end open to traffic and being terminated by a vehicle turnaround. The cul-de-sac is measured from the edge of the right-of-way of the intersecting street to the edge of the pavement at the end of the cul-de-sac. (Prior code §11-1-6(part))

17.04.205 Development.
"Development" means ~~any short plat, partition, subdivision or planned unit development that is created under the city's land division or zoning regulations. (Ord. 91-1020 §1(part), 1991: prior code §11-1-6(part)~~ **any man-made change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot or excavation.**

17.04.390 Net Developable Area
"Net Developable Area" means the area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:

- **a. elevation within the 100-Year Floodplain, as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps;**
- **b. the area within an underlying Water Resource Overlay District governed by Section 17.49 that has been delineated by a Water Resource determination and decision;**
- **c. steep slopes exceeding 35%. Applicant may make a request for the Community Development Director to determine whether to make further adjustments for slopes above 25% per Section 17.44.060.H.**
- **d. open space**
- **e. public facilities and rights-of-way**

17.04.273 Front Façade
The exterior wall/foundation of a building exposed to the front lot line.

17.04.275 Front lot line.
~~For purposes of the solar access regulations, "f~~Front lot line" means a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole (see Figure 1, codified at the end of this title). (Ord. 91-1020 §1(part), 1991: prior code §11-1-6(part))

17.04.382 Multiple family residential units.
A structure located on one tax lot and containing three or more attached dwelling units in any vertical or horizontal arrangement.

17.04.621Single-family detached residential units.
One dwelling unit, freestanding and structurally separate from other dwelling units or buildings, located on a lot.

17.04.620 Single-family attached residential units.
Two or more dwelling units attached side by side with some structural parts in common at a common property line on separate tax lots.

17.04.345 Lot, Depth.
The perpendicular distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually rear, lot line.

17.04.373 Lot, Width.
The perpendicular distance measured between the mid-points of the two principal opposite side lot lines and at approximately right angles to the lot depth.

17.04.503 Porch
A roofed open area, which may be screened, attached to or part of and with direct access to or from a building.

17.04.545 Rear Lot Line.
A lot line that is opposite to and more distant from the front lot line. In the case of a corner lot, the Community Development Director shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. A lot line abutting an alley is a rear lot line.

17.06.020 Classification of zoning districts.

For the purpose of this title and to carry out these regulations, the city is divided into districts, known as:

R-10 single-family dwelling district
R-8 single-family dwelling district
R-6 single-family dwelling district
~~R-6/MH single-family manufactured home dwelling district~~
~~RD-4 two-family dwelling district~~
RD4-MDP Manufactured Dwelling Park
~~RC-4 McLoughlin conditional residential district~~
R-3.5 dwelling district
R-2 multi-family dwelling district
~~RA-2 multi-family dwelling district~~
~~LOC limited office conditional district~~
LO limited office district
NC neighborhood commercial district
HC historic commercial district
~~LC limited commercial district~~
C general commercial district
~~CBD central business district~~
~~TC tourist commercial district~~
~~M-1 light industrial district~~
~~M-2 heavy industrial district~~
GI General Industrial
CI Campus Industrial
MUC-1 Mixed Use Corridor
MUC-2 Mixed Use Corridor
MUE Mixed Use Employment
MUD Mixed Use Downtown
I Institutional District

17.06.050 Zoning of annexed areas.
All lands within the urban growth boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/ county urban growth management area agreement). The planning department shall complete a review of the final zoning classification within sixty days after annexation.
The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.050.

Table 17.06.050
CITY LAND USE CLASSIFICATIONS

Residential Plan Classification	**City Zone**
Low-density residential	R-10, **R-8, R-6**
~~Low-density residential/MD~~	~~R-6/MH~~
Medium-density residential	~~RD-4~~**R-3.5, RD4-MDP**
~~Medium-density residential/MD~~	~~RD-4~~

High-density residential	R~~A~~-2
Commercial Plan Classification	**City Zone**
General commercial	C
Mixed Use Downtown	**-MUD**
~~Tourist commercial~~**Mixed Use Corridor**	~~TC~~**MUC I, MUC 2, LO, NC, HC**
~~Limited commercial~~**Mixed Use Employment**	~~LOC, LO, NC, LC~~**MUE**
Industrial Plan Classification	**City Zone**
Industrial~~/Campus~~	~~M-1, Campus~~**CI, GI**
~~Industrial/Light~~	~~M-1~~
~~Industrial/Heavy~~	~~M-2~~

17.06.070 Requirements table.

To facilitate public understanding of this title, and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height, and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 92-1024 §3, 1992; prior code §11-3-1)

OREGON CITY STANDARDS

	Maximum dwelling units per acre (number)	Minimum lot area (square footage)	Maximum height (feet)	Minimum front yard (feet)	Minimum interior side yard (feet)	Minimum corner side yard (feet)	Minimum rear yard (feet)
R-10 Single-Family	4.4	10,000	35	~~25~~**20**	10/8	~~20~~**15**	20
R-8 Single-Family	5.5	8,000	35	~~20~~**15**	9/7	~~20~~**15**	20
R-6 Single-Family	7.3	6,000	35	~~20~~**10**	9/5	15	20
~~R-6/MH Single Family~~	~~6.4~~	~~6,800~~	~~20~~	~~15~~	~~7/5~~	~~15~~	~~10~~
~~RC-4 McLoughlin Conditional~~	~~10.9~~	~~6,000*~~	~~35~~	~~15~~	~~9/5~~	~~15~~	~~10~~
~~RD-4 Two Family~~	~~10.9~~	~~SF 6,000 DU 8,000~~	~~35~~	~~15~~	~~9/7~~	~~20~~	~~15~~
R-3.5	**12.5**	**SF 3,500 DU 7,000**	**35**	**5**	**9/7 0/9**	**15**	**15**
R~~A~~-2 Multi-Family	~~19.8~~**21.8**	~~SF 6,000 DU 8,000 MF 10,000~~**2,000 per unit**	45	~~15~~**5**	~~10~~**0/9**	~~20~~**15**	**Existing** 10 **New 20**
~~LOC Limited Office~~	~~10.9~~	~~*~~	~~25~~	~~15~~	~~10~~	~~15~~	~~10~~

~~Conditional~~							
~~LO Limited Office~~	~~19.8~~	~~*~~	~~35~~	~~15~~	~~10~~	~~15~~	~~10~~
NC Neighborhood Commercial	7.3	*	25	15	10	15	10
HC Historic Commercial	7.3	*	25	15	10	10	10
~~LC Limited Commercial~~	~~7.3*~~	~~*~~	~~35~~	~~10~~	~~0~~	~~10~~	~~10~~
C General Commercial	~~19.8~~21.8	*	35	10	0	10	10
~~CBD Central Business~~	~~19.8~~	~~*~~	~~75~~	~~0~~	~~0~~	~~0~~	~~0~~
GI _ General Industrial~~M-1 Light Industrial~~	0	-----	40	10	0	10	10
~~M-2 Heavy Industrial~~	~~0~~	~~—~~	~~75~~	~~10~~	~~0~~	~~10~~	~~10~~

*See district description for further information

Chapter 17.08 - R-10 Single-Family Dwelling District

17.08.020 Permitted uses.
Permitted uses in the R-10 district are:

A. Single-family ~~dwellings~~**detached residential units**;
B. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
~~D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);~~
~~E~~**D**. Temporary real estate offices in model homes, located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
~~F~~**E**. Accessory uses~~, and~~ buildings**, and dwellings**;
~~G~~**F**. Family day care provider, subject to the provisions of Section 17.54.050;
~~H. Site-built manufactured homes. (Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-2(A))~~

17.08.030 Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except ~~midget~~ **miniature** golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

17.08.040 Dimensional standards.
Dimensional standards in the R-10 district are:

A. Minimum lot areas, ten thousand square feet;
B. Minimum ~~average~~ lot width, ~~seventy-five~~**sixty-five** feet;
C. Minimum ~~average~~ lot depth, ~~one hundred~~**eighty** feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum required setbacks:
   1. Front yard, twenty~~-five~~ feet minimum depth,
   2. **Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.**
   ~~2~~3. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,
   ~~3~~4. Corner side yard, ~~twenty~~**fifteen** feet minimum width,
   ~~4~~5. Rear yard, twenty feet minimum ~~wid~~**depth**,
   6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-2(C))

F. Garage Standards:
   1. **The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or**
   2. **The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,**
   3. **On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and**
   4. **A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.**
   5. **A garage may extend up to 5 feet in front of the longest front façade if:**

a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or
b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.

6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.
7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
   a. interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or
   b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

G. Maximum Building Coverage: 40% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation

~~17.08.050~~

~~An existing lot of record with a minimum lot size of five thousand square feet may only be occupied by a single-family dwelling, providing that yard requirements are met. An existing lot with an area of less than five thousand square feet is subject to variance procedures, pursuant to Chapter 17.60 of this title. If the variance is granted, the only permitted use of the lot is a single-family dwelling. (Prior code §11-3-2(D))~~

Chapter 17.10 - R-8 Single-Family Dwelling District

17.10.020 Permitted uses.
Permitted uses in the R-8 district are:

A. Single-family ~~dwellings~~**detached residential units**;
B. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
~~D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);~~
~~E~~**D**. Temporary real estate offices in model homes, located and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
~~F~~**E**. Accessory uses~~, and~~ buildings**, and dwellings**;
~~G~~**F**. Family day care provider, subject to the provisions of Section 17.54.050;
~~H. Site-built manufactured homes. (Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-3(A))~~

17.10.030 Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except ~~midget~~ **miniature** golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

17.10.040 Dimensional standards.
Dimensional standards in the R-8 district are:

A. Minimum lot area, eight thousand square feet;
B. Minimum ~~average~~ lot width, ~~seventy~~**sixty** feet;
C. Minimum ~~average~~ lot depth, ~~one hundred~~**seventy-five** feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum required setbacks:
   1. Front yard~~, twenty feet~~ **fifteen feet** minimum depth,
   2. **Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.**
   ~~2~~3. Interior side yard, nine feet minimum for at least one side yard, seven feet minimum for the other side yard,
   ~~3~~4. Corner side yard, ~~twenty~~**fifteen** feet minimum width,
   ~~4~~5. Rear yard, twenty feet minimum ~~widt~~**depth**,
   ~~5~~6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 92-1030 §1, 1992; Ord. 91-1020 §2(part), 1991; prior code §11-3-3(C))

F. Garage Standards:
   1. **The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or**
   2. **The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,**
   3. **On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and**
   4. **A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.**

5. **A garage may extend up to 5 feet in front of the longest front façade if:**
    a. **There is a covered front porch and the garage does not extend beyond the front line of the porch, or**
    b. **The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.**
6. **Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.**
7. **Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:**
    a. **Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or**
    b. **A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.**

G. Maximum Building Coverage: 33% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.

~~**17.10.050 LOTS OF RECORD.**~~

~~An existing lot of record with a minimum lot size of five thousand square feet may only be occupied by a single-family dwelling, providing that yard requirements are met. An existing lot with an area of less than five thousand square feet is subject to variance procedures, pursuant to Chapter 17.60 of this title. If the variance is granted, the only permitted use of the lot is a single-family dwelling.~~

Chapter 17.12 - R-6 Single-Family Dwelling District

17.12.020 Permitted uses.
Permitted uses in the R-6 district are:

A. Single-family ~~dwellings~~**detached residential units**;
B. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
C. Home occupations;
~~D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);~~
~~E~~**D**. Temporary real estate offices in model homes, located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
~~F~~**E**. Accessory uses~~, and~~ buildings**, and dwellings**;
~~G~~**F**. Family day care provider, subject to the provisions of Section 17.54.050;
~~H. Site-built manufactured homes. (Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-4(A))~~

17.12.030 Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except ~~midget~~ **miniature** golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030. (Prior code §11-3-2(B))

17.12.040 Dimensional standards.
Dimensional standards in the R-6 district are:

A. Minimum lot areas, six thousand square feet;
B. Minimum ~~average~~ lot width, ~~sixty~~**fifty** feet;
C. Minimum ~~average~~ lot depth, ~~one hundred~~**seventy** feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum required setbacks:
   1. Front yard, ~~twenty~~ **ten** feet minimum ~~width~~**depth**,
   2. **Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.**
   ~~2~~**3**. Interior side yard, nine feet minimum width for at least one side yard; five feet minimum width for the other side yard,
   ~~3~~**4**. Corner side yard, fifteen feet minimum width,
   ~~4~~**5**. Rear yard, twenty feet minimum ~~width~~**depth**,
   ~~5~~**6**. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-4(C))

F. Garage Standards:
   1. **The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or**
   2. **The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,**
   3. **On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and**
   4. **A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.**
   5. **A garage may extend up to 5 feet in front of the longest front façade if:**

a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or
b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.

6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.
7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
   a. interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or
   b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

G. Maximum Building Coverage: 36% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.

~~17.12.050 Lots of record.~~

~~An existing lot of record with a minimum lot size of five thousand square feet may only be occupied by a single-family dwelling, providing that yard requirements are met. An existing lot with an area of less than five thousand square feet is subject to variance procedures, pursuant to Chapter 17.60. If the variance is granted, the only permitted use is a single-family dwelling.~~

~~Chapter 17.13 R-6/MH Single-family Dwelling District~~

THIS SECTION IS DELETED FROM THE CODE

~~Chapter 17.14 McLoughlin Conditional Residential District~~
THIS SECTION IS DELETED FROM THE CODE

~~Chapter 17.16 RD-4 Two-Family Dwelling District~~
THIS SECTION IS DELETED FROM THE CODE

Chapter 17.16 – R-3.5 Dwelling District

17.16.010 Designated.
This residential district allows single-family **attached and detached residential units.** and two-family dwellings. (Prior code §11-3-6(part))

17.16.020 Permitted uses.
Uses permitted in the ~~RD-4~~**3.5** district are:

A. Two-family dwellings (duplexes);
B. Single-family **detached residential units**~~dwellings~~;
C. Single-family attached **residential units**~~dwellings~~**(Row houses with no more than six dwelling units may be attached in a row)**;
D. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
E. Home occupations;
~~F. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);~~
~~G~~**F**. Temporary real estate offices in model homes, located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
~~H~~**G**. Accessory uses~~, and~~ buildings**, and dwellings**;
~~I~~**H**. Family day care provider, subject to the provisions of Section 17.54.050;
~~J. Manufactured dwelling parks, if designated MR/MDP, and subject to the provisions of Chapter 17.66;~~
~~K. Site-built manufactured homes. (Ord. 99-1027 §2, 1999: Ord. 94-1014 §2(part), 1994; Ord. 92-1024 §5, 1992; prior code §11-3-6(A))~~

17.16.030 Conditional uses.
The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except ~~midget~~ **miniature** golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030. (Prior code §11-3-6(B))

17.16.040 Dimensional standards.
Dimensional standards in the R~~D-4~~**3.5** district are:

A. Minimum Lot Area.
~~1. Two-family dwellings, eight thousand square feet,~~
~~2. Single-family dwellings, six thousand square feet,~~
~~3. Single-family attached dwellings, four thousand square feet,~~
1. Residential uses, three thousand five hundred square feet per unit.
~~4~~2. Non-residential uses, ~~six thousand square feet~~**zero minimum**;
B. Minimum ~~average~~ lot width, ~~sixty~~**twenty-five** feet~~, except for single-family attached units, in which case the minimum lot width per lot is forty feet~~;
C. Minimum ~~average~~ lot depth, ~~one hundred~~**seventy** feet;
D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
E. Minimum Required Setbacks.
1. Front yard, ~~fifteen~~**five** feet minimum depth,
2. Interior side yard,
Detached unit, 5 feet minimum depth
Attached unit, ~~7~~ feet minimum depth on the side that does not abut a common property line. ~~nine feet width for at least one side yard; seven feet minimum width for the other side, with the minimum nine foot side yard~~

~~applying to single-family attached dwellings on the side that does not abut the common property line,~~

3. Corner side yard, ~~twenty~~ten-foot minimum width,
4. Rear yard, fifteen-foot minimum depth,
5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 99-1027 §3, 1999: Ord. 91-1020 §2(part), 1991; prior code §11-3-6(C))
6. **Attached and detached garages, twenty feet minimum depth from the public right-of-way where access it taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.**

F. Garage Standards:

1. **The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or**
2. **The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,**
3. **On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and**
4. **A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.**
5. **A garage may extend up to 5 feet in front of the longest front façade if:**
   a. **There is a covered front porch and the garage does not extend beyond the front line of the porch, or**
   b. **The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.**
6. **Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.**
7. **Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:**
   a. **Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or**
   b. **A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.**

G. Maximum Building Coverage: 45% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.

17.16.050 Rebuilding of Damaged Structure

A structure containing an existing residential use in excess of the R 3.5 density standard that is substantially damaged by fire, other calamity, act of God, or the public enemy may be rebuilt to its original density provided that rebuilding be started within one year following the damage and reconstruction be completed within eighteen months of the time reconstruction is commenced.

~~**17.16.050 Lots of record.**~~

~~An existing lot of record with a minimum lot size of five thousand square feet may only be occupied by a single-family dwelling, providing that yard requirements are met. An existing lot with an area of less than five thousand square feet is subject to variance procedures, pursuant to Chapter 17.60. If the variance is granted, the only permitted use of the lot is a single-family dwelling. (Prior code §11-3-6(D))~~

17.16.0560 Single-family attached ~~dwelling~~residential units and duplex units.

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be **10 feet in width. A lesser width may be approved by the Community Development Director if it is found to be** sufficient to guarantee rights for maintenance purposes of structure and yard~~., but in no case shall it be less than five feet in width.~~

B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements in Section 17.16~~.040(A)(3), 17.16.040(B) and 17.16.040(E)(2),~~ and the ~~s~~State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat. (Ord. 99-1027 §4, 1999)

~~Chapter 17.18 – RA-2 Multi-Family Dwelling District~~
Chapter 17.18 – R-2 Multi-Family Residential District

17.18.010 Designated.
The purpose of this residential district is to allow for single-family **attached residential units**, two-family and multi-family ~~dwelling~~**residential** units. (Prior code §11-3-7(part))

17.18.020 Permitted uses.
Permitted uses in the R~~A~~-2 district are:

A. Multi-family ~~dwellings~~**residential units**;
B. Two-family dwellings;
C. Single-family ~~dwellings~~ **attached residential units**;
D. Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
E. Home occupations;
~~F. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);~~
~~G~~**F**. Temporary real estate offices in model homes, located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
~~H~~**G**. Accessory buildings;
~~I~~**H**. Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A))**; and**
I. Management and associated offices and building necessary for the operations of a multi-family residential development.

17.18.030 Conditional uses.
The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except ~~midget~~**miniature** golf courses, driving ranges or similar commercial enterprises;
B. Uses listed in Section 17.56.030;
C. Mobile home parks. (Prior code §11-3-7(B))

17.18.035 Pre-Existing Industrial Use
Tax Lot 700, located on Clackamas County Map #32E16B has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current use, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

17.18.040 Dimensional standards.
Dimensional standards in the R~~A~~-2 district are:

A. Minimum lot area:
   1. ~~Single-family dwellings, six thousand square feet,~~
   ~~2. Two-family dwellings, eight thousand square feet,~~
   ~~3. Multi-family dwellings, four thousand square feet minimum for each of the first two units, and two thousand square feet minimum for each additional unit,~~**Residential units, 2,000 square feet per unit.**
   ~~4~~2. Nonresidential uses, ~~six thousand square feet;~~**No minimum lot area is required**
B. Minimum ~~average~~ lot width, ~~sixty~~**twenty** feet;
C. Minimum ~~average~~ lot depth, ~~one hundred~~**seventy** feet;

D. Maximum building height, ~~three~~**four** stories, not to exceed ~~forty~~**fifty**-five feet;

E. Minimum required setbacks:

1. Front yard, ~~fifteen~~**five** feet minimum depth **(May be reduced to zero through Site Plan and Design Review)**,
2. ~~Interior s~~Side yard, **five feet minimum width** ~~ten feet minimum width~~,
3. Corner side yard, ~~twenty~~**ten** feet minimum width,
4. Rear yard~~,~~
   - **a. Residential units prior to adoption of this ordinance, ten feet minimum depth'**
   - **c. Nonresidential and Multiple family residential units,** ten feet minimum depth,
   - **d. Single Family attached residential units and duplex development after adoption of this ordinance, twenty feet minimum depth;**
5. Buffer Area. If a multi-family ~~dwelling~~**residential unit** in this district abuts ~~or faces an~~ R-10, R-8, **or** R-6 ~~or RD-4 zone~~**use**, there shall be required a **landscaped** yard of ~~twenty-five~~**ten** feet on the side abutting ~~or facing~~ the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review.~~,~~ **The Community Development Director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case by case basis.**
6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-7(C))
7. **Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.**

F. Garage Standards:

1. **The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or**
2. **The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,**
3. **On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and**
4. **A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.**
5. **A garage may extend up to 5 feet in front of the longest front façade if:**
   - **a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or**
   - **b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.**
6. **Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.**
7. **Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:**
   - **a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or**
   - **b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.**

~~**17.18.050 Lots of record.**~~

~~An existing lot of record with a minimum lot size of five thousand square feet may only be occupied by a single-family dwelling, providing that yard requirements are met. An existing lot with an area of less than~~

~~five thousand square feet is subject to variance procedures, pursuant to Chapter 17.60. If the variance is granted, the only permitted use of the lot is a single-family dwelling. (Prior code §11-3-7(D))~~

17.18.050 Single-Family Attached Dwellings

The following standards apply to single-family attached residential units and duplex units.

A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be 10 feet in width. A lesser width may be approved by the Community Development Director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.;

B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached residential units shall be reviewed for compliance with the requirements of this Chapter 17.18, and the State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat.

Chapter 17.20 – LOC Limited Office Conditional District

This Section shall be removed from the Code.

Chapter 17.24 – NC Neighborhood Commercial District

17.24.010 Designated.

The neighborhood commercial district allows for small scale commercial **and mixed** uses designed to serve a convenience need for residents in the surrounding low density neighborhood. (Prior code §11-3-10(part))

17.24.020 Permitted uses.

Permitted uses in the NC district are neighborhood commercial uses, as defined as:

Antique Shops
Apparel shop
Art, gallery, store, supplies
Bakery, retail
Banks without a drive thru
Barber shop
Beauty parlor
Bicycle sales, service, rental
Bookstore
Candy store
Clothes cleaning and pressing
Coffee shop without a drive thru
Craft store
Custom dressmaking and tailoring
Dry cleaners
Dry cleaners, self-service
Dry cleaning agencies
Delicatessen store
Drug stores
Dry good stores
Florist shops
Gift shops
Grocery, fruit or vegetable store
Hardware store
Ice-cream store
Interior decoration, including drapery and upholstery
Jewelry store
Laundromat, self-service
Laundry agencies
Locksmith
Music store
Plant or garden shop
Printing and copy service (no audible sounds beyond the premises)
Restaurants without a drive thru
Seasonal sales, subject to the provisions of Section 17.54.060
Shoe sales, repair
Small grocery, fruit or vegetable store
Stationary store
Studio for art, dance, music, photo
Watch and clock repair shop

~~Uses permitted in the R-6 single-family dwelling district. (Ord. 92-1007 §1(part), 1992; prior code §11-3-10(A))~~

17.24.030 Limited Uses
Dwelling units are permitted above the ground floor if in conjunction with a permitted use as identified in Section 17.24.020 above.

~~**17.24.030 Conditional uses.**~~
~~The conditional uses listed in Section 17.56.030 are permitted in this district when authorized and in accordance with standards contained in Chapter 17.56 of this title. (Prior code §11-3-10(B))~~

17.24.040 Dimensional standards.
Dimensional standards in the NC district are:

~~A. Minimum lot area:~~
~~1. Residential, six thousand square feet,~~
~~2. Nonresidential, six thousand square feet;~~

~~B~~**A**. Maximum building height, ~~one~~**two and one half stories**~~story~~, not to exceed **thirty**~~twenty~~-five feet;

B. Maximum building footprint, 10,000 square feet

C. Minimum required setbacks **if not abutting a residential zone: None**:
~~1. Front yard, fifteen feet minimum depth,~~
~~2. Interior side yard, ten feet minimum width,~~
~~3. Corner side yard, fifteen feet minimum width,~~
~~4. Rear yard, ten feet minimum depth. (Prior code §11-3-10(C))~~

D. Minimum required interior and rear yard setbacks if abutting a residential zone: 10 feet.

E. Maximum allowed setback:
- **a. Front yard: 5 feet (May be extended with Site Plan and Design Review section 17.62.055).**
- **b. Interior yard: None**
- **c. Corner side yard abutting a street: 30 feet, provided the Site Plan and Design Review requirements of Section 17.62.055 are met.**
- **d. Rear yard: None**

F. Parking Standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.25 may be reduced by 10% for mixed-use projects, subject to a determination by the Community Development Director that the project qualifies as a "mixed-use" project.

Chapter 17.26 HC HISTORIC COMMERCIAL DISTRICT

17.26.020 Permitted uses.
Permitted uses in the HC district are all historic commercial uses, defined as:
Antique shops
Apparel stores
Art, gallery supplies
Bakery, retail
Book stores
Coffee shops without a drive thru
Craft stores
Delicatessen stores
Drug stores
Florist shops
Gift shops
Grocery, fruit or vegetable stores
Hair salons
Interior decoration, including drapery and upholstery
Jewelry stores
Music stores
Notion or variety stores
Offices
Photography studios
Plant or garden shops
Restaurants without a drive thru
Studios, art, dance, music, photo
Uses, as approved by the Community Development Director, that are consistent with the purpose of the HC zoning district.
Uses permitted in the R-6 single-family dwelling district. (Prior code §11-3-11(A))

17.26.030 Conditional uses.
The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

~~A. Uses permitted in the C general commercial district;~~
~~B. Uses permitted in the LC limited commercial district;~~
~~C. Uses permitted in the LO limited office district;~~
~~D. Uses permitted in the NC neighborhood commercial district;~~
~~E. Bed and breakfast inns. (Ord. 96-1026 §2, 1996; prior code §11-3-11(B))~~

A. Uses listed in Section 17.56.030.

17.26.040 Historic building preservation.
Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district **or are in Oregon City's inventory of Historic Buildings**) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the planning commission that no economically feasible return can be gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the planning commission may grant an exception to the Historic Building Preservation Policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the Historic Building Preservation Policy in other structures in the area. The planning commission may condition the grant of any such application to these ends. **The members of the Historic Review Board shall be notified of the application and may request a delay in the decision or the Planning Commission, of its own volition, may delay a**

decision on such an application subject to consideration by the Historic Review Board as provided in Chapter 17.40. ~~The planning commission may delay action on such an application subject to consideration by the historic review board as provided in Chapter 17.40.~~ (Prior code §11-3-11(C))

17.26.050 Dimensional standards.

A. Minimum lot area:
   1. Residential, five thousand square feet,
   2. Nonresidential, minimum not required;
B. Minimum required setbacks:
   1. Front yard, fifteen feet minimum depth,
   2. Interior side yard, ten feet minimum width,
   3. Corner side yard, ten feet minimum width,
   4. Rear yard, ten feet minimum depth;

~~C. Maximum building size; two thousand square feet;~~

~~D~~**C.** Maximum building height, **two and one-half stories, not to exceed thirty-five feet for new buildings. (Prior code §11-3-11(D)**~~one and one-half stories, not to exceed twenty-five feet for new buildings. (Prior code §11-3-11(D)~~

Chapter 17.28- Limited Commercial District

This Section shall be removed from the Code.

THIS IS A NEW CHAPTER TO THE OREGON CITY MUNICIPAL CODE
CHAPTER 17.29"MUC" - MIXED USE CORRIDOR DISTRICT

SECTIONS

17.29.010 Designated
17.29.020 Permitted uses in MUC-1
17.29.025 Permitted uses in MUC-2
17.29.030 Conditional uses
17.29.040 Prohibited uses
17.29.050 Dimensional standards, MUC-1
17.29.060 Dimensional standards, MUC-2
~~**17.29.070 Dimensional standards, signage**~~
17.29.0780 Explanation of certain standards

17.29.010 DESIGNATED

The Mixed Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Mollala Avenue, 7th Street and Beavercreek Road, and along Warner-Milne Road. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Commercial uses are only allowed in conjunction with mixed-use office and residential developments, except for small stand-alone buildings. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

17.29.020 PERMITTED USES, MUC-1.

Permitted uses in the "MUC-1" District are defined as:

A. Banquet, conference facilities and meeting rooms

B. Bed and Breakfast, and other small lodging facilities for up to ten guests per night

C. Child Care facilities

D. Health and fitness clubs

E. Medical and Dental Clinics, outpatient; infirmary services

F. Museums and Cultural Facilities

G. Offices; including finance, insurance, real estate and government

H. Outdoor markets, such as produce stands, craft markets, and farmers markets that are operated on the weekends and after 6pm during the weekday.

I. Postal Services

J. Publicly owned parks, playgrounds, play fields and community or neighborhood centers

K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment

L. Residential Units, single-family detached residential existing prior to adoption of this ordinance.

M. Residential Units, single-family and two-family attached.

N. Residential Units, multi-family.

O. Restaurants, eating and drinking establishments without a drive through

P. Retail services, including personal, professional, educational and financial services; laundry and dry-cleaning;

R. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts, provided the maximum footprint for a stand alone building with a single store does not exceed 10,000 square feet.

S. Senior Housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes[3]

T. Studios and galleries, including dance, art, photography, music and other arts

~~Q. Units, single-family detached residential existing prior to adoption of this ordinance~~

~~R. Units, single-family attached residential and two-family~~

~~S.Units, multifamily residential~~

U. Utilities – Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical, and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.

V. Veterinary clinics or pet hospitals, pet day care

17.29.025 PERMITTED USES, MUC –2

Those uses allowed in 17.29.020 with the following exception:

A. Retail Trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts, provided the maximum footprint for a stand alone building with a single store does not exceed 60,000 square feet.

17.29.030 CONDITIONAL USES IN THE MUC-1 and MUC-2 ZONES

The following uses are permitted in this District when authorized and in accordance with the process and standards contained in Chapter 17.56:

A. Clubs/Lodges

[3] Residential development where each living unit has its own kitchen with a stove, sink and refrigerator will be treated as apartments, and subject to the density requirements of Section 17.29.050.H.

B. Car Washes

B. Drive-in or drive-through facilities

C. Emergency Services

D. Motor vehicle service, parts sales, repair, or equipment rental.

E. Museums and Cultural Facilities

F. Outdoor markets that do not meet the criteria of Section 17.29.020.H above

GF. Public utilities and services~~, including courts, libraries, and general government offices~~

HG. Religious Institutions

IH. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts that have a footprint for a stand alone building with a single store in excess of 10,000 square feet in the MUC-1 zone or 60,000 square feet in the MUC-2 zone.

JI. Schools, including trade schools and technical institutes

~~J.~~K. Vehicle fuel sales

17.29.040 PROHIBITED USES IN THE MUC-1 and MUC-2 ZONES
The following uses are prohibited in the MUC District:

A. Bulk retail or wholesale uses

B. Commercial or industrial laundry

C. Contractor's equipment yard

D. Foundry casting lightweight nonferrous metals

E. Frozen food lockers

~~B.~~F. Heavy equipment service, repair, sales, storage or rental[2].

B.G. ~~—~~Hotels and motels, commercial lodging

HC. Hospitals

I. Ice or cold storage plant

JD. Kennels

[2] Heavy equipment includes but is not limited to construction equipment and machinery and farming equipment

K~~E~~. Motor vehicle sales or storage

L~~F~~. Outdoor sales or storage[4]

M. Retail feed, fuel or lumber yard

N~~G~~. Self-service storage facilities

17.29.050 DIMENSIONAL STANDARDS, MUC-1

A. Minimum lot areas: None

B. Maximum building height: 45 feet or 3 stories - ~~W~~whichever is less ~~45 feet or 3 stories~~

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

E. Minimum required interior and rear yard setbacks if abutting a residential zone: 20 feet, plus one-foot additional yard setback for every one-foot of building height over 35 feet.

F. Maximum allowed setbacks:
1. Front yard: 5 feet (May be extended with Site Plan and Design Review section 17.62.055)
2. Interior side yard: None
3. Corner side yard abutting street: 30 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
4. Rear yard: None

G. Parking standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.25 may be reduced by 10% for mixed-use transit orientated projects, subject to a determination by the Community Development Director that the project qualifies as a "mixed-use" project

H. Maximum lot coverage of the building and parking lot: 80%

I. Minimum required landscaping (including landscaping within a parking lot): 20%.

~~17.29.060 PERMITTED USES, MUC-2~~
~~Those uses allowed in 17.29.020 with the following exception:~~

~~A. Retail Trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the Neighborhood, Historic or Limited Commercial Districts, provided the maximum footprint for a stand alone building with a single store does not exceed 60,000 square feet.~~

17.29.0~~6~~70 DIMENSIONAL STANDARDS, MUC-2

A. Minimum lot area: None

B. Minimum Floor Area Ratio: 0.30 ~~0.35~~

[4] Except secured areas for overnight parking or temporary parking of vehicles used in the business

C. Minimum building height: 25 feet or 2 stories except for accessory structures or buildings under 1,000 square feet.

D. Maximum building height: 60 feet

E. Minimum required setbacks if not abutting a residential zone: None

F. Minimum required interior and rear yard setbacks if abutting a residential zone: 2015 feet, plus one foot additional yard setback for every two feet of building height over 35 feet.

G. Maximum allowed setbacks
1. Front yard: 5 feet (May be expanded with Site Plan and Design Review section 17.62.055)
2. Interior side yard: None
3. Corner side yard abutting street: 20 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met.
4. Rear yard: None

H. Parking standards: The minimum required off-street vehicular parking standards of Chapter 17.25 may be reduced by 215% for mixed-use transit orientated projects, subject to a determination by the Planning Director that the project qualifies as a "mixed-use" project.

I. Maximum site coverage of building and parking lot: 90%

J. Minimum landscaping requirement (including parking lot): 10%.

17.29.0780 EXPLANATION OF CERTAIN STANDARDS

A. Floor Area Ratio (FAR)

1. Purpose
Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

2. Standards
a. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than 10,000 square feet in floor area.

b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project buildout.

~~B. Building Height~~

~~1. Purpose~~

~~Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.~~

~~A minimum 2-story (25') building height is established for the MUC-2 District to ensure that the Zoned MUC-2 will develop with at least two-story buildings.~~

~~2. Standards~~

~~Minimum and maximum building heights are specified in 17.29.050 and 17.29.060. The minimum building height standard applies generally to new commercial, residential, and mixed-use buildings. The minimum height requirement does not apply to accessory structures, or to buildings with less than 1,000 square feet of floor area.~~

B~~D~~. Other standards

See OCMC Chapter 17.62 for additional details on building setbacks, building orientation and primary entrances, and ground floor window requirements.

THIS IS A NEW CHAPTER TO THE OREGON CITY MUNICIPAL CODE
CHAPTER 17.31 "MUE" -- MIXED USE EMPLOYMENT DISTRICT

SECTIONS
17.31.010 Designated
17.31.020 Permitted uses
17.31.030 Limited uses
17.31.040 Conditional uses
17.31.050 Prohibited uses
17.31.060 Dimensional standards
17.31.070 Explanation of certain standards

17.31.010 DESIGNATED
The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes. Some commercial uses are allowed, within limits. The County offices and Willamette Falls Hospital are examples of such employment-intensive uses.

17.31.020 PERMITTED USES
Permitted uses in the MUE district are defined as:

A. Auditoriums, exhibition halls

B. Banks, savings, credit union, stocks & mortgages

C. Banquet, conference facilities and meeting rooms

~~D. Carpenter shops, wood product manufacturing~~[1]

D~~E~~. Child care facilities

E~~F~~. Clinics, outpatient; infirmary services

F~~G~~. Employment training and business services

G~~H~~. Health and fitness clubs, including tennis courts and swimming pools, but exclusive of spectator sports facilities

~~I. Hotels and motels, commercial lodging~~

~~J.~~H. Hospitals, Medical Centers, and Emergency Service Facilities

~~K.~~I. Industrial uses limited to the ~~including~~ design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials[1]

~~L.~~J. Offices; including finance, insurance, real estate and government

[1] These uses shall have no or minimal off-site impacts, e.g. noise, glare, odor, and vibration, and all activities shall be conducted wholly within an enclosed building.

K~~M~~. **Outdoor markets, such as produce stands, craft markets, and farmers markets that are operated on the weekends and after 6pm during the weekday.**

L~~N~~. **Postal services**

M~~O~~. **Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing, photo engraving**

N~~P~~. **Public utilities and services~~, including courts, libraries, and general government offices~~**

O. **Publicly owned parks, play fields and community or neighborhood centers**

P~~Q~~. **Research and development offices and laboratories, related to scientific, educational, electronics, and communications endeavors**[1]

Q~~R~~. **Residential Units, S~~s~~ingle-family detached residential existing prior to adoption of this ordinance**

R~~S~~. **Software development**

S~~T~~. **Transit and passenger rail center & station, exclusive of transit storage areas**

T~~U~~. **Utilities – Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical, and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers.**

17.31.030 LIMITED USES

The following permitted uses, alone or in combination, shall not exceed 20% of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the Community Development Director.

A. **Art stores, galleries, photography studios and shops**

B. **Bakeries, retail**

C. **Barber shops, beauty shops, other personal services**

D. **Custom dressmaking, tailoring**

E. **Drug stores, pharmacies**

F. **Dry cleaners**

G. **Grocery, fruit or vegetable stores**

[1] These uses shall have no or minimal off-site impacts, e.g. noise, glare, odor, and vibration, and all activities shall be conducted wholly within an enclosed building.

H. Office equipment (sales and service)

I. Restaurants, eating and drinking establishments

J. Specialty retail shops, including but not limited to florist, music, gifts, confectionery, books, stationary, hobby, jewelry, bath and kitchen ware, shoes, linen, furniture, hardware, garden supply, appliances and electronics stores, delicatessens, provided the maximum footprint for a stand alone building with a single store does not exceed 60,000 square feet.

K. Trade schools and technical and professional institutes, business schools, job training, vocational rehabilitation, exclusive of elementary, secondary, and full curricula colleges and universities.

17.31.040 CONDITIONAL USES

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Ambulance services

B. Building materials, sales and supplies (as described in OCMC 17.31.080(A), and not including outdoor storage or outdoor display and sales of building materials

C. Correctional, detention and work release facilities

D. Drive-in or drive-through facilities for banks, restaurants, pharmacies, and other commercial uses

E. Hotels, motels and commercial lodging

~~G.~~F. Museums and cultural institutions

~~H.~~G. Outdoor markets that do not meet the criteria of Section 17.31.020.M above

~~F~~H. Private clubs and lodges

I.~~G.~~ Public facilities, such as sewage treatment plants, water towers, pumps stations, recycling and resource recovery centers

J. Religious institutions, such as churches, mosques and synagogues

K~~H~~. Veterinary or pet hospital, dog daycare

L~~I~~. Schools - elementary, secondary, and full curricula colleges and universities

17.31.050 PROHIBITED USES

The following uses are prohibited in the MUE district:

A. Bulk fuel dealerships and storage yards, including card locks

B. Concrete mixing and sale

C. Contractors equipment yard

D. Distributing, wholesaling and warehousing

E. Draying, trucking and automobile freighting yard

F. Entertainment centers and facilities, outdoor

G. Foundry casting lightweight non-ferrous metals

H. Ice or cold storage plant

I. Junk yards, salvage yards, wrecking yards, storage yards and recycling centers

J. Kennels

K. Machinery, equipment or implement sales, service or rental relating to farming and construction (heavy equipment)

L. Motor vehicle, travel trailer, recreation vehicle, motorcycle, truck, manufactured home, and boat sales, leasing, rental or storage

M. Recreational vehicle (RV) parks, including sites established or maintained for travel trailers, truck campers, camping trailers, and self-propelled motor homes

~~N. Religious institutions, such as churches, mosques and synagogues~~

N~~O~~. Self-storage facilities

O~~P~~. Storage yard for contractor's equipment, transit vehicles, and related vehicle or equipment maintenance activities

P~~Q~~. Warehouse/freight movement

Q~~R~~. Wholesale and bulk sales

17.31.060 DIMENSIONAL STANDARDS

A. Minimum lot areas: None

B. Minimum Floor Area Ratio ~~(as described as 17.31.080(B)~~: 0.2~~3~~5

~~C. Minimum building height: None~~

C~~D~~. Maximum building height: except as otherwise provided in subsection D(1) of this section building height shall not exceed sixty feet.

1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.

E. Minimum required setbacks: No side or rear yard setbacks are required, except that a 50-foot setback shall be required wherever the MUE zone directly abuts any type of commercial or residential zone and at least 25 feet of the setback most be a landscaped buffer.

F. Maximum allowed setbacks: No maximum limit provided the Site Plan and Design Review requirements of Section 17.62.055 are met. Development of a campus with an approved Master Plan in the MUE zone is exempt from Section 17.62.055.D.1 of Site Plan and Design Review. All other standards are applicable.

G. Maximum site coverage of the building and parking lot: 80%

H. Minimum landscape requirement (including the parking lot): 20%
The design and development of the landscaping in this district shall:
1. Enhance the appearance of the site internally and from a distance;
2. Include street trees and street side landscaping;
3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
4. Include, as appropriate, a bikeway walkway or jogging trail;
5. Provide buffering or transitions between uses;
6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

17.31.070 EXPLANATION OF CERTAIN STANDARDS

A. Floor Area Ratio (FAR)

1. Purpose
Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

2. Standards

a. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than 10,000 square feet in floor area.

b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project buildout.

B. Other standards

See OCMC Chapter 17.62 for additional details on building setbacks, building orientation and primary entrances, and ground floor window requirements.

THIS IS A NEW CHAPTER TO THE OREGON CITY MUNICIPAL CODE
CHAPTER 17.34 "MUD" -- MIXED USE DOWNTOWN DISTRICT

SECTIONS

17.34.010 Designated
17.34.020 Permitted uses
17.34.030 Conditional uses
17.34.040 Prohibited uses
17.34.050 Pre-existing industrial uses
17.34.060 Dimensional standards, except for within overlay area
17.34.070 Dimensional standards, historic downtown overlay area
17.34.080 Dimensional standards, signs
17.34.090 Explanation of certain standards

17.34.010 DESIGNATED

The Mixed-Use Downtown (MUD) District is designed to apply within the traditional downtown core along Main Street, and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. A mix of high-density residential, office and retail uses are encouraged in this District, with ~~primarily~~ retail and service uses on the ground floor, and ~~primarily~~ office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This District includes an overlay design sub-district for the historic downtown area. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 PERMITTED USES

Permitted uses in the "MUD" District are defined as:

A. Any use permitted in the Neighborhood, Historic, Limited or General Commercial zone districts, unless otherwise restricted in Sections 17.34.030 or 17.34.040

B. Banquet, conference facilities and meeting rooms

C. Child care facilities

D. Clubs/lodges

~~**E. Residential Units, single-family detached residential existing prior to adoption of this ordinance**~~

~~**F. Residential Units, single-family and two-family attached. Developments that include residential units in the Historic Overlay District are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development.**~~

~~**G. Residential Units, multi-family. Developments that include residential units in the Historic Overlay District are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development.**~~

E. Heath and fitness clubs

F. Hotel and motel, commercial lodging

G. Indoor recreational facilities, including theaters

H. Marinas

I. Medical and dental clinics, outpatient; infirmary services

J. Museums and cultural facilities

K. Offices; including finance, insurance, real estate and government Developments that include offices in the Historic Overlay District are required to have an MUD permitted use, other than an office use, on the first floor. The office use is limited to the second floor and above of the development.

L. Outdoor markets, such as produce stands, craft markets, and farmers markets that are operated on the weekends and after 6pm during the weekday.

M. Postal services

N. Publicly owned parks, play fields and community or neighborhood centers.

~~Q. Public services, including courts, libraries, and general government offices.~~

O. Religious institutions, such as churches, mosques and synagogues

P. Repair shops, for office equipment, bicycles, electronic equipment, shoes and small appliances

Q. Residential Units, single-family detached residential existing prior to adoption of this ordinance

R. Residential Units, single-family and two-family attached. Developments that include residential units in the Historic Overlay District are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development.

S. Residential Units, multi-family. Developments that include residential units in the Historic Overlay District are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development.

T. Restaurants, eating and drinking establishments

U. Retail services, including professional, educational and financial services; laundry and dry-cleaning

V. Retail trade, including grocery, hardware, and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a free standing building with a single store does not exceed 60,000 square feet (A free

standing building over 60,000 square feet is allowed as long as the building contains multiple stores).

W. Senior housing, including congregate care, residential care and assisted living, nursing homes and other types of group homes

W. Studios and galleries, including dance, art, photography, music and other arts

Y. Utilities – Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical, and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.

17.34.030 CONDITIONAL USES

The following uses are permitted in this District when authorized and in accordance with the process and standards contained in Chapter 17.56.

~~A. Car washes~~

AB. ~~Drive-in or d~~Drive-though facilities associated with a bank

B~~C~~. Emergency services

C~~D~~. Hospitals

~~E. Motor vehicle service, repair, sales, rental or storage in a building~~

D~~F~~. Outdoor markets that do not meet the criteria of Section 17.34.020.N above

E~~G~~. Outdoor recreational facilities

F~~H~~. Repairs shop for small engines, such as lawnmowers, leaf blowers and construction-related equipment

G~~I~~. Retail trade, including grocery, hardware, and gift shops, bakeries, delicatessens, florists, pharmacies, and specialty stores in a free standing building with a single store exceeding a foot print of 60,000 square feet

H~~K~~. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers.

I. Public utilities

J. Wholesale and bulk retail uses

17.34.040 PROHIBITED USES

The following uses are prohibited in the MUD District

A. Kennels

B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030

C. Self-service storage

~~D. Public facilities, such as sewage and water treatment plants, water towers, and recycling and resource recovery centers~~

17.34.050 PRE-EXISTING INDUSTRIAL USES

Tax Lots 100 and 200 located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for Industrial Uses. These properties may maintain and expand their Industrial Uses on existing tax lots. ~~New construction and substantial exterior alterations on these tax lots are subject to the Downtown Community Plan Design Standards located in OCMC 17.62.100.~~ A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 DIMENSIONAL STANDARDS, EXCEPT FOR WITHIN HISTORICAL OVERLAY AREA

A. Minimum lot area: None

B. Minimum Floor Area Ratio for stand-alone office, commercial buildings or mixed-use buildings with a residential component: 0.30 ~~0.35~~

C. Minimum building height: 25 feet or 2 stories except for accessory structures or buildings under 1,000 square feet.

D. Maximum building height: 75 feet, except for the following locations where the maximum building height shall be 45 feet:
1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
2. Property within 500 feet of the End of the Oregon Trail Center property; and
3. Property within 100 feet of single-family detached or detached units.

E. Minimum required setbacks, if not abutting a residential zone: None

F. Minimum required interior side yard and rear yard setback if abutting a residential zone: 15 feet, plus one additional foot in yard setback for every two feet in height over 35 feet.

G. Maximum allowed setbacks:
1. Front yard: 20 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
2. Interior side yard: No maximum
3. Corner side yard abutting street: 20 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
4. Rear yard: No maximum
5. Rear yard abutting street: 20 provided the Site Plan and Design Review requirements of section 17.62.055 are met

H. Parking standards: The minimum required off-street vehicular parking standards of Chapter 17.52 may be reduced by 25% for mixed-use projects subject to a determination by the Community Development Director that the project qualifies as a "mixed-use" project.

I. Maximum site coverage including the building and parking lot: 90%

J. Minimum landscape requirement (including parking lot): 10%.

17.34.070 DIMENSIONAL STANDARDS, HISTORIC AREA OVERLAY

A. Minimum lot area: None

B. Minimum Floor Area Ratio for stand-alone ~~office or~~ commercial buildings or mixed-use buildings with a residential component: 0.5

C. Minimum building height: 25 feet or 2 stories except for accessory structures or buildings under 1,000 square feet.

D. Maximum building height: 58 feet

E. Minimum required setbacks, if not abutting a residential zone: None

F. Minimum required interior and rear yard setback if abutting a residential zone: 20 feet, plus one foot additional yard setback for every three feet in building height over 35 feet.

G. Maximum allowed setbacks:

1. Front yard: 10 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
2. Interior side yard: No maximum
3. Corner side yard abutting street: 10 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met
4. Rear yard: No maximum
5. Rear yard abutting street: 10 feet provided the Site Plan and Design Review requirements of section 17.62.055 are met

H. Parking standards: The minimum off-street vehicular parking requirements of Chapter 17.52 may be reduced by 50%. Off-street, vehicular parking requirements may be waived by the Community Development Director if the property is within a parking management district.

I. Maximum site coverage of the building and parking lot: 100%

J. Minimum landscape requirement: Development within the Historic Overlay District is exempt from required landscaping standards in 17.62.050(A)(1). However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets, and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required.

17.34.080 EXPLANATION OF CERTAIN STANDARDS

A. Floor Area Ratio (FAR)

1. Purpose

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

2. Standards

a. The minimum floor area ratios contained in 17.34.0650 and 17.34.0670 apply to all non-residential and mixed-use building developments.

b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project buildout.

B. Building Height

1. Purpose

~~**Minimum and maximum building height standards serve several purposes. They promote a compatible building scale and relationship of one structure to another. Building height standards also establish a consistent streetscape.**~~

The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of 58 feet measured from Main Street. The maximum building height limit of 58 feet will ensure that no new building will be taller than the Masonic Hall.

A minimum 2-story (25') building height is established for the Historic Downtown Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

~~**2. Standards**~~

~~**Minimum and maximum building heights are specified in 17.34.050, 17.34.060 and 17.34.070. The minimum building height standard applies generally to new commercial, residential, and mixed-use buildings. The minimum height requirement does not apply to accessory structures, or to buildings with less than 1,000 square feet of floor area.**~~

~~**C. Setbacks**~~

~~**1. Purpose**~~

~~**Building setbacks work with standards for building height and floor area ratios to ensure placement of buildings in a way that creates an attractive streetscape and pleasant pedestrian experience. These regulations also ensure compatibility of building orientation, leading to a consistent street character.**~~

~~2. Standards~~

~~a. Minimum and maximum building setbacks are specified in 17.34.050, 17.34.060 and 17.34.070.~~

C~~D~~ **Other Standards**

See OCMC Chapter 17.62 for additional details on building setbacks, building orientation and primary entrances, and ground floor window requirements.

~~Chapter 17.36 M-1 LIGHT INDUSTRIAL DISTRICT~~

Chapter 17.36 GI – GENERAL INDUSTRIAL

THIS SECTION COMBINES THE EXISTING M-1 Light Industrial and M-2 Heavy Industrial Zones

17.36.010 Designated.

The ~~light~~**General** ~~i~~Industrial district is designed to allow ~~low-impact~~ uses relating to manufacturing, processing and distribution of goods. **The uses permitted on the General Industrial Lands are intended to protect existing Industrial and Employment Lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the Industrial areas.** (Prior code §11-3-15(part))

17.36.020 Permitted uses--Within buildings.

A. In the ~~M-1~~**GI** district, the following uses are permitted if enclosed within a building:

Carpenter shop or~~and~~ wood product**, pulp, paper and paper board manufacturing and processing.** ~~manufacture, excluding planing mill and lumber mill~~

Commercial or industrial laundry

Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety

Electroplating, machine or welding shop

Foundry casting lightweight nonferrous metals

Frozen food lockers

Heavy equipment service, repair, sales, rental or storage[1]

Ice or cold storage plant

Photo engraving

Veterinary or pet hospital, kennel or hatchery

Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited).

Retail sales and services, including eating establishments for employees (I.E. a café or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5% of the building square footage, whichever is less, and the retail sales and services shall not occupy more than 10 percent of the net developable portion of all contiguous Industrial Lands.

B. The following uses may occupy a building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard; further provided, that such wall or fence shall not be used for advertising purposes:

Storage facilities

Concrete mixing and sales

Contractor's equipment yard

Draying, trucking and automobile freighting yard

Heavy equipment service, repair, sales, rental or storage[1]

Retail feed or fuel yard

Retail lumber yard and building material yard~~, excluding concrete mixing~~

Small boat yard for the building or repair of boats not exceeding sixty-five feet in length. (Ord. 00-1003 §9, 2000: prior code §11-3-15(A)(1), (2))

[1] **Heavy equipment includes but is not limited to construction equipment and machinery and farming equipment**

17.36.030 Conditional uses.
The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:

~~Concrete mixing and sales~~
Public recycle drop/receiving center
Public recycle warehouse
Railroad terminal and railroad freighting facilities
Solid waste transfer facility
Solid waste processing facility
Plants or facilities engaged in resource recovery as defined in Section 8.20.020
Industrial uses, defined as all uses not permitted or conditional in the GI – General Industrial zone provided that such uses do not present an undue hazard to the public health, welfare and safety.
Uses listed in Section 17.56.030
(Ord. 93-1022 §§1(part), 2, 1993; prior code §11-3-15(B))

17.36.035 Prohibited uses
Wrecking yards

17.36.040 Dimensional standards.

Dimensional standards in the ~~M-1~~**GI** district are:

A. Minimum lot area, minimum not required;
B. Maximum building height, three stories, not to exceed forty feet;
C. Minimum required setbacks:
   1. Front yard, ten feet minimum depth,
   2. Interior side yard, no minimum width,
   3. Corner side yard, ten feet minimum width,
   4. Rear yard, ten feet minimum depth;
D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial ~~zone~~**use**, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential ~~zone~~**use and commercial uses** in order to provide a buffer area, and **sight obscuring** landscaping thereof shall be subject to site plan review. **The Community Development Director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.** (Ord. 93-1022 §1(part), 1993; prior code §11-3-15(C))

Chapter 17.37 (CI) CAMPUS INDUSTRIAL DISTRICT

17.37.010 Designated.

The campus industrial district allows a mix of clean, employee-intensive industries, and offices serving industrial needs. ~~with associated services.~~ **These areas provide jobs that strengthen and diversify the economy. The uses permitted on Campus Industrial Lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within Industrial and Employment Areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.**

17.37.020 Permitted uses.

The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:

A. Experimental, film or testing laboratories;
B. Industries which manufacture from, or otherwise process, previously prepared materials;
C. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing;
D. Trade schools including technical, professional, vocational, ~~and~~ business schools **and college or university programs serving industrial needs.**
E. Corporate or government headquarters or regional offices with fifty or more employees.
F. Computer component assembly plants
~~**G. Veterinary or pet hospital, kennel or hatchery**~~
~~**H. Recreational indoor racing wholly conducted within an enclosed structure.**~~
~~**I. Distribution warehouse**~~
~~**J. Postal Distribution Center**~~
G. Information and Data processing centers
H. Software and Hardware development
I. Engineering, architectural and surveying services
J. Non-commercial, educational, scientific and research organizations
K. Research and development activities
L. Industrial and professional equipment and supply stores, which may include service and repair of the same
M. Retail sales and services, including eating establishments for employees (I.E. a café or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of 20,000 square feet or 5% of the building square footage, whichever is less, and the retail sales and services shall not occupy more than 10% of the net developable portion of all contiguous Industrial Lands.
N. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited.

17.37.030 Conditional uses.

The following conditional uses may be established in a campus industrial district subject to review and action on the specific proposal, pursuant to the criteria and review procedures in Chapters 17.50 and 17.56:

A. ~~Uses permitted in Section 17.36.020(A)~~**Distribution or warehousing**

~~B. Offices, except corporate or government headquarters or regional offices allowed under Section 17.37.020 above may occupy up to seventy percent of the total floor area of the development~~.

~~C. Financial institutions, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited.~~

~~D. Limited residential uses which are subject to the following criteria:~~

~~1. Adult congregate living facilities for senior citizens is defined as any institution, building, or buildings, residential facilities for elderly and disabled persons or other place which undertakes, through its ownership or management to provide housing, meals and the availability of other support services;~~

~~2. The uses in subsection D(1) of this section shall not occupy more than five acres within all lands zoned campus industrial;~~

~~3. Residential densities shall not exceed the density permitted in the RA-2 zone;~~

~~4. Additional setbacks, buffering, and additional landscaping may be required to reduce the possible adverse effects on adjacent properties in the underlying zone.~~

~~E~~**B**. Any other use which, in the opinion of the Planning Commission, is of similar character of those specified in Sections 17.37.020 and 17.37.030. In addition, the proposed conditional uses:

1. Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;
2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;
3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;
4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites. (Ord. 99-1026 §1(A), 1999; Ord. 93-1022 §3(part), 1993)

17.37.040 Dimensional standards.

Dimensional standards in the ~~M-1 (~~CI~~)~~ district are:

A. Minimum lot area: no minimum required.

B. Maximum building height: except as otherwise provided in subsection B(1) of this section building height shall not exceed forty-**five** feet.

1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.

C. Minimum required setbacks:

1. Front yard: twenty feet minimum depth;
2. Interior side yard: no minimum width;
3. Corner side yard: twenty feet minimum width;
4. Rear yard: ten feet minimum depth.

D. Buffer zone: If a use in this zone abuts or faces a residential ~~or commercial zone~~**use**, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent

residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.

If the height of the building exceeds forty-**five** feet, as provided in subsection B(1) of this section for every additional story built above forty-**five** feet, an additional twenty-five foot buffer shall be provided. (Ord. 99-1026 §2, 1999; Ord. 93-1022 §3(part), 1993)

17.37.050 Development standards.

All development within the ~~M-1 (~~CI~~)~~ district is subject to the review procedures and application requirements under Chapter 17.50, and the development standards under Chapter 17.62. **Multiple building developments are exempt from the setback requirements of Chapter 17.62.055.** In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:
   1. Enhance the appearance of the site internally and from a distance;
   2. Include street trees and streetside landscaping;
   3. Provide an integrated open space and pedestrian ~~way~~ system within the development with appropriate connections to surrounding properties;
   4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;
   5. Provide buffering or transitions between uses;
   6. Encourage outdoor eating areas conveniently located for use by employees;
   7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

B. Parking. No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.

C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.

D. Signs. One ground-mounted sign may be provided for a development. Other signage shall be regulated by Title 15.

E. Outdoor Storage and Refuse/Recycling Collection Areas.
   1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;
   2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street. (Ord. 93-1022 §3(part), 1993)

~~Chapter 17.38 M-2 HEAVY INDUSTRIAL DISTRICT~~

This Section is replaced with the GI – General Industrial Zone

Chapter 17.39 - Institutional District

Sections

17.39.010 Designated
17.39.020 Permitted Uses
17.39.030 Conditional Uses
17.39.040 Dimensional Standards
17.39.040 Development Standards

17.39.010 Designated

The purpose of this district is to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I zone is consistent with the Public/Quasi Public and Park designations on the Comprehensive Plan map.

17.39.020 Permitted Uses

Permitted Uses in the Institutional district are:

A. **Colleges and Universities**
B. **Public and Private Schools**
C. **Parks, playgrounds, playfields and community or neighborhood community centers;**
D. **Public facilities and services including courts, libraries and general government offices and maintenance facilities.**

17.39.030 Accessory Uses

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

A. **Offices**
B. **Retail (not to exceed 10% of total gross floor area of all building)**
C. **Child Care Centers or Nursery Schools**
D. **Group Living (dorms, hospice, etc.)**
E. **Stadiums, arenas, and auditoriums**
F. **Scientific, educational, or medical research facilities and laboratories.**
G. **Religious Institutions**
H. **Museums**

17.39.040 Conditional Uses

Uses requiring conditional use permit are:

A. **Any uses listed under 17.39.030 that are not accessory to the primary institutional use.**
B. **Boarding and lodging houses, bed and breakfast inns, and assisted living facilities for senior citizens;**
C. **Cemeteries, crematories, mausoleums, and columbariums;**
D. **Correctional facilities;**
E. **Helipad in conjunction with a permitted use, excluding residential districts;**
F. **Nursing homes;**
G. **Parking lots not in conjunction with a primary use;**
H. **Private clubs and lodges, excluding residential districts;**
I. **Public utilities, including sub-stations (such as buildings, plants and other structures);**
J. **Welfare institutions and social service organizations, excluding residential districts.**
K. **Fire Stations**

17.39.050 Dimensional Standards

Dimensional standards in the I district are:

- **A. Maximum building height: within 100 feet of any district boundary, not to exceed 35 feet; elsewhere, not to exceed 70 feet.**
- **B. Minimum required setbacks: 25 feet from property line except when the development is adjacent to a public-right-of-way. When adjacent to a public right-of-way, the minimum setback is 0 feet and the maximum setback is 5 feet.**

17.39.060 Relationship to Master Plan

- **A. A Master Plan is required for any development within the I district on a site over 10 acres in size that:**
  1. **Is for a new development on a vacant property;**
  2. **Is for the redevelopment of a property previously used an a non-institutional use; or**
  3. **Increases the floor area of the existing development by 10,000 square feet over existing conditions**
- **B. Master Plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Chapter 17.65.70 and will be processed concurrently with the Master Plan application.**
- **C. Modifications to other development standards in the code may be made as part of the Phased Master Plan adjustment process. All modifications must be in accordance with the requirements of the Master Plan adjustment process identified in Chapter 17.65.070.**

17.39.070 Changes to the I district boundary

The I district boundary may be amended through Chapter 17.68 - Zoning Changes and Amendments.

Chapter 17.40 HISTORIC OVERLAY ZONE

17.40.020 DEFINITIONS

"New Construction": An additional new building or structure separate from the existing building mass that is larger than 200 square feet on all properties located within a Historic Overlay District. Any building addition that is 30 percent or more in area (be it individual or cumulative) of the original structure shall be considered new construction.

17.40.060 EXTERIOR ALTERATION AND NEW CONSTRUCTION:

A. Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. A**ny** building addition that is thirty percent or more in ~~size~~ **area** of the ~~original~~ **historic** building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in ~~a~~**the** district unless approved by the board and given a certificate of appropriateness.

17.40.65 HISTORIC PRESERVATION INCENTIVES

A. Purpose.
Historic preservation incentives increase the potential for historically designated properties to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of locally designated structures because they provide flexibility and economic opportunities.

B. Eligibility for historic preservation incentives.
All exterior alterations of designated structures and new construction in historic and conservation districts are eligible for historic preservation incentives if the exterior alteration or new construction has received a certificate of appropriateness from the Historic Review Board per OCMC 17.50.110(c)

C. Incentives allowed.
The dimensional standards of the underlying zone as well as for accessory buildings (OCMC 17.54.100) may be adjusted to allow for compatible development if the expansion or new construction is approved through historic design review.

D. Process.
The applicant must request the incentive at the time of application to the Historic Review Board.

Chapter 17.44 US UNSTABLE SOILS AND HILLSIDE CONSTRAINT OVERLAY DISTRICT

17.44.050 Development permit--Application--Information.

E. A soil erosion control plan, based on ~~Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook (1991 or as subsequently amended)~~**the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013)** and containing:

1. A description of existing topography and soil characteristics;
2. Specific descriptions or drawings of the proposed development and changes to the site which may affect soils and create an erosion problem;
3. Specific methods of soil erosion and sediment control, incorporating the following features, to be used before, during and after construction:

a. The land area to be grubbed, stripped, used for temporary placement of soil, or to otherwise expose soil shall be confined to the immediate construction site,

b. The duration of exposure of soils to erosion shall be kept to the minimum practicable,

c. Wet weather measures**, such as those** ~~as required~~ in ~~Clack-amas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook~~**the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).**,

d. Prior to grading, clearing, excavating or construction, temporary diversions, sediment basins, barriers, check dams or other methods shall be provided as necessary to hold sediment and erosion. During construction, water runoff from the site shall be controlled, and sediment resulting from soil removal or disturbance shall be retained on site per ~~Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook~~**the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).**,

17.44.090 Stormwater drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with ~~Clackamas County's Surface Water Quality Facilities Technical Guidance Handbook~~ **Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan** or other adopted standards subsequently adopted by the city commission. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun. (Ord. 94-1001 §2(part), 1994)

17.44.100 Construction standards.

C. Measures shall be taken to protect against landslides, mud flows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in ~~Clackamas County's Technical Guidance Handbook.~~**the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).**

Chapter 17.49 – Water Resource Overlay District

17.49.020 Definitions.

Development. For the purpose of this chapter the following definition of "development" applies: any manmade change defined as **the construction of** buildings or other structures, mining, dredging, paving, filling, ~~or~~ grading**, or site clearing, and grubbing** in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development. Development does not include the following:

1. Stream enhancement or restoration projects approved by the city;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and
3. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) (1995).

17.49.040 Administration.

A. This chapter establishes a water quality resource area overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document. The official map is on file in the office of the city recorder.
   1. The Oregon City local wetland inventory, as amended, shall be a reference for identifying areas subject to the water quality resource area overlay district.
   2. Applicants are required to provide the city with a field-verified delineation of the water quality resource areas on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the city. If the protected water feature is not located on the subject property and access to the water feature is denied, then existing data may be used to delineate the boundary of the water quality resource area. **The Water Resource determination shall be processed as a Type II application.**
   3. The standards for development contained in this chapter are applicable to areas located within a water quality resource area. Applications for development on a site located in the water quality resource area overlay district may request a determination that the subject site is not in a water quality resource area and this is not subject to the standards of Section 17.49.050. **The Water Resource Exemption determination shall be processed as a Type I application.**
      a. Applicants for a determination under this section shall submit a site plan meeting the following requirements:
         i. The site plan must be drawn at a scale of no less than one inch equals twenty feet;
         ii. The site plan must show the location of the proposed development and the lot lines of the property on which development is proposed;
         iii. The site plan must show the location of the protected water feature. If the protected water feature is a wetland, the delineation must be made by a qualified wetlands specialist pursuant to the 1987 Corps of Engineers Delineation Manual. For all other protected water features, the location must be established by a registered professional engineer or surveyor licensed by the state of Oregon.
         iv. The site plan must show the location of the water quality resource area;
         v. If the proposed development is closer than two hundred feet to the protected water feature, the site plan must include contour intervals of no greater than five feet; and
         vi. If the vegetated corridor is fifteen feet, the site plan must show the protected water feature's drainage area, including all tributaries.

b. Alternatively, an applicant may have the city staff gather the information necessary to determine the location of the water quality resource area by making an application therefor and paying to the city a fee as set by resolution of the ~~c~~City ~~c~~Commission.

~~c.~~**a.** Determinations under this section will be made by the ~~planning manager~~**Community Development Director**, or designee, as a Type II decision.

17.49.070 Density transfers.

A. The purpose of this section is to allow density accruing to portions of a property within the water quality resource area to be transferred outside the water quality resource area.

~~B. Development applications for subdivisions that request a density transfer shall be proposed as part of a planned unit development and shall comply with Chapter 17.64, Planned Unit Development.~~

~~C~~**B.** Development applications for partitions that request a density transfer shall:

1. Provide a map showing the net buildable area to which the density will be transferred;
2. Provide calculations justifying the requested density increase;
3. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the water quality resource area tract created pursuant to Section 17.49.060, and that no residential lot created is less than five thousand square feet;
4. Demonstrate that, with the exception of the water quality resource area parcel created pursuant to Section 17.49.060, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
5. Meet all other standards of the base zone.

~~D~~**C.** The area of land contained in a water quality resource area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code. (Ord. 99-1013 §10(part), 1999)

Chapter 17.50 – ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the city's decision-making processes.
The following decision-making processes chart shall control the city's review of the indicated permits:

Table 17.50.030
PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Adjustment			X		
Compatibility review	X				
Code interpretation and similar use determination			X		
Concept Development Plan			X		
Conditional use permit (CUP)			X		
Detailed Development Plan[1]		X	X		
Extension		X			
Final plat	X				
Historic review			X		
Lot line adjustment and Abandonment	X				
Major modification to a prior approval[2]	X	X	X	X	X
Minor modification to a prior approval		X			
Nonconforming use review		X			
Partition		X			X
~~Planned unit development preliminary "PUD" plan~~			~~X~~		
~~Planned unit development final "PUD" plan~~	~~X~~				
Reconsideration	X				
Revocation				X	
Site plan and design review		X			
Subdivision		X			X
Minor variance		X			
Zone change & plan amendment				X	

[1] If any provision or element of the concept development plan that requires a Type III procedure was deferred, the detailed development plan shall be processed through a Type III procedure.
[2] A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

Zone change upon annexation with no discretion	X			X	
Zone change upon annexation with discretion				X	
Water Resource Exemption	**X**				
Water Resource Review		**X**			
Unstable Soils and Hillside Constraint Overlay District		**X**			

17.50.050 Preapplication conference and neighborhood meeting.

A. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with city staff to discuss the proposal. **For proposals of a conditional use permit, subdivision, or a commercial, office, or industrial use of over 10,000 square feet,** ~~T~~the applicant ~~may~~**shall** also 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. The applicant shall send, by certified mail, return receipt requested, a letter to the Chairperson of the Neighborhood Association and the Citizen Involvement Committee Council describing the proposed project. A meeting shall be scheduled within 30 days of the notice. If the Neighborhood Association does not want to, or cannot meet within 30days, the applicant shall hold a meeting after 6pm or on the weekend. The meeting shall be noticed to the Neighborhood Association and the Citizen Involvement Committee and shall be held within the boundaries of the Neighborhood Association or in a City facility. An application shall not be deemed complete until a copy of the certified letter is provided.**

B. Preapplication Conference. To schedule a preapplication conference, the applicant shall contact the ~~planning manager~~**Community Development Director**, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the city, which identifies the proposed land uses, traffic circulation, and public rights-of-way. The purpose of the preapplication conference is to provide staff from all affected city departments with a summary of the applicant's development proposal and an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The ~~planning manager~~**Community Development Director** shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations. Following the conference, the ~~planning manager~~**Community Development Director** shall provide the applicant with a written summary of the preapplication conference.

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

D. Notwithstanding any representations by city staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the city of any standard or requirement.

E. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The ~~planning~~

~~manager~~**Community Development Director** may waive the preapplication requirement if, in the manager's opinion, the development does not warrant this step. (Ord. 98-1008 §1(part), 1998)

17.50.070 Completeness review and one-hundred-twenty-day rule.

A. Upon submission, the ~~planning manager~~**Community Development Director** shall date stamp the application form and verify that the appropriate application fee has been submitted. The ~~planning manager~~**Community Development Director** will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the ~~planning manager~~**Community Development Director** shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information must be submitted to make the application complete.

B. Upon receipt of a letter indicating the application is incomplete, the applicant has one hundred eighty days within which to submit the missing information or the application shall be rejected and all materials and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one-hundred-eighty-day period, the ~~planning manager~~**Community Development Director** shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

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

- **a. All the missing information;**
- **b. Some of the missing information and written notice from the applicant that no other information will be provided; or**
- **c. Written notice from the applicant that none of the missing information will be provided.**

C. Once the ~~planning manager~~**Community Development Director** determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete~~, and take final action on the application within one hundred twenty days of that date unless the applicant waives or extends the one-hundred-twenty-day period.~~ **Pursuant to ORS 227.178, the City will reach a final decision on an application within 120 calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the 120 calendar day time line or unless State law provides otherwise.** The one-hundred-twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one-hundred-twenty-day period.

2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one-hundred-twenty-day period for the amount of time required to correct the notice defect.

3. The one-hundred-twenty-day period does not apply to any application for a permit that is not wholly within the city's authority and control.

4. The one-hundred-twenty-day period does not apply to any application for an amendment to the city's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. The 120 calendar day time line specified in Section 17.50.070.C may be extended at the written request of the applicant. The total of all extensions may not exceed 240 calendar days from the date the application was deemed complete.

~~D~~**E**. The approval standards ~~which~~**that** control the city's review and decision on a complete application are those which were in effect on the date the application was first submitted. (Ord. 98-1008 §1(part), 1998)

17.50.290 – Fees

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the city's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175(10)(b). The requirements of this section shall govern the payment, refund and reimbursement of fees.

A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be accepted without the proper fee being paid.

B. Refunds. Fees will only be refunded as provided in this subsection:
   1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.
   2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
   3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.

C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application must be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting. (Ord. 98-1008 §1(part), 1998)

D. Major Projects. The fees for a Major Project shall be the City's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of Major Projects will not be included in any average used to establish other fees under this section. For purposes of this subsection only, a "Major Project" is defined to include any Combined Plan and Zone Change and any project with an estimated construction cost over $1,000,000.

Chapter 17.52 – Off-Street Parking and Loading

17.52.010 Number of spaces required.

At any time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section. ~~If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property, but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.~~ Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

EXISTING TABLE WILL BE REMOVED

TO BE ADDED

LAND USE	PARKING REQUIREMENTS: The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.	
	MINIMUM	MAXIMUM
Single-Family Dwelling	1.00 per unit	2.00 per unit
Residential Unit (<500 sq-ft)	1.00 per unit	2.00 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.00 per unit
Boarding/Lodging House	Case Specific	Case Specific
Mobile Homes	N/A	2.00 per unit
Hotel/Motel	1.0 per guest room	1.0 per quest room
Club/Lodge	To meet requirements of combined uses	To meet requirements of combined uses
Welfare/Correctional Institution	N/A	1 per 5 beds
Nursing Home/Rest home	N/A	1 per 5 beds
Hospital	N/A	1 per 1.5 beds

Religious Assemble Building	0.25 per seat	0.25 per seat
Library/Reading Room	N/A	2.50
Preschool Nursery/Kindergarten	N/A	2 per teacher
Elementary/Junior High School	N/A	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium / assembly room / stadium
High School	0.20 per # staff and students	0.30 per # staff and students
College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room	N/A	0.25 per seat
Stadium/Arena/Theater	N/A	0.25 per seat
Bowling Alley	N/A	2 per alley
Dance Hall/Skating Rink	N/A	5.00
Moorages	N/A	1 per boat berth
Retail Store/Shopping Center	4.10	5.00
Service/Repair Shop/Automotive or Furniture Store	N/A	1.67
Bank	N/A	3.33
Office	2.70	3.33
Medical or Dental Clinic	N/A	3.33
Fast Food with Drive Thru	N/A	5.00
Other Eating Establishments	N/A	5.00
Drinking Establishment/Pool Hall	N/A	5.00
Mortuaries	N/A	0.25 per seat
Swimming Pool/Gymnasium	N/A	5.00
Sports Club/Recreation Facilities	4.30	5.40
Tennis/Racquet Ball Courts	1.00	1.30

Movie Theater	0.30 per seat	0.40 per seat
Storage Warehouse/Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/Industrial Park	N/A	1.60

17.52.020 Administrative provisions.

A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title. Use of property in violation is a violation of this title. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it is unlawful and a violation of this title to begin or maintain such altered use until the required increase of off-street parking or loading is provided.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the ~~planning commission~~**Community Development Director**, based upon the requirements of comparable uses listed.

C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. Shopping centers shall be considered a retail use.

D. Owners of two or more uses, structures, or parcels of land, may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory documentation is presented to the planning department.

E. Off-street parking for dwellings shall be located on the same lot with the dwelling. ~~Other required parking spaces shall be located not farther than five hundred feet from the building or use they are required to serve dwelling.~~ Other required parking spaces shall be located not farther than five hundred feet from the building or use they are required to serve, measured in a straight line from the building.

F. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

G. ~~Any use may develop more parking than required, provided other requirements such as landscaping are met. However, any proposal to develop more than twice as much parking as required must be referred to the planning commission, which may approve or deny the number of spaces. Energy conservation shall be the principal criteria for such review.~~

~~H~~G Completion Time for Parking Lots. Required parking spaces shall be improved and available for use before the final inspection is completed by the building inspector. An extension of time, not to exceed one year may be granted by the building inspector providing that a performance bond, or its equivalent, is posted equaling one hundred fifty percent of the cost of completion of the improvements as estimated by the building inspector, provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the improvements shall be constructed under the direction of the city, utilizing the proceeds of the performance bond or its equivalent as necessary.

~~I~~H. Lesser Requirements Allowed by Planning Commission. The planning commission may permit lesser requirements than those specified in the parking and loading requirements above where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the enforcement of the above off-street parking and loading restrictions would cause an undue or unnecessary hardship. Section 17.60.030 shall be the grounds for establishing lesser requirements. (Prior code §11-5-2)

17.52.030 Design review.

A. Development of parking lots shall require site plan review.

~~B. Screening. Public lots and other areas used for the parking, service, sale or storage of vehicles shall be separated from public right-of-ways by a landscaped area at least five feet in width, or by a low wall approximately thirty inches in height, excepting only necessary driveway access. There shall be similar separation from all other necessary driveway access. There shall be similar separation from all other abutting property lines, excepting in those locations where access or parking is shared between adjoining land owners. Where parking areas abut an R district, there shall be a wall, sight-obscuring fence, or sight-obscuring landscaping not less than six feet in height.~~

~~C~~B Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways **so** that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

~~D~~C Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. **The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality are encouraged.**

~~E~~D. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city Public Works Stormwater and Grading Design Standards.

~~F~~E. Lighting. Artificial lighting which may be provided shall ~~not create or reflect a substantial glare in a residential zone or on adjacent dwellings.~~**enhance security, be appropriate for the use, and avoid adverse impacts on surrounding properties and the night sky through appropriate shielding. The lighting shall not cause a measurement in excess of 0.5 footcandles of light on other properties.**

~~G~~F Dimensional Requirements. Parking spaces shall be ~~a minimum of nine feet by twenty feet~~**eight and one half feet by eighteen feet**; parking at right angles to access aisles shall require twenty-four feet backing distance in aisle width. Requirements for parking developed at varying angles are according to the table included in this section. ~~With the approval of the site plan review, up to twenty-five percent of the required parking may be reduced in size to eight feet in width~~

~~by sixteen feet in length and marked for the use of compact cars only. Any parking in excess of the number of spaces required may also be eight feet by sixteen feet, if marked for the use of compact cars only. In no case may aisle widths be reduced for compact cars parking.~~ An overhang of one and one-half feet from face of curb may be included in the length of a parking space. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. (Ord. 99-1029 §9, 1999; prior code §11-5-3)

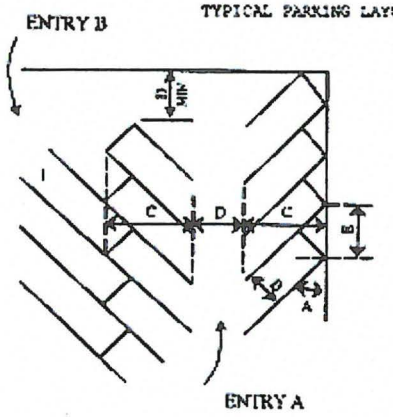
PARKING STANDARD/PARKING ANGLE SPACE DIMENSIONS

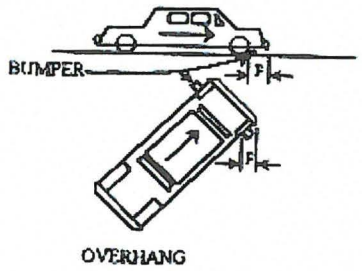
A Parking Angle	B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees	~~9~~8.5 ~~9.5~~ ~~10~~	9.0 ~~9.5~~ ~~10.0~~	12 ~~12~~ ~~12~~	~~23~~20 ~~23~~ ~~23~~	0
45 degrees	~~9~~8.5 ~~9.5~~8.5 ~~10~~	19.8 20.1 ~~20.5~~	13 13 ~~13~~	12.7 13.4 ~~14.1~~	1.4
50 degrees	~~9~~8.5 ~~9~~8.5 ~~10~~	20.4 20.7 ~~21~~	16 16 ~~16~~	11.7 12.4 ~~13.1~~	1.5
60 degrees	~~9~~8.5 ~~9~~8.5 ~~10~~	21 21.2 ~~21.5~~	18 18 ~~18~~	10.4 11.0 ~~11.5~~	1.7
70 degrees	~~9~~8.5 ~~9~~8.5 ~~10~~	21.0 21.2 ~~21.2~~	19 18.5 ~~18.0~~	9.5 10.1 ~~10.6~~	1.9
90 degrees	~~9~~	~~20.0~~	~~24~~	~~9~~	~~2.0~~

	~~9~~8.5 ~~10~~	~~20.0~~18.0 ~~20.0~~	24 ~~24~~	~~9~~8.5 ~~10~~	1.5

All dimensions are to the nearest tenth of a foot

TYPICAL PARKING LAYOUT





NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

NOTE: SPACE 1 CONTINGENT UPON ENTRY B

17.52.090 Parking lot landscaping.

A. Purpose.

The purpose of this code section includes the following:

to enhance and soften the appearance of parking lots; to limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas; to shade and cool parking areas; to reduce air and water pollution; **to reduce storm water impacts and improve water quality,** and to establish parking lots that are more inviting to pedestrians and bicyclists.

B. Definitions.

"Parking Lot" means public lots and other areas used for the parking, service, sale, or storage of vehicles.

"Interior parking lot landscaping" means landscaping located inside the surfaced area used for on-site parking and maneuvering.

"Perimeter parking lot landscaping" means **a minimum five-foot wide landscaped planter strip** ~~landscaping~~ located outside of, and adjacent to, the surfaced area used for on-site parking ~~and~~, maneuvering**, and pedestrian access**.

C. **Development Standards**

Parking lot landscaping is required for all uses, except for single- and two-family residential dwellings. **A licensed landscape architect shall prepare the landscaping plan.**

1. The landscaping shall be located in defined landscaped areas ~~which~~ **that** are uniformly distributed throughout the parking or loading area. **Interior** ~~P~~parking lot landscaping ~~can~~**shall not** be

counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1). ~~One tree shall be planted for every eight parking spaces. These trees~~**Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees** shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade. **Where parking areas abut a residential district, there shall be a wall, sight-obscuring fence, or sight-obscuring landscaping not less than six feet in height. Slight modifications to landscaping location may be proposed for review that enhances the reduction of non-shaded impervious parking lot area.**

2. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-way Screening.

Parking Lot Entryways and Perimeter Parking Lot Landscaping areas not abutting the building or where access/parking is shared between adjoining land owners shall be bordered by a minimum five-foot wide landscaped planter strip with:

a) trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;

b) ground cover, such as wild flowers, covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

c) an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians.

Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

3. Parking area/Building Buffer.

Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

a) minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:

b) trees spaced a maximum of thirty-five feet apart;

c) ground cover such as wild flowers, covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

d) an evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or

e) seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

4. Interior Parking Lot Landscaping.

In addition to Perimeter Parking Lot Landscaping, surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. In addition, the Perimeter Parking Lot Landscaping shall not be included in the ten percent requirement.

a) a minimum of one tree per six parking spaces.

b) ground cover, such as wild flowers, covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

c) shrubs shall be spaced no more than four feet apart on average.

d) no more than 8 contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips provided between rows of parking shall be a minimum of six feet in width to accommodate:

1) pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or

2) trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

5. Alternative Landscaping Plan. The city encourages alternative designs that utilize innovative "green" designs for water quality management of parking lot storm water. An applicant may prepare an Alternative Landscaping Plan and specifications that meet the intent of the requirements in subsection 1-5 above and the intent of the zoning district and shall be approved by the Community Development Director.

~~2. Landscaped areas both internal and perimeter shall have a minimum width of at least five feet. Landscaped areas shall contain:~~

~~a. Shade trees spaced as appropriate to the species, not to exceed forty feet apart on average;~~

~~b. Shrubs, spaced no more five feet apart on the average; and~~

~~c. Ground cover such as grass, wild flowers or other landscaping material covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.~~

~~3. The amount of interior landscaped area is based upon the number of required parking spaces.~~

~~a. Parking lots with over twenty spaces shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping. Pedestrian walkways or any impervious surface in the~~

~~landscaped areas are not to be counted in the percentage. In addition, the perimeter landscaping shall not be included in the ten percent figure.~~

~~b. Parking lots with ten to twenty spaces shall have a minimum five percent of the interior of the gross area of the parking lot devoted to landscaping. The perimeter landscaping shall not be included in the five percent measurement.~~

~~c. Parking lots with fewer than ten spaces shall have the standard perimeter landscaping and at least two shade trees.~~

~~4~~6. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

~~7~~5. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.

~~6~~8. **Landscaped areas shall include irrigation systems.**~~Irrigation facilities shall be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation.~~

~~7~~9. ~~-~~Off-street loading areas and garbage receptacles shall be located so as not to hinder travel lanes, walkways, public or private streets or adjacent properties.

~~8~~10. Garbage receptacles and other permanent ancillary facilities shall be enclosed and screened ~~appropriately~~.

~~9~~11 All plant materials, including trees, shrubbery and ground cover, **should**~~shall~~ be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City native plant list are strongly encouraged and species found on the Oregon City nuisance plant list are prohibited.

11. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.

12. Required landscaping trees shall ~~possess the following characteristics~~**be of a**~~:~~

~~a. Three~~ **Minimum two**-inch minimum caliper size, **planted** according to American Nurseryman Standards**, and selected from the Oregon City Street Tree List**;

~~b. Generous spreading canopy for shade;~~

~~c. A canopy that spreads at least six feet up from grade in, or adjacent to, parking lots, roads or sidewalks unless the tree is columnar in nature;~~

~~d. Roots that do not break up the adjacent paving;~~

~~e. No sticky leaves or sap dripping trees;~~

~~f. No seed pods or fruit bearing trees (flowering trees are acceptable);~~

~~g. Resistance to disease;~~

~~h. Compatibility to planter size;~~

~~i. Tolerance to drought unless irrigation is provided;~~

~~j. Attractive foliage or form in all seasons; and~~

~~k. A mix of deciduous and coniferous trees~~

Chapter 17.54 – Supplemental Zoning Regulations and Exceptions

17.54.010 Accessory buildings and uses.

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

~~A. Fences, Hedges and Walls. No fence, hedge or wall in any single-family dwelling districts shall exceed five feet in height in a front yard, subject also to the provisions of Chapter 10.32.~~ **This section was replaced by Section 17.54.100 – Fences.**

A~~B~~. Signs. Signs shall be permitted as provided in Chapter 15.28.

B~~C~~. Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory structures and uses:

1. **A Building footprint less than** Two Hundred Square Feet ~~or Less~~. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure **with a building footprint** which is **less than** two hundred square feet ~~or less~~ in area and does not exceed a height of ~~ten~~**fourteen** feet. No portion of any such structure shall project across a lot line.

2. **A Building footprint from** Two Hundred ~~One~~ to **Six**~~Five~~ Hundred Square Feet. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category when located behind the front building line of the primary structure, provided the structure and its projections:

a. Are detached and separated from other structures by at least ~~four~~**three** feet;

b. Do not exceed a height of ~~ten~~**fourteen** feet. ~~The three-foot setback requirement will be increased one foot for each foot of height over ten feet to a maximum of fifteen feet in height. This setback need not exceed the setback requirements required for the principal building. No accessory structure shall exceed one story~~;

c. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.

3. **A building footprint** ~~O~~over **Six**~~Five~~ Hundred Square Feet. One accessory structure **with a building footprint** in excess of **six**~~five~~ hundred square feet ~~in area~~ may be approved by the planning division. An accessory structure **footprint** in excess of **six**~~five~~ hundred square feet ~~in area~~ must meet the setback requirements of the district in which it is located, and must also meet the following provisions:

a. The accessory building must be **compatible with the primary structure and** constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.

b. The lot must be in excess of twenty thousand square feet.

c. The ~~square footage~~**building footprint** of the accessory structure shall not exceed the ~~square footage~~**building footprint** of the ~~ground floor of the~~ primary structure. In no case may the accessory building **footprint** exceed eight hundred square feet ~~in area, or exceed one story~~.

~~d. The accessory structure shall not be used to house a home occupation.~~

~~e~~**d**. The accessory structure shall not exceed the height of the primary structure.

C~~D~~. Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.

D~~E~~. Antenna and Antenna Structures. No noncommercial antenna or antenna structure (including those of extension type) shall exceed the maximum building height standard for the zoning district in which it is located. No antenna or antenna structure shall be located in required yards.

E~~F~~. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height.

FG. Conference and Meeting Rooms. Conference or meeting rooms designed primarily for use by employees or clients (or members in the case of trade unions) in furtherance of the principal permitted use.

GH. Barbed Wire and Electric Fences. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager. (Prior code §11-4-1)

17.54.020 Projections from buildings.

A. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards not more than twenty-four inches.

B. Porches and Uuncovered balconies, decks or fire escapes more than thirty inches from the ground may project not more than five feet into any required rear or front yard. (Prior code §11-4-2)

17.54.090- ACCESSORY DWELLING UNITS

A. DEFINITIONS

1. "Accessory Dwelling Unit" (ADU) is a habitable living unit that provides the basic requirements of shelter, heating, permanent cooking, and sanitation.

2. "Principle Dwelling Unit" is the existing and primary residence for a particular Tax Lot.

B. PURPOSE AND INTENT

1. The installation of an ADU in new and existing single-family dwellings (herein after Principle Dwelling Units) shall be allowed in single-family zones subject to the specific development, design, and owner-occupancy standards in this section. This section is not applicable to licensed residential care homes or facilities.

2. The purpose of allowing an ADU is to:

a. Provide homeowners with a means of obtaining, through tenants in either the ADU or the Principle Dwelling Unit, rental income, companionship, security, and services.

b. Add affordable housing units to the existing housing inventory.

c. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the City.

d. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.

e. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Section.

C. STANDARDS AND CRITERIA

An ADU shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

2. Any additions to the existing dwelling unit shall not encroach into the existing setbacks in the underlying zone. However, access structures (e.g. stairs or ramps) may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.

3. The ADU may be attached to, or detached from, the Principle Dwelling Unit. The detached ADU may not be located in front of the primary dwelling unit.

4. Only one ADU may be created per lot or parcel.

5. An ADU may be developed in either an existing or a new residence.

6. The ADU shall not exceed the height of the Principle Dwelling Unit
7. The property owner, which shall include title holders and contract purchasers, must occupy either the Principle Dwelling Unit or the ADU as their permanent residence, for at least 7 months out of the year, and at no time receive rent for the owner-occupied unit.
8. In no case shall an ADU:
   a. Be more than 40 percent of the Principle Dwelling Unit's total floor area; nor
   b. Be more than 800 square feet; nor
   c. Be less than 300 square feet; nor
   d. Have more than 2 sleeping areas.
9. The ADU shall comply with ORCM Chapter 17.54.010 – Accessory Buildings and Uses.
10. The ADU shall be compatible with the Principle Dwelling Unit, specifically in:
    a. Exterior finish materials.
       (1) The exterior finish material must be the same as the Principle Dwelling Unit; or
       (2) Visually match in type, size and placement with the exterior finish material of the Principle Dwelling Unit
    b. Trim must be the same in type, size, and location as the trim used on the Principle Dwelling Unit.
    c. Windows must match those in the Principle Dwelling Unit in proportion (relationship of width to height) and orientation (horizontal or vertical).
    d. Eaves must project from the building walls at the same proportion as the eaves on the Principle Dwelling Unit.
11. Parking.
    a. Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site.
    b. The following parking requirements apply to accessory dwelling units.
       (1) No additional parking space is required for the accessory dwelling unit if it is created on a site with a Principle Dwelling Unit and the roadway for at least one abutting street is at least 28 feet wide.
       (2) One additional parking space is required for the accessory dwelling unit as follows:
          i When none of the roadways in abutting streets are at least 28 feet wide; or
          ii When the accessory dwelling unit is created at the same time as the Principle Dwelling Unit.

D. APPLICATION PROCEDURE

Application for a building permit for an ADU shall be made to the building official in accordance with the permit procedures established in OCMC 15.12, and shall include:

1. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, for 7 months out of each year.
2. The registration application or other forms as required by the building official shall be filed as a deed restriction with Clackamas County Records Division to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.
3. The building official shall report annually to the Community Development Director on ADU registration with the number of units and distribution throughout the City.

4. **Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the building official for recording at the Clackamas County Records Division, or may occur as a result of enforcement action.**

This section replaces section 17.54.010.A – Fences.

Chapter 17.54.100 Fences

FENCE; SETBACK AND HEIGHT LIMITATIONS

A fence may be located on the property or in a yard setback area subject to the following:

A. Generally. Fence, hedge or wall.

1. **Any fence, hedge or wall located in front of the front façade of the building or within the front yard setback shall not exceed 42-inches in total height.**
2. **All other fences other than those described in (1) above shall not exceed 6 feet in total height unless an Exception as described in Section (B) below is met.**

B. Exception. Fence, hedge. or wall on retaining wall. When a fence, hedge or wall is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

1. **When the retaining wall or artificial berm is 30 inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.**
2. **When the retaining wall or earth berm is greater than 30 inches in height, the combined height of the retaining wall and fence or wall from finished grade shall not exceed 8 ½ feet.**
3. **Fences, hedges or walls located on top of retaining walls or earth berms in excess of 30 inches above finished grade may exceed the total allowed combined height of 8 ½ feet provided that the fence or wall is located a minimum of two feet from the retaining wall and the fence or wall height shall not exceed six feet.**

17.56.025 Minor Modifications to Legal Conditional Uses

Minor modifications to an approved conditional use permit may be permitted. If permitted, the modification shall be reviewed as a Minor Site Plan and Design Review. A minor modification to an approved conditional use permit is considered one of the following:

- **A. Modification to a structure for the purpose of enhancing the aesthetics of the building and there is no increase in the interior usable space;**
- **B. A maximum addition of up to 1,000 square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than 35% of the original building square footage; or**
- **C. Revisions to parking alignment and/or related vehicle circulation patterns.**

17.56.030 Uses requiring conditional use permit.

Uses requiring conditional use permit are:

A. Ambulance services in LO, C, **and GI** ~~M-1 and M-2~~ districts;
B. Boarding and lodging houses, bed and breakfast inns, and assisted living facilities for senior citizens;
C. Boat repair, for boats not exceeding twenty-five feet in length, in the C district;
D. Cemeteries, crematories, mausoleums, and columbariums;
E. Child care centers and nursery schools;
F. Churches;
G. Colleges and universities, excluding residential districts;
H. Correctional facilities, in ~~M-1 and M-2~~**the GI** district~~s~~;
I. Emergency service facilities (police and fire), excluding correctional facilities;
H. Government and Public Service buildings
J. Helipad in conjunction with a permitted use, excluding residential districts;
K. Hospitals, excluding residential districts;
L. Houseboats;
M. Hydroelectric generating facilities in **GI** ~~M-1 and M-2~~ district~~s~~ only;
N. Motor vehicle towing and temporary storage in **the GI** ~~M-1 or M-2~~ district~~s~~; recreational vehicle storage in C, **and GI** ~~M-1 or M-2~~ districts;
O. Museums;
P. Nursing homes;
Q. Parking lots not in conjunction with a primary use;
R. Private and public schools;
S. Private clubs and lodges, excluding residential districts;
T. Public utilities, including sub-stations ~~and communication facilities~~ (such as ~~towers, transmitters,~~ buildings, plants and other structures);
U. Public Housing Projects
~~U. Radio and television transmitters or towers, excluding residential districts;~~
V. Sales and service establishments of manufactured homes and recreational vehicles in C **and GI**~~, M-1 and M-2~~ districts;
W. Stadiums, arenas and auditoriums, excluding residential districts;
X. Welfare institutions and social service organizations, excluding residential districts. (Ord. 98-1004 §§1, 2, 1998; Ord. 91-1025 §2, 1991)

Chapter 17.58 – Nonconforming Uses, Structures and Lots

Sections:

17.58.010 Purpose
17.58.015 Applicability
17.58.020 Legal Nonconforming Lots of Record
17.58.030 Legal Nonconforming Use
17.58.040 Legal Nonconforming Structure
17.58.045 Nonconforming signs
17.58.050 Nonconforming Parking
17.58.060 Nonconforming Structure Review Criteria

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 non-conforming 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.

17.58.015 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.

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.

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.**
- **B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.**
- **C. Destruction of a Non-Residential Use. When a structure containing a lawful nonconforming non-residential 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 then 60 percent of its assessed value.**

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.
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.
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.

17.58.040 Lawful Nonconforming Structure

A structure that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered a lawful nonconforming structure. Notwithstanding development standard requirements in this code, minor repairs and routing maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.
B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.
C. Expansion. An expansion of a lawful nonconforming structure may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.
    1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it must be found that the criteria identified in section 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.
    2. An expansion of a nonconforming structure with alterations that exceed the threshold of Subparagraph C.2.a below shall comply with the development standards listed in Subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.
        a. Thresholds triggering compliance. The standards of Subparagraph C.2.b below shall be met when the value of the proposed alterations on the site, as determined by the Community Development Director, is more then $75.000. The following alterations and improvements shall not be included in the threshold calculation:
            (1) Proposed alterations to meet approved fire and life safety agreements;
            (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
            (3) Alterations required to meet Seismic Design Requirements; and
            (4) Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.
        b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.
            (1) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
            (2) Minimum perimeter parking lot landscaping;
            (3) Minimum interior parking lot landscaping;
            (4) Minimum site landscaping requirements;

(5) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 17.52 Off-Street Parking and Loading;
(6) Screening; and
(7) Paving of surface parking and exterior storage and display areas.

c. Area of required improvements.
(1) Generally. Except as provided in C.2.c(2) below, required improvements shall be made for the entire site.
(2) Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
i. The signed ground lease – or excerpts from the lease document satisfactory to the City Attorney – shall be submitted to the Community Development Director. The portions of the lease shall include the following:
- The term of the lease. In all cases, there must be at least one year remaining on the ground lease; and
- A legal description of the boundaries of the lease.

ii. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
iii. Screening shall not be required along the boundaries of ground leases that are interior to the site.

d. Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:
(1) Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in Subparagraph C.2.b above, is limited to 10% of the value of the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in Subparagraph C.2.b above.
(2) Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58 – 1 below. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in Subparagraph C.2.b. Where this option is chosen, the following must be met:
i. Before a building permit is issued, the applicant shall submit the following to the Community Development Director:

- **A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.**
- **A covenant, in a form approved by the City Attorney, executed by the property owner that meets the requirements of 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b, and require the owner to bring that development fully into compliance with this Title. The covenant shall also specify the date by which the owner will be in conformance. The date must be within the compliance periods set out in Table 17.58 – 1.**

ii. **The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than $75,000. The compliance periods are based on the size of the site (see Table 17.58 – 1 below).**

iii. **By the end of the compliance period, the applicant or owner shall request that the site by certified by the Community Development Director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.**

iv. **If the regulations referred to by Subparagraph C.2.b are amended after the Nonconforming Development Assessment is received by the Community Development Director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.**

Table 17.58 – 1
Compliance Periods for Option 2

Square footage of site	Compliance Period
Less than 150,000 sq. ft.	2 years
150,000 sq. ft. or more, up to 300,000 sq. ft.	3 years
300,000 sq. ft. or more, up to 500,000 sq. ft.	4 years
More than 500,000 sq. ft.	5 years

17.58.045 Nonconforming signs
The regulations for nonconforming signs are stated in Chapter 15.28 Signs.

17.58.050 Nonconforming Parking
When a site is nonconforming in the number of parking spaces, this subsection applies.

A. Minimum required parking spaces. If changes to a use or building are made that increase the number of required parking spaces over the existing situation, only the number of spaces relating to the increase shall be provided.

B. Maximum allowed parking spaces. If changes to a use or building are made, existing parking spaces that are in excess of the maximum may be retained if none of the dimensions of the parking area are increased. Within the existing parking area, the layout of the parking spaces may be redesigned and the parking area re-striped if all requirements for setbacks, landscaping and parking space and aisle dimensions in Chapter 17.52, Off-Street Parking and Loading, are met.

17.58.060 Nonconforming Structure Review Criteria

A Nonconforming Structure Review is processed as a Type II procedure. The following criteria shall be met:

1. **The proposal will be consistent with all the applicable sections and requirements of the Oregon City Municipal Code, other than those specific zoning standards to which the structure is nonconforming.**
2. **The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.**
3. **All required public facilities and services exist to adequately meet the needs of the proposed development.**
4. **The proposed alterations will not alter the character of the surrounding area in a manner which substantially limits, or precludes the use of surrounding properties for the uses listed as permitted in the zone.**
5. **In considering whether to approve the alteration of the structure, the decision maker shall find that, with mitigation measures, there will be no new increase in the overall detrimental impacts (over the impacts of the previous use or development) on the surrounding area taking into account factors such as:**
   a. **The hours of operation;**
   b. **Vehicle trips to the site and impact on surrounding on-street parking;**
   c. **Noise, vibration, dust, odor, fumes, glare and smoke;**
   d. **The amount, location and nature of any outside displays, storage, or activities; and**
   e. **The appearance of the new structure or development will not detract from the desired function, intent and character of the zone.**

~~**Chapter 17.58 Nonconforming Uses**~~

~~**17.58.010 Generally.**~~

~~Nonconforming uses, structures and lots are those uses, structures and lots that 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.~~

~~**17.58.020 Continuation of use.**~~

~~An existing nonconforming use may be continued and an existing nonconforming building may continue to be occupied, except as either of the foregoing are otherwise provided for in this title.~~

~~**17.58.030 Expansion of uses of structures.**~~

~~Nonconforming uses and/or structures shall not be expanded or enlarged after adoption of this title, nor shall other structures be added. If no structural alterations are made, a nonconforming use of the building may be changed to another nonconforming use of the same or a more restricted classification. A nonconforming use shall not hereafter be changed to a less restrictive use.~~

~~17.58.040 Abandonment of use.~~

~~If active and continuous operations are not carried on in a nonconforming use during a period of one year, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operation shall not affect the foregoing.~~

~~17.58.050 Reconstruction of damaged building.~~

~~A nonconforming building or a building containing a nonconforming use which has been damaged by fire, other calamity, act of God or the public enemy may be reconstructed to its original condition provided that:~~

~~A. Such damage does not exceed sixty percent of the building's fair market value at the time of the damage;~~

~~B. Reconstruction be started within one year following the damage;~~

~~C. Reconstruction be completed within eighteen months of the time reconstruction is commenced. If any of the above conditions are not met, reconstruction of the building and its use must conform to all the regulations of the district in which the building is located.~~

~~17.58.060 Structural changes.~~

~~Any building or other structure containing a nonconforming use, or any nonconforming building or portion thereof, may be structurally altered so as to change the supporting members of building such as bearing walls, columns, beams or girders.~~

Chapter 17.60 – Variance

17.60.010 Authority.

According to procedures set forth in Section 17.60.0340, the planning commission or the planning director may authorize variances from the requirements of this title. In granting a variance, the planning commission or planning director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. (Prior code §11-8-1)

17.60.030 Variances--Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D of this section shall apply when applicable.

B. A nonrefundable filing fee, as listed in Section 17.50.480, shall accompany the application for a variance to defray the costs.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50.

D. Minor variances as defined in subsection E of this section shall be processed as a Type II decision and shall be reviewed pursuant to the requirements in Section 17.50.030(B).

E. For the purposes of this section, minor variances shall be defined as follows:

1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
2. Ten percent variances to width, depth and frontage requirements;
3. Twenty percent variances to residential yard/setback requirements, provided that no side yard shall be less than five feet;
4. Ten percent variances to nonresidential yard/setback requirements;
5. Five percent variances to lot area requirements;
~~6. Ten percent variances to required number of parking spaces. (Ord. 00-1003 §12, 2000; prior code §11-8-4)~~

Chapter 17.61 Adjustments in the Mixed Use zones

17.61.010 Authority

The Planning Commission may authorize an adjustment from the following dimensional standards found in the Mixed Use zones:

1. **Section 17.29.070(B) and (C);**
2. **Section 17.31.060(B);**
3. **17.34.060(B) and (C); and**
4. **17.34.070(B) and (C).**

If a Master Plan has not been proposed, the adjustment shall be processed as a Type III Land Use application. In granting an adjustment, the Planning Commission may attach conditions of approval to protect the best interest of the surrounding property or neighborhood and otherwise achieve the purpose of this section.

17.61.020 Adjustment Grounds

An adjustment may be granted only in the event that all of the following conditions exist:

1. **That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;**
2. **That the adjustment from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;**
3. **No practical alternatives have been identified which would accomplish the same purpose and not require an adjustment;**
4. **That the request is the minimum adjustment which would alleviate the hardship; and**
5. **That the adjustment conforms to the Comprehensive Plan and the intent of the ordinance being varied.**

17.61.30 Adjustment Procedures.

1. **A request for an adjustment shall be initiated by the property owner(s) or authorized agent by filing an application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may be required. The application shall note the zoning requirement and the extent of the adjustment requested. Procedures shall thereafter be held under Chapter 17.50.**
2. **A non-refundable filing fee, identified as a Variance (Hearing) on the Community Development Department Fee Schedule, shall accompany the application for an adjustment.**
3. **Before the Planning Commission may act on an adjustment, it shall hold a public hearing thereon following procedures as established in Chapter 17.50.**

Chapter 17.62 – Site Plan and Design Review

17.62.035 Minor Site Plan and Design Review

This section provides for a minor site plan and design review process. This section is a Type II decision subject to administrative proceedings described in OCMC 17.50. This section may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standard for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Minor site plan and design review applies to the following uses and activities:

1. **Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).**
2. **A maximum addition of up to 1,000 square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than 35% of the original building square footage.**
3. **Revisions to parking alignment and/or related circulation patterns.**
4. **Other land uses and activities may be added if the Community Development Director makes written findings that the activity/ use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.**

B. The application for the minor site plan and design review shall contain the following elements:

1. **Submittal requirements of Chapter 17.50.**
2. **A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in 17.62.035.C below.**
3. **Site plan drawings showing existing conditions/uses and proposed conditions/uses.**
4. **Architectural drawings, including building elevations and envelopes, if architectural work is proposed.**
5. **Additional submittal material may be required by the Community Development Director on a case-by-case basis.**

C. Development Standards for Minor Site Plan and Design Review

1. **All development shall comply with Section 17.62.050(1-6 and 8-15) when deemed applicable by the Community Development Director. The Community Development Director may add conditions of approval to ensure the proposed modification meets the requirements and standards of site plan and design review.**

Chapter 17.62.050.A Standards

1. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping **plan** shall **be prepared by a registered Landscape Architect and** include a mix of vertical (trees **and shrubs**) and horizontal elements (grass, groundcover, etc.). **No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.** The principal planner shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the central business district, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable.

6. Parking, including carpool, vanpool and bicycle parking, shall comply with city **off-street** parking standards**, Chapter 17.52**. Off-street parking and loading-unloading facilities shall be provided in a safe, well-designed and efficient manner~~. and shall be buffered from the street and from adjacent residential zones by means of landscaping or by a low fence or wall not greater than three feet six inches in height, but not to the extent of restricting visibility necessary for safety and security.~~ Off-street parking design shall consider the layout of parking, opportunities to reduce the amount of impervious surface, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points; and the surfacing, lighting, screening, landscaping, concealing and other treatment of the same. The review authority, at its discretion, may reduce the required number of off-street parking spaces for the purpose of preserving an existing specimen tree. ~~Carpool, vanpool and bicycle parking shall be provided in accordance with Section 17.52.040 through 17.52.070.~~

11. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. Trees of six-inch caliper or greater measured four feet from ground level shall, whenever practicable, be preserved~~. outside buildable area~~. Where the ~~planning manager~~**Community Development Director** determines that it is impractical or unsafe to preserve such trees, the trees shall be replaced in accordance with an approved landscape plan that includes new plantings **of at least two inches in caliper, and the plan must at a minimum meet the requirements of Table 16.12.310-1.**~~of similar character at least two inches to two and one-half inches in calipe~~

Table 16.12.310-1 Tree Replacement Requirements	
Size of tree removed (inches in diameter)	**Number of Trees to be planted.**
6 to 12	**3 trees**
13 to 18	**5 trees**
19 to 24	**8 trees**
25 to 30	**10 trees**
31 and over	**15 trees**

Specimen trees shall be preserved where practicable. Where these requirements would cause an undue hardship, the review authority may modify the requirements in a manner which, in its judgment, reasonable satisfies the purposes and intent of this subsection. The review authority may impose conditions to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if deemed necessary by the review authority, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance and management program to provide protection to the resources as recommended by the arborist or horticulturist.

16. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided, consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving,

curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action. The minimum acceptable LOS standards are as follows:

1) **For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole *and* no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0 for the sum of critical movements.**
2) **For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" *and* a v/c ratio not higher than 1.0.**
3) **For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach *and* with no movement serving more than 20 peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.**

23. For a residential development, site layout shall achieve at least 80% of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through water resource and steep slopes, and required open space or park dedication.

17.62.070 On-site pedestrian access.

C. The on-site pedestrian circulation system shall be lighted to a minimum level of ~~three~~ **0.5** *foot-candles*, **a 1.5 foot-candle average, and a maximum to minimum ratio of 7:1** to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be **lighted to a 0.5 foot-candle average and a maximum to minimum ratio of 10:1** ~~designed~~ to light the walkway and enhance pedestrian safety. **Artificial lighting which may be provided shall enhance security, be appropriate for the use, and avoid adverse impacts on surrounding properties and the night sky through appropriate shielding. The lighting shall not cause a measurement in excess of 0.5 footcandles of light on other properties.**

17.62.080 Special development standards along transit streets.

2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be ~~four~~ **three** *foot-candles*. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.

Chapter 17.64 Planned Unit Development

This Section shall be removed from the Code.

Chapter 17.65 - Master Plans

Sections

17.65.010 Purpose and Intent
17.65.020 What is included in a Master Plan
17.65.030 Applicability of the Master Plan Regulations
17.65.040 Procedure
17.65.050 Concept Development Plan
17.65.060 Detailed Development Plan
17.65.070 Adjustments to Development Standards
17.65.080 Amendments to Approved Plans
17.65.090 Regulations that Apply

17.65.010 Purpose and Intent

It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.

17.65.020 What is Included in a Master Plan

A. A Master Plan is a two-step process that includes a Concept Development Plan and a Detailed Development Plan.

A Concept Development Plan incorporates the entire area where development is planned in the next 5-20 years, including the identification of one or more development phases. The Concept Development Plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant.

A Detailed Development Plan is the phase or phases of the Concept Development Plan that are proposed for development within two-years.

B. A Master Plan identifies the current and proposed use of the development, as defined by the Concept Development Plan boundary. If approved, the Concept Development Plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they must be modified through the Concept Development Plan or completed with new development.

C. A Master Plan identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules.

A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a

building within a Concept Development Plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are improvements that will be made or constructed by an institution when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

17.65.030 Applicability of the Master Plan Regulations

A. A Master Plan shall be submitted for any Institutional development on a site over 10 acres in size. If the boundaries of an Institutional development exceed 10 acres in size, the proposed development shall be master planned using the regulations of this chapter. No permit under this title shall by issued for any Institutional development in excess of 10 acres in total acreage unless it is accompanied by or preceded by a Master Plan approval under this chapter.

The provisions of this chapter do not apply to modifications to existing Institutional developments unless the modification results in a cumulative square footage increase of over 10,000 total building square feet in an existing Institutional development over 10 acres.

B. When Required as Part of Previous Land Use Review. The master plan regulations may be used to fulfill a condition of approval from a previous land use decision requiring master planning for a development.

C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.

D. Voluntarily. An applicant may voluntarily submit a master plan as part of a land use review.

17.65.040 Procedure

A. Preapplication Review. Prior to filing for either concept development plan or detailed development plan approval, the applicant shall confer with the Community Development Director pursuant to Section 17.50.030.

B. Concept Development Plan. An application for a concept development plan shall be reviewed through a Type III procedure. An applicant must have an approved concept development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved concept development plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.

C. Detailed Development Plan. An application for a detailed development plan, whether for all or part of an approved concept development plan, is processed through a Type II procedure, as long as it is in conformance with the approved concept development plan. If review of impacts from a development phase of the concept development plan that requires a Type III procedure was deferred, and the detailed development plan is part of that development phase, the detailed development plan shall be processed through a Type III procedure. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62 site plan and design review will not be required.

D. Concurrent Review. An applicant may concurrently apply for a concept development plan and a detailed development plan, or any phase of a detailed development plan. Such a concurrent application is reviewed through a Type III procedure.

17.65.050 Concept Development Plan

A. Existing Conditions Submittal Requirements

1. Narrative statement. An applicant must submit a narrative statement that describes the following:

a. Current uses of and development on the site, including programs or services.

b. History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the concept development plan.

c. A vicinity map showing the location of the Concept Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map must be 8.5" x 11" in size, and black and white reproducible.

d. Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs.

e. Previous land use approvals within the Concept Development Plan boundary and related conditions of approval.

f. Existing utilization of the site. May also reference submitted maps, diagrams or photographs.

g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.

(1) Physical characteristics,
(2) Ownership patterns,
(3) Building inventory,
(4) Vehicle/bicycle parking,
(5) Landscaping/usable open space,
(6) FAR/lot coverage,
(7) Natural resources that appear on the City's adopted Goal 5 inventory,
(8) Cultural/historic resources that appear on the City's adopted Goal 5 inventory, and,
(9) Location of existing trees 6" in diameter or greater when measured 4' above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.

h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.

(1) Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
(2) Transit routes, facilities and availability;
(3) Alternative modes utilization, including shuttle buses and carpool programs; and
(4) Baseline parking demand and supply study (may be appended to application or waived if not applicable).

i. Infrastructure facilities and capacity, including the following items.

(1) Water,
(2) Sanitary sewer,
(3) Stormwater management, and
(4) Easements.

2. Maps and Plans.

a. Existing conditions site plan. Drawn at a minimum scale of one inch equals one hundred feet (1"=100') that shows the following items. At least one copy must be 8.5" x 11" in size, and black and white reproducible.
   (1) Date, north point, and scale of drawing.
   (2) Identification of the drawing as an existing conditions site plan.
   (3) Proposed development boundary.
   (4) All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.

   (5) Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.

   (6) A site plan or plans, to scale, for the Concept Development Plan site and surrounding properties containing the required information identified in:
      a. Chapter 17.62.040.A(1), (2), (3), (4), (5), (6), (7), (9), (11), (12), (13), (14), and (15);
      b. Chapter 17.62.040.B;
      c. Chapter 17.62.040.F; and
      d. Chapter 17.62.040.G

b. Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map must be 8.5" x 11" in size, and black and white reproducible.

c. Aerial photo. Depicting the subject site and property within 250 feet of the proposed development boundaries. At least one copy of the aerial photo must be 8.5" x 11" in size, and black and white reproducible.

B. Proposed Development Submittal Requirements
1. Narrative statement. An applicant shall submit a narrative statement that describes the following:
   a. The proposed duration of the concept development plan.
   b. The proposed development boundary. May also reference submitted maps or diagrams.
   c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
   d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.
   e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within 250 feet of the proposed development boundary.
   f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
      (1) Transportation impacts as prescribed in Subsection "g" below;
      (2) Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and pubic right-of-ways within 250 feet of the development boundary;
      (3) Public facilities impacts (sanitary seer, water and stormwater management) both within the development boundary and on city-wide systems;
      (4) Neighborhood livability impacts;

(5) Natural, cultural and historical resource impacts within the development boundary and within 250 feet of the development boundary.

g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.

h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements. The transportation impact study shall either:
   (1) address the impacts of the development of the site consistent with all phases of the concept development plan; or
   (2) address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.

i. If an applicant chooses to pursue option h(1), the applicant may choose among three options for implementing required transportation capacity and safety improvements:
   (1) The concept development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
   (2) The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed concept development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a concept development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
   (3) The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

j. The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the concept development plan, these standards will supercede corresponding development standards found in this code. Development standards shall address at least the following:
   (1) Pedestrian, bicycle and vehicle circulation and connectivity;
   (2) Internal vehicle and bicycle parking;
   (3) Building setbacks, landscaping and buffering;
   (4) Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and
   (5) Other standards that address identified development impacts.

2. Maps and diagrams. The applicant must submit, in the form of scaled maps or diagrams, as appropriate, the following information:

a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian accessways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within 250 feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle accessways and utilities within 250 feet may be extended to and/or through the proposed development.
c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
d. The approximate projected location, footprint and building square footage of each phase of proposed development.
e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

C. Approval Criteria for Concept Development Plan.
The Planning Commission shall approve an application for concept development plan approval only upon finding that the following approval criteria are met.

1. The proposed concept development plan is consistent with the purposes of Section 17.65.
2. The transportation system has sufficient capacity based on the City's level of service standards and is capable of safely supporting the development proposed in addition to the existing and planned uses in the area, or will be made adequate by the time each phase of the development is completed.
3. Public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.
4. The proposed concept development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.
5. The proposed concept development plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as that term is defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

D. Duration of Concept Development Plan.
A concept development plan shall involve a planning period of at least 5 years and up to 20 years. An approved concept development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superceded, or the plan expires under its stated expiration date.

17.65.060 Detailed Development Plan
A. Submittal Requirements.

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

   The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within 250 feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle accessways and utilities within 250 feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

3. A site plan or plans, to scale, containing the required information identified in:
   a. Chapter 17.62.040.A.(8), (10), (11), (12), (13), (14), and (15);
   b. Chapter 17.62.040.B;
   c. Chapter 17.62.040.C;
   d. Chapter 17.62.040.D;
   e. Chapter 17.62.040.E;
   f. Chapter 17.62.040.G;
   g. Chapter 17.62.040.H; and
   h. Chapter 17.62.040.J

4. Any other information the Community Development Director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:

1. All development standards and impact mitigation meet the requirements of the approved concept plan, including conditions of approval.

2. Any other applicable zoning regulations that are not addressed in the concept development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in 17.65.070.

3. The detailed development plan conforms with the standards contained in Chapter 17.62, unless adjusted as provided in 17.65.070.

C. Duration of Detailed Development Plan. Unless substantial expenditures have been made to implement the approved detailed development plan, defined as the submittal to the city of engineered plans for approval, a detailed development plan shall expire twenty-four months from the notice of decision date. The date of final approval includes the resolution of all appeals. Upon

the receipt from the applicant of a written request and payment of the required fee prior to the expiration dated of the Detailed Development Plan, the Community Development Director may, on a one-time basis, grant a 12-month extension.

17.65.070 Adjustments to Development Standards

A. Purpose. In order to implement the purpose of the City's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process.

B. Procedure. Requests for adjustments shall be processed concurrently with a concept development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

C. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:

1. **To allow a primary or accessory use that is not allowed by the regulations;**
2. **To any regulation that contains the word "prohibited";**
3. **As an exception to a threshold review, such as a Type III review process; and**
4. **Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.**

D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

1. **Granting the adjustment will equally or better meet the purpose of the regulation to be modified;**
2. **If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;**
3. **City-designated Goal 5 resources are protected to the extent otherwise required by Chapter 17;**
4. **Any impacts resulting from the adjustment are mitigated; and**
5. **If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.**

17.65.080 Amendments to Approved Plans

A. When Required. An amendment to an approved concept development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in 17.65.050 will apply to concept development plan amendments, the approval criteria contained in 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.

B. Type III Procedure. Unless the approved concept development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:

1. **Any proposed development on the site that is within 100 feet of the master plan boundaries, unless a greater distance is stated in the master plan;**
2. **A proposed expansion of the approved boundary;**

3. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
4. Proposals that increase the amount, frequency, or scale of a use over 10 percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events);
5. New uses not covered in the plan that will increase vehicle transportation to the site, except for those that are replacing another use so that there is no net increase in vehicles drawn to the site;
6. Increases in overall floor area of development on the site of over 10 percent;
7. A increases/decrease greater than 10 percent in the amount of approved or required parking; and
8. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.

C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a concept development plan or detailed development plan not specifically stated in Subsection B or D are processed through a Type II procedure.

D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a concept development plan or detailed development plan shall be processed through a Type I procedure:
1. Accessory uses and structures that meet applicable development regulations;
2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
3. Structures for approved uses that do not exceed 1500 square feet in size and that meet applicable development regulations.

17.65.090 Regulations that Apply

An applicant is entitled to rely on land use regulations in effect on the date its concept development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a concept development plan is approved, and so long as that concept development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its concept development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved concept development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

17.68.025 Zoning changes for land annexed into the city.

A. Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be rezoned upon annexation to the corresponding city zoning designation as follows:

Plan Designation	Zone
Low-density residential	R-10
~~Low-density residential/MD~~	~~R-6MH~~
Medium-density residential	~~RD-4~~R-3.5
~~Medium-density residential/MDP~~	~~RD-4~~
High-density residential	~~RA-2~~R-2
General commercial	C
~~Tourist commercial~~	~~TC~~
~~Campus industrial~~	~~M-1, Campus~~
~~Industrial/Light~~	~~M-1~~
Industrial~~/Heavy~~	~~M-2~~CI-Campus Industrial
Mixed Use Downtown	MUD
Mixed Use Employment	MUE
Mixed Use Commercial	MUC - 1

B. Applications for these rezonings shall be reviewed pursuant to the requirements in Section 17.50.030(A) (with respect to nondiscretionary zone changes) and (D) (with respect to discretionary zone changes). (Ord. 00-1003 §15, 2000; Ord. 92-1025 §1, 1992)

CITY OF OREGON CITY



WATER MASTER PLAN

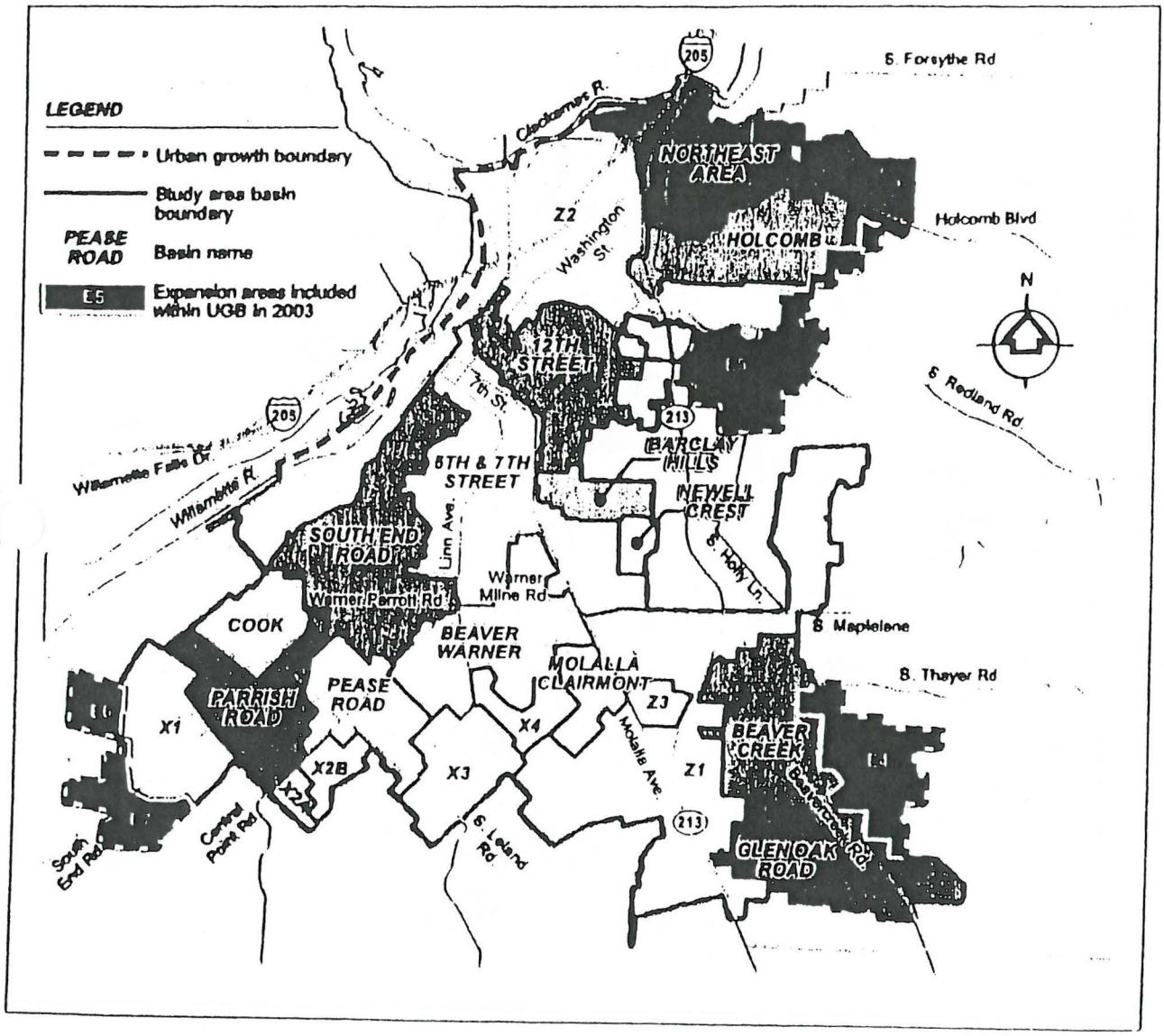
The full document is available on CD in the office of the City Recorder

Attachment B
Exhibit 5

WEST YOST & ASSOCIATES
SEPTEMBER 2003

UCFW

City of Oregon City
Sanitary Sewer Master Plan
Final – Volume I



December 2003

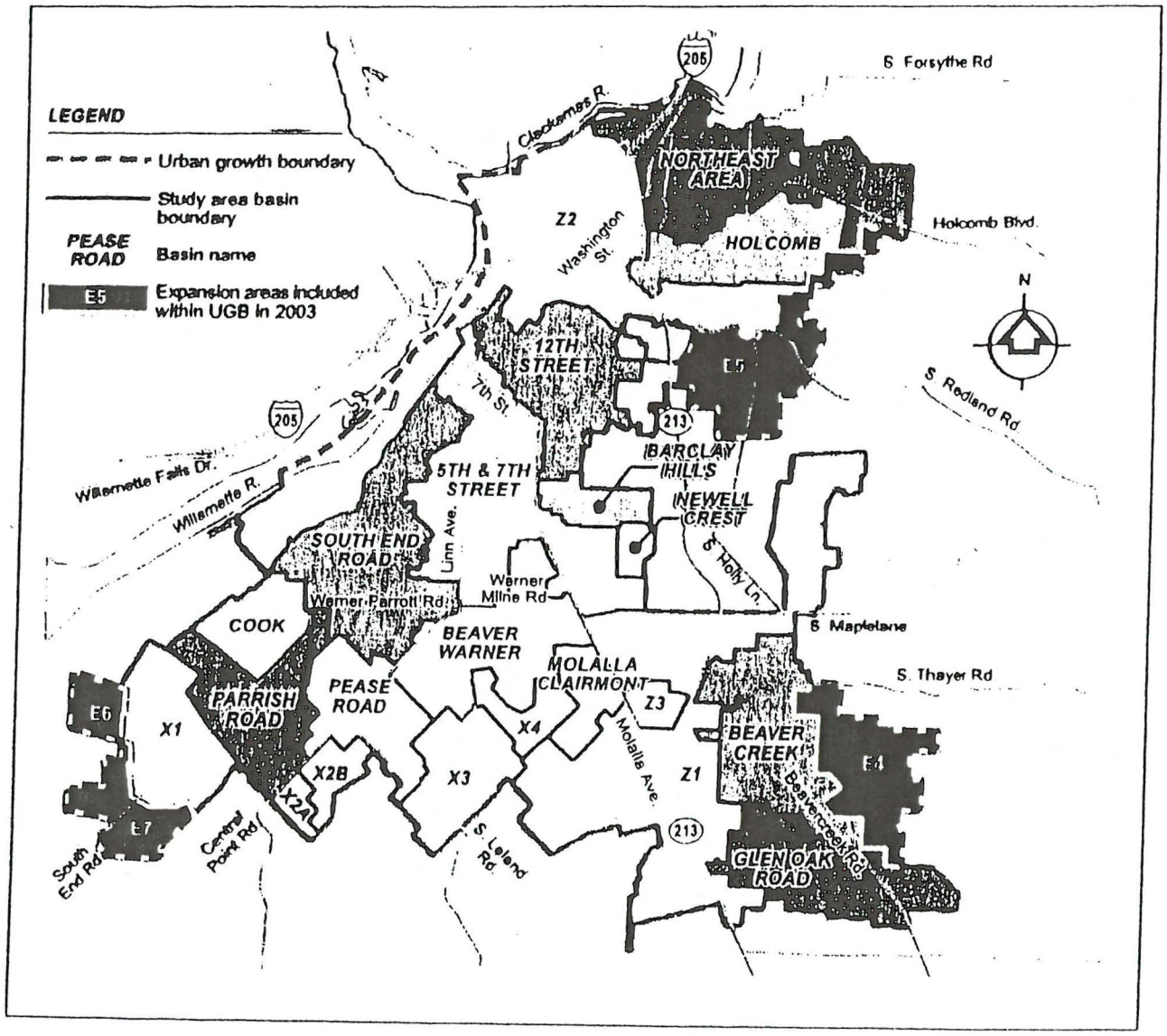
The full document is available on CD in the office of the City Recorder

a Tech / KCM, Inc.
7080 SW Fir Loop
Portland, Oregon 97223-8022

Attachment B
Exhibit 6

PROPERTY OF CITY ENGINEER'S
OFFICE - PLEASE RETURN
WHEN FINISHED USING

City of Oregon City
Sanitary Sewer Master Plan
Appendices—Volume II



December 2003

Tetra Tech / KCM, Inc.
7080 SW Fir Loop
Portland, Oregon 97223-8022

The full document is available on CD in the office of the City Recorder