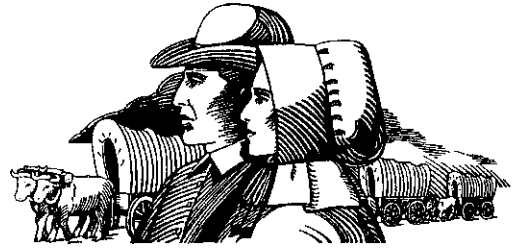


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL. (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 657-7892



AGENDA

City Commission Chambers - City Hall

March 14, 2005 at 7:00 P.M.

The 2005 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

PLANNING COMMISSION MEETING

1. **CALL TO ORDER**
2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
3. **APPROVAL OF MINUTES:** *None*
4. **HEARING:**
VR 04-05 (Quasi-Judicial Hearing), Applicant: John Kyle Architect - John Kyle. A Planning Commission Variance reducing the number of required parking spaces from 7 to 4 for a proposed four-plex. This application is in association with approved Planning files HR 04-06 and HR 04-09.
5. **ADJOURN PLANNING COMMISSION MEETING**

PLANNING COMMISSION WORK SESSION

Planning Commission Hearing Training by Bill Kabeiseman, Assistant City Attorney

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

OREGON CITY PLANNING COMMISSION MEETING TRAINING

I. Types of Actions

A. Discussion items

1. Examples

- a. Workshops
- b. Informational briefing

2. Process

- a. Informal
- b. No final decision (direction given to staff)
- c. Generally, bias and ex parte contacts do not apply
 - But conflicts of interest generally apply

B. Decisions

1. Non land use

- A. generally, informal process
 - i. Planning Commission does not see many of these
 - ii. e.g., changing order of agenda, amount of time

2. Land Use – see below.

II. Land Use Decisions

A. Two types

1. Quasi-Judicial v. Legislative

- a. Generally, (95% of the time) very easy to tell the difference
 - i. QJ involve applying discrete criteria to particular property
 - e.g., conditional use, variance
 - ii. Leg. Involves broad policy to large areas
 - e.g., adopt comprehensive plan, land use regulations

2. Why does it matter?

- a. Different procedures,
- b. Bias and ex parte conflicts apply differently

B. Quasi Judicial Decisions (most applications)

1. Process set by OCMC 17.50.120

- a. Notice to property owner, neighbors, newspaper
- b. Right to be heard
 - i. Can submit anything in writing; not unlimited oral testimony
- c. Right to submit evidence
- d. Right to rebut evidence

- e. Right to continuance/leave record open
 - i. ORS 197.763(6)
- 2. Right to unbiased decision-maker
 - a. Discussed below
- 3. Prohibition on ex parte contacts
 - a. Discussed below
- 4. Right to “unconflicted” decision maker
 - a. Conflict of interest discussed below
- 5. Final decision must be made within 120 days of application
 - a. “Completeness” under ORS 227.178
 - b. Discretion to extend timeline (up to 365 days)
 - c. Mandamus remedy for violation
- 6. Appeal to City Commission/ultimately LUBA.

C. Legislative Decisions

- 1. Process set by OCMC 17.50.170
 - a. Right to notice (Measure 56)
 - b. Right to be heard
 - i. Can submit anything in writing; not unlimited oral testimony
 - c. Right to submit evidence
 - d. No right to rebut
 - e. No right to continuance
- 2. Decision maker expected to be biased.
- 3. No prohibition on ex parte contacts
- 4. Right to unconflicted decision maker
- 5. No timeline for decision
- 6. Planning Commission makes recommendation to City Commission
- 7. City Commission decision is appealable to LUBA.

III. Other Concerns

A. Bias

- 1. Bias essentially means that a commissioner is incapable of making a decision on the basis of the evidence and argument presented. Your mind is made up before you come to the meeting.
 - a. Even if you feel very strongly about a particular issue (e.g., you hate red houses and have made no secret of that, speaking out every chance you get), that does not mean that you are incapable of making the decision
 - 1. If an application involves something about which you feel strongly, so long as you can put aside those feelings and make a decision solely on the facts of the case and the City’s code, you do not have to be disqualified for bias.
 - b. Only applies to QJ decisions; when you act as a legislator, you were appointed specifically because the City Commission believed your bias

was appropriate for the position (i.e., you can advocate for an ordinance banning red houses).

B. Ex Parte Contacts

1. Latin and essentially means “from one side.” When you make a QJ decision, all sides must know all of the information that you have received; otherwise, they would never have the chance to rebut.
 - a. If you have an ex parte contact on a pending QJ application, cut it off, then report it at the Planning Commission hearing, providing the substance of the contact for the other parties.
 - b. Unlike bias, ex parte contact does not disqualify a Commissioner
 - i. It only requires disclosure
2. Only applies to QJ decisions; does not apply to legislative decisions

C. Conflict of Interest (ORS Chapter 244)

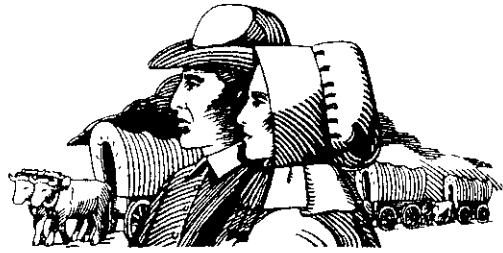
1. Two types – potential and actual
 - a. Actual conflict is an action or decision, the effect of which would be to your (or a family member’s) financial benefit or detriment
 - b. Potential conflict is an action or decision, the effect of which could be to your (or a family member’s) financial benefit or detriment
 - i. Class Exemption
2. What to do?
 - a. Actual conflict – must disclose “nature of conflict” and not take part in decision or debate on issue
 - b. Potential conflict – must disclose “nature of conflict” and can then take part in discussion and decision.

CITY OF OREGON CITY

Planning Division

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



STAFF REPORT VARIANCE Date: March 3, 2005

FILE NO.: VR 04-05

HEARING DATE: Monday, March 14, 2005
7:00 p.m., City Commission Chambers
320 Warner Milne Road
Oregon City, Oregon 97045

APPLICANT/ John Kyle Architect
John Kyle
421 SW Sixth, #1090
Portland, Oregon 97204

PROPERTY OWNER: Charlie Swan
13243 SE Reedway Place
Portland, Oregon 972045

LOCATION: A parcel located at 719, 721, 723, & 725 Monroe Street and identified as Clackamas County Map 2-2E-31AD, Tax Lot 4700 (0.15 acres, zoned R3.5 Medium Density Residential District).

REQUEST: The applicant is seeking a Variance Hearing before the Oregon City Planning Commission to reducing the number of required parking spaces from 7 to 4 for a proposed four-plex. This application is in association with approved Planning files HR 04-06 and HR 04-09.

RECOMMENDATION: Approval

REVIEWERS: Christina Robertson-Gardiner, Associate Planner

PROCESS: The Planning Commission shall make the decision on all Type III permit applications. Once the Planning Commission makes a decision on the Type III application, that decision is final unless appealed to the City Commission in accordance with Section 17.50.190. If appealed, the City Commission decision is the City's final decision on the Type III application.

SITE MAP: Exhibit 1

BACKGROUND:

The Applicant is seeking a Variance Hearing before the Oregon City Planning Commission to reduce the number of required parking spaces from 7 to 4 for a proposed four-plex. This application is in association with approved Planning files HR 04-06 and HR 04-09. The subject parcel is located at 719, 721, 723, & 725 Monroe Street and identified as Clackamas County Map 2-2E-31AD, Tax Lot 4700 (0.15 acres, zoned 3.5 Medium Density Residential District).

In October of 2003, a fire gutted a majority of the building located on the property. The property has been boarded up and is currently vacant. Per Oregon City Code (OCMC 17.56 Non Conforming Uses), multi-family property that has been damaged by non-arson related fire can retain its preexisting density in future new construction. The property is located within the McLoughlin Conservation District and is subject to review by the Historic Review Board for historic compatibility.

The applicant is proposing to demolish the existing building and construct a four-unit multi-family building, which was approved by the Historic Review Board under HR 04-06 and HR 04-09. HR 04-06 was initially denied by the Historic Review Board and was appealed by the applicant to the City Commission in September 2004. The City Commission, with the applicant's consent, remanded the application back to the HRB for further review and redesign. The Historic Review Board approved the final design of the four-plex in December of 2005. The applicant additionally received approval of Preservation Incentives in January of 2005 (HR 04-09). Preservation incentives allow the Historic Review Board the ability to adjust the underlying zone's dimensional standards to create a more compatible development than if the underlying zone dimensional standards were strictly enforced.

The applicant is proposing a 4-plex with four-3 bedroom units. Per OCMC 17.52, 7 spaces are required. The applicant is proposing 4 spaces, one for each unit located within an attached garage.

OCMC 17.52.010 Number of spaces required:

<u>LAND USE</u>	<u>PARKING REQUIREMENTS</u>	
	The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
Single-Family Dwelling	1.00 per unit	
Multi-Family: Studio	1.00 per unit	1.5 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	2.50 per unit

The building, therefore, is required to undergo a Planning Commission Variance for reduction in required parking spaces from 7 spaces to 4 spaces (VR 04-05). The Historic Review Board does not have the authority to reduce the required number of parking spaces for a multi-family building. The applicant therefore, is required to apply for a Planning Commission Variance to the parking requirement of OCMC 17.52. If the Variance is granted to the Applicant, they will move forward with administrative development review of the 4-plex through the Type II Site Plan and Design Review Process.

Surrounding Uses/Zoning:

- North:** There are properties zoned R-6 Single Family Residential and R3.5 Medium Family Residential
- South:** Directly South from the site is another converted 4-plex, also zoned R3.5 Medium Family Residential. Farther South, is the 7th Street Mixed Use Corridor.
- West:** There are properties zoned R-6 Single Family Residential And R3.5 Medium Family Residential (many with converted 3 and 4-plexes) along with the Zion Lutheran Church and parking lot.
- East:** There are properties zoned R3.5 Medium Family Residential

Comments: Notice of the proposal was sent to property owners within three hundred feet of the subject property and the McLoughlin Neighborhood Association. Additionally, the property was posted with a Notice of Land Use sign with details about the proposal. Transmittals were sent to various City departments and other agencies regarding the proposed development plan. Relevant comments from City departments are addressed in this report as appropriate.

One public comment letter was received for this application from Zion Lutheran Church indicating that they have no concerns with the proposal (Exhibit 3).

DECISION-MAKING CRITERIA:

Municipal Code Standards and Requirements

- Title 17, Zoning:** Chapter 17.14, R3.5 Medium Density Dwelling District
- Chapter 17.50, Administration and Procedures
- Chapter 17.52, Off Street Parking and Loading
- Chapter 17.60, Variances

2004 Oregon City Comprehensive Plan

ANALYSIS:

Section 17.60.020 *Variances—Grounds* states that a variance may be granted if the applicant meets six approval criteria:

- A. 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;**

The applicant states that both extraordinary circumstances applying to this site and the literal application of the title would deprive applicant of rights commonly enjoyed by other properties in the surrounding area. The loss of the previous 4-plex by fire allows the applicant to retain the former density (four units), but also requires him to build a building that conforms to today's development standards and market conditions. Multifamily projects generally require the applicant to provide off street parking in excess of the number of units. This is primarily for visitor parking. OCMC 17.52.010 was written for larger multi-family projects in mind on larger parcels. This project has two street frontages and 4 units with a single car garage allocated to each unit. Like most single and multi-family properties in the area, visitors will utilize on street parking.

Therefore, the applicant satisfies this criterion.

B. That the variance 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;

This project was extensively reviewed by the Historic Review Board for compatibility with the neighboring historic and non-historic properties. The Board agreed with the Applicant that the project would overall be less desirable to both the tenants and neighbors if the remaining 3 parking spaces were located on the site. The reduction in open space, while meeting the exact code requirements for OCMC 17.62 Site Plan and Design Review development review of 500 square feet, it would not be very useable or as aesthetically pleasing as the proposed layout.

Therefore, the requested variance satisfies this criterion.

C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;

The accidental destruction of the building does not constitute a self imposed or monetary hardship. Staff agrees with the applicant's contention that granting the Variance will enable the owner to proceed with a project that will restore multi-family housing, provide reinvestment in the neighborhood while maintaining consistency with the character of the area.

Therefore, the requested variance satisfies this criterion.

D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;

No practical alternatives have been identified by either the applicant or staff that will maintain the compatibility of the neighborhood.

Therefore, the applicant satisfies this criterion.

E. That the variance requested is the minimum variance which would alleviate the hardship;

The applicant is proposing the reduction of 3 parking spaces, which allows for one parking space per unit. Placing the three extra parking spaces on site would greatly reduce the required open space. This is the minimum variance needed that would alleviate the hardship.

Therefore, the applicant satisfies this criterion.

F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

The applicant has provided an excellent analysis of how this proposal meets the larger goals and policies of the 2004 Oregon City Comprehensive Plan Goal. The proposed 4-plex will promote urban containment, redevelopment, efficient and cost effective services, multi-modal transportation and overall contribute to the larger City goal of sustainable development.

Therefore, the applicant satisfies the criterion.

STAFF RECOMMENDATION:

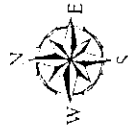
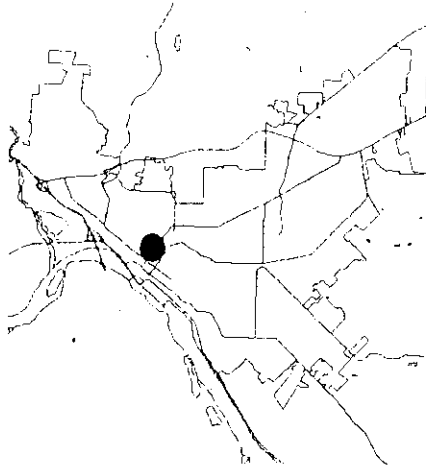
In conclusion, Staff has determined that the requested Variance before the Planning Commission, VR 04-05, from which the applicant is seeking a reduction of the number of required parking spaces from 7 to 4 for a proposed four-plex can satisfy the Variance approval criteria in Chapter 17.60.

Therefore, Staff would recommend approval of file VR 04-05 by the Planning Commission for the property located at 719, 721, 723, & 725 Monroe Street and identified as Clackamas County Map 2-2E-31AD, Tax Lot 4700

EXHIBITS:

1. Site Map
2. Applicant's Submittal
3. Public Comments
4. Notice of Decision for HR 04-06 and HR 04-9
 - a. Elevation drawings

VR 04-05

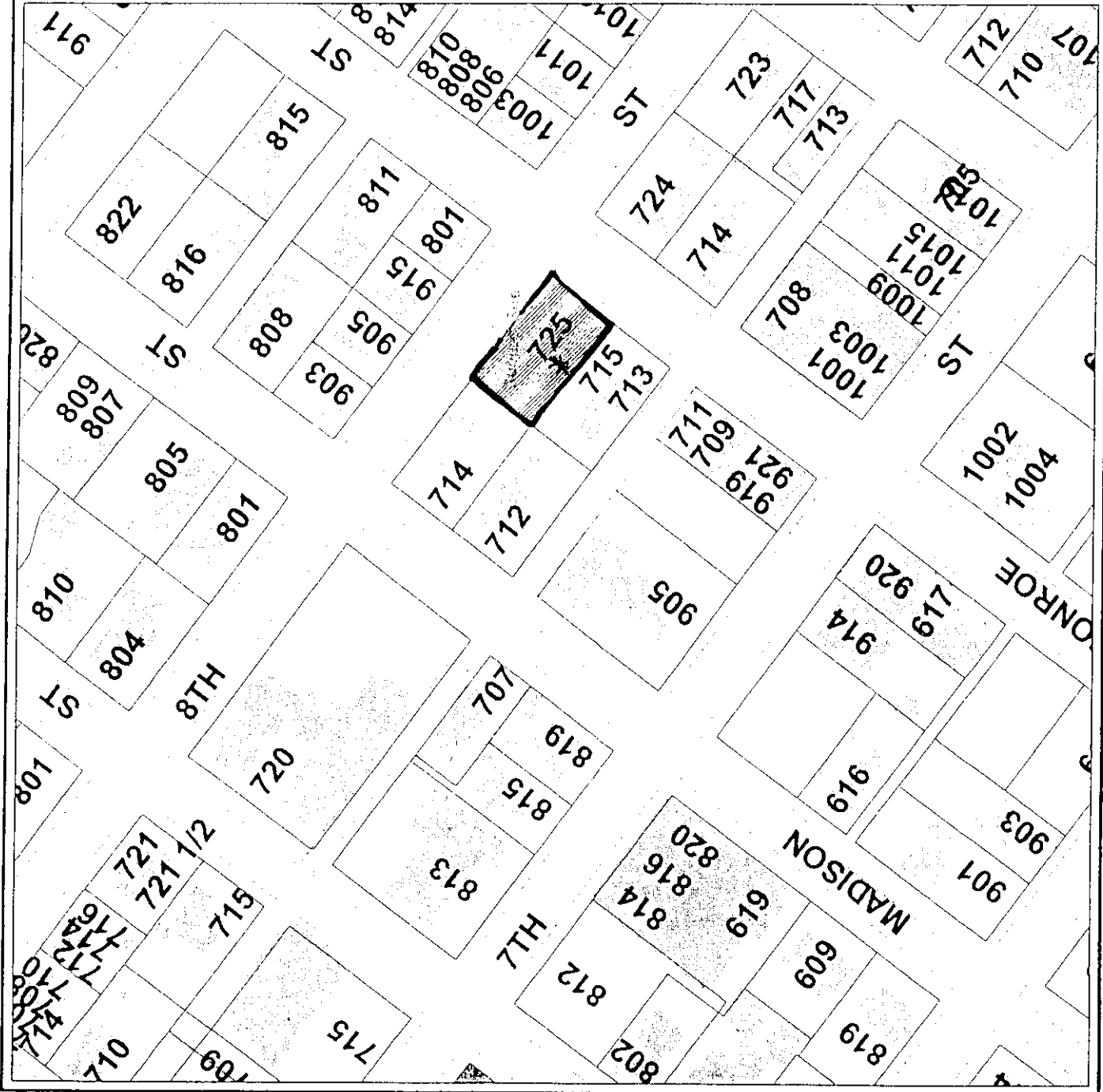


City of Oregon City
 P.O. Box 3040
 320 Warner Mine Road
 Oregon City, OR 97045

The data on this map is the best information available from the records of the City of Oregon City. Errors and omissions may exist.

Map created with OCMap 2004

Exhibit



CITY OF OREGON CITY

Community Development Department, 320 Warner Millie Road,
P.O. Box 3040, Oregon City, OR 97045. (503) 657-0891 Fax: (503) 657-7892
www.ci.oregon-city.or.us

LAND USE APPLICATION FORM

REQUEST:

- | | | |
|--|--|---|
| Type II | Type III | Type III / IV |
| <input type="checkbox"/> Partition | <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Site Plan/Design Review | <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Extension | <input type="checkbox"/> Modification | |
| <input type="checkbox"/> Modification | | |

OVERLAY ZONES: Water Resources Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # VR 04-05 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: JOHN KYLE ARCHITECT

PROPERTY OWNER (if different): CHARLIE SWAN, SWAN PROPERTIES

PHYSICAL ADDRESS OF PROPERTY: 719, 721, 723, 725 MONROE, OREGON CITY

DESCRIPTION: TOWNSHIP: _____ RANGE: _____ SECTION: _____ TAX LOT(S): 2 OREGON CITY, LOT 1, BLOCK 129

PRESENT USE OF PROPERTY: BURNED FOUR FLEX (VACANT) PARCEL NO. 22E31A004700

PROPOSED LAND USE OR ACTIVITY:

REPLACEMENT OF 4 UNITS

DISTANCE AND DIRECTION TO INTERSECTION:

AT INTERSECTION

CLOSEST INTERSECTION: MONROE & EIGHTH

PRESENT ZONING: R 3.5

TOTAL AREA OF PROPERTY: 6572 S.F.

Land Divisions

PROJECT NAME: _____

NUMBER OF LOTS PROPOSED: _____

MINIMUM LOT SIZE PROPOSED: _____

MINIMUM LOT DEPTH PROPOSED: _____

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS

CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS

NOTICE, IT MUST BE PROMPTLY FORWARDED TO

PURCHASER

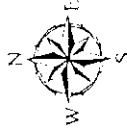
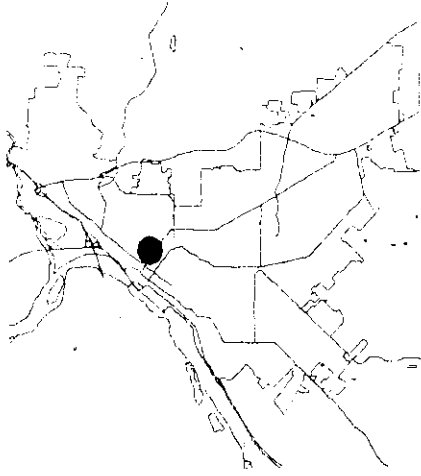
VICINITY MAP

To be provided by the APPLICANT
at the time application is submitted

Exhibit

2

VR 04-05 (725
Monroe)



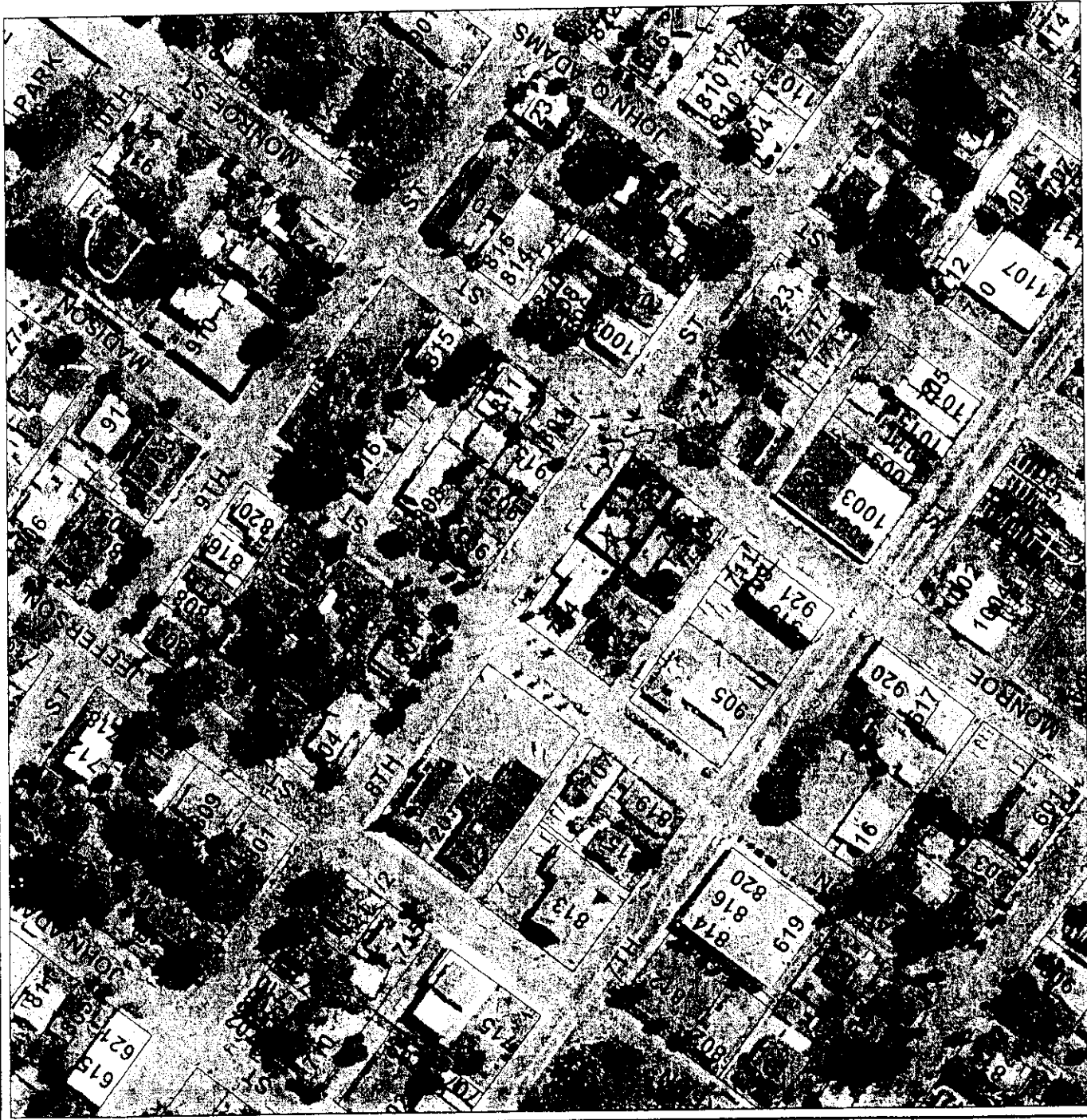
City of Oregon City
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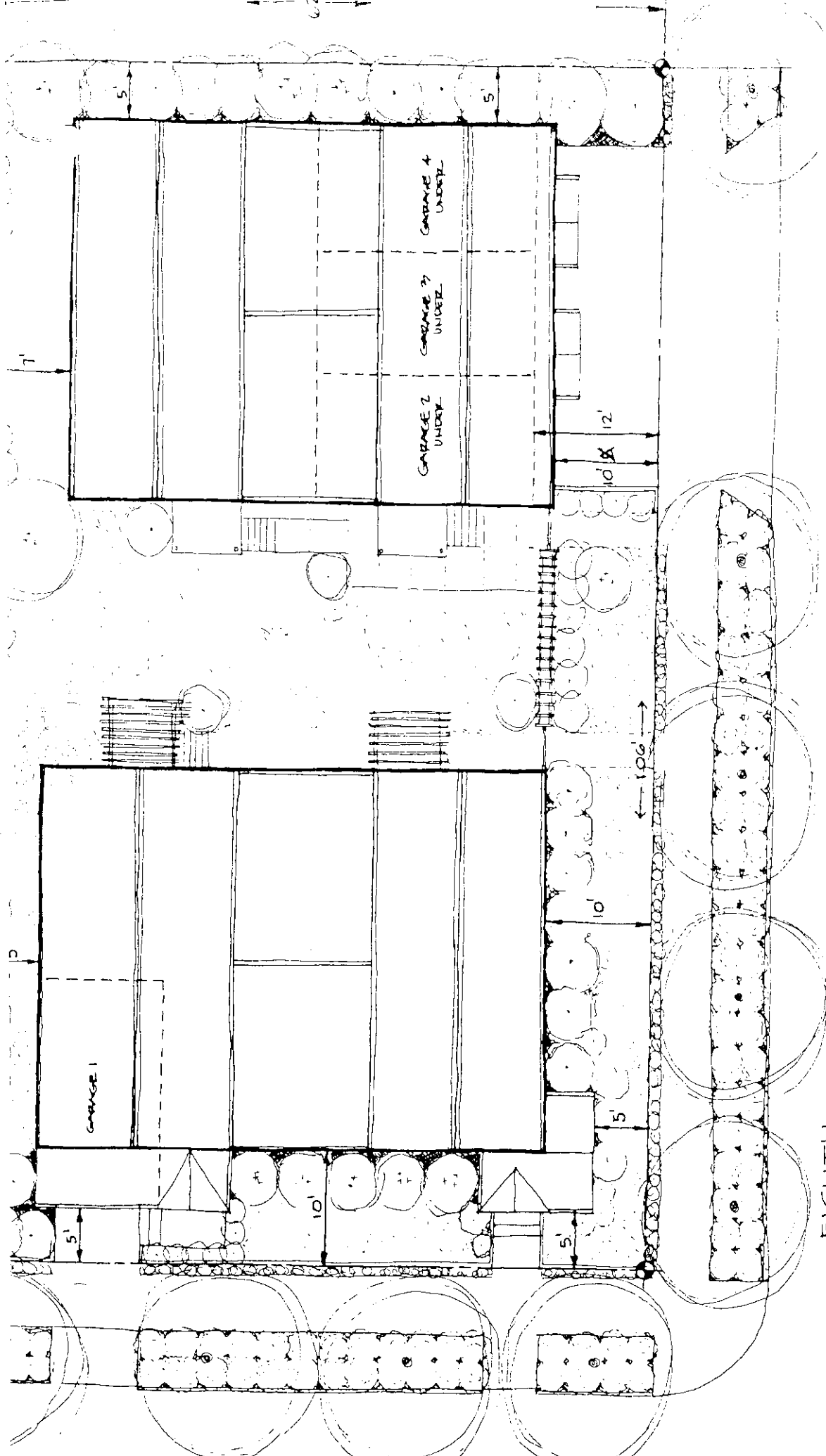


The data on this map is the best
information available from the
records of the City of Oregon City.
Errors and omissions may exist.

Map created with OCMap 2004

12/30/2004





EIGHTH
SITE PLAN

FOR THE UNIVERSITY OF CALIFORNIA, BERKELEY

Narrative to accompany Application # V204-05, variance. Waiver the on-site parking Requirements from 7 to 4 in conjunction with permitted replacement of converted four-plex structure lost to fire on September 9, 2003. Additional occupant parking to be located on Monroe and 8th Streets. Both the previous and present zoning code for the city authorizes the replacement of structures "substantially damaged by fire, other calamity, act of god or the public enemy may be rebuilt to its original density." A fact substantiated by the City Attorney during the Appeals hearing conducted by the City Commission earlier this year.

INTRODUCTION

The subject property in question contained a converted historic four-plex. This has been its use for many years; it was a four-plex when the present owner acquired it for rental investment in April 1978. On September 9, 2003, one of the tenants caused a fire which destroyed the building. The level of destruction incurred and the code requirements assigned by the building officials after inspection made restoration unfeasible. The opinion by the City Attorney confirms that the owner has the right to return four units to the property and the right to do so runs with the property. Owner proposes a redevelopment plan to replace the four rental units with four units of owner occupied housing. The proposal calls for one two-bedroom unit and three three-bedroom units. Section 17.52.010 of the code requires 6.75 (or 7) off-street parking spaces for these units. The project as proposed contains four off-street spaces in enclosed garages. The remaining three would be street parking adjacent to the site, meeting the requirement for 17.52.020 paragraph E. Presently, the Monroe Street frontage is improved, with curbs, sidewalks and parking strip, and 8th Street is not. The return of the property to use will require that the Monroe Street improvements be extended around the corner to the 8th Street frontage. On-street parking opportunities for occupants exist along the street frontage to the lot provided by Monroe and 8th Streets. Existing and required street and pedestrian improvements on 8th Street could easily accommodate the required three parking spaces with additional parking spaces available if needed.

17.60.020 Grounds for Variance

A variance may be granted only in the event that all of the following conditions are met:

A. 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;

* Both provisions of this paragraph apply. There are many "grandfathered" multi-family conversions in this neighborhood, including the four-plex adjacent to the west, that do not, and cannot, provide off-street parking. In addition, in this historic district, many single family properties, for example, have garages that do not accommodate modern automobiles, thus creating common circumstances where the "off-street" parking method employed is either not code legal or on-street parking is substituted. Secondly, there are extraordinary circumstances that do not apply to other properties: the loss of four housing units due to an accident outside the

owner's control is extraordinary. The need to replace them in a way that meets modern code and market expectations on a property that began development a century ago is extraordinary. To accomplish this while achieving compatibility in a historic district is an extraordinary challenge and a unique demand applied to this site. The city comprehensive plan acknowledges that the city "has a deficit of land for multi-family units to meet expected demand." Requiring an additional three parking spaces on-site will further encumber lot coverage, which has been of concern to the HRB in its review of the redevelopment proposal.

B. That the variance 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;

* The requested variance not only does no damage to adjacent property or the neighborhood, it represents no change. The previous four units of housing, operated for 26 years at least, had no off-street parking. It is an unknown, but reasonable, assumption that two or three bedroom owner occupied housing might generate more than one automobile per unit as contemplated by the code. However, the proposed redevelopment provides for enclosed off-street parking for one automobile per unit where none has existed before. It also provides improved frontage for adjacent on-street parking for the remaining three vehicles, meeting code as described in 17.52.030, in addition to what existed before. On-street parking is consistent with the residential use patterns on adjoining and adjacent properties that employ a mix of both on-site and on-street parking for occupants.

C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.

* The accidental destruction of these four units in the Muir house by a tenant was clearly not self-imposed. Testimony on the record from the neighborhood is that the owner was a responsible landlord who maintained the property to high standards. Owner preference would be to continue to be maintaining the property and collecting revenue on the property that was an income producing four units when purchased 26 years ago. The ordinance provides for the replacement of the structure at its converted density of four units. The community has lost the use of those multi-family housing opportunities in an area that is within walking distance of urban services, transit routes and other urban amenities. The redevelopment proposal is responsive to both the need to provide on-site parking while maintaining the historical character of the neighborhood and the community. Granting a variance will enable the owner to proceed with the project to restore multi-family housing to units lost to fire, provide a reinvestment in the neighborhood through property improvement while maintaining consistency with the character of the area.

D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;

* Building officials have established criteria that make the property impossible to restore. The

McLoughlin Historic Conservation District is characterized by an array of mixed commercial and residential uses. The historical development pattern of the district typically provided for smaller lots, which can make it difficult under present ordinance provisions to meet all of the required standards. The owner has evaluated a number of scenarios to meet the standard, but to date no practical alternative was deemed sufficient. Subsequently the owner was advised to seek a variance to the standard. In order to meet current multi-family codes, achieve a required consensus for compatibility in the historic district and have the replacement units meet modern market expectations, the remaining site - beyond the unit footprints and enclosed off-street parking spaces - needs to be landscaped open spaces and not the structures or pavement required to provide three additional off-street parking spaces. The arithmetic might be achievable, but the neighborhood compatibility cannot.

E. That the variance requested is the minimum variance which would alleviate the hardship.

* The release of the "hardscape" required to accommodate three additional parking spaces on-site, in combination with the expanded new and restored existing streetscape, is the key to integrating the four allowed replacement units into existing historical neighborhood patterns. The variance requested is the minimum variance that would alleviate the hardship. The proposed plan provides for four on-site secure parking spaces for occupants, with additional parking to be provided on Monroe and 8th Streets that adjoin the corner property.

F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

* We believe this unusual circumstance offers a unique opportunity to redevelop the property in conformance to the philosophy, overall goals and specific goals of the city's Comprehensive Plan. Granting of the requested variance is consistent with the Housing and Historic District comprehensive Plan provision of Oregon City. It replaces multi-family structures lost to fire and increases the present number of available units, assisting the city in meeting one of the housing issues identified in the plan. It meets the comprehensive plan provisions that encourage redevelopment and investment within the historical district of the city, deemed essential to protect the city's historic character. It furthers the city policies of urban containment and infill to prevent sprawl into outlying areas and lends credence to the principles of sustainability through reinvestment in the community. The redevelopment of the Muir property to multi-family housing could be viewed as a critical element to stabilizing the overall character of the Monroe/8th Street area of the McLoughlin District which shows signs of continued softening and deterioration of those values deemed to be of significance in the plan.

Goal 1 - Sustainability

This proposed redevelopment presents similar answers to several of the plan's goals. However, the opportunity to replace the destroyed units in this transitional area with four units of owner occupied family housing that meets modern codes and market expectations is at the heart of projecting its productive use far into the future and for succeeding generations. Environmental considerations are at the base of this variance request: to replace hardscape with landscape

wherever possible on site. We propose that it is reasonable for the additional required parking of three spaces to occur on present or required new public streetscape (hardscape). We have proposed that this resolution would, in effect, have no negative impact on the neighborhood and, in fact, would not represent a change in historical usage. The specific unit plans, not under consideration by the commission, also enhance this possibility by making approximately 900 square feet of roof area available to the occupants for roof gardens.

Goal 2 - Urban Containment

This project is designed to be competitive with suburban developments and to provide a real choice for four households to live in the heart of Oregon City. This project will "promote redevelopment within older areas of the city, promote transportation alternatives, conserve and protect the rural lands surrounding the city, and help promote the identity of the city of Oregon City."

Goal 3 - Promote Redevelopment

Unfortunately for all concerned, restoration is not a possibility. However, the replacement of the historic structure with family friendly units in an architectural style that is compatible with the historic district in this transitional area meets this goal to the letter, we believe. "Redevelopment of older or under-utilized areas within this city makes efficient use of land and existing public services, protects the city's historic character, avoids sprawl into surrounding rural areas, facilitates economic development."

Goal 6 - Provide Efficient and Cost Effective Services

This site was previously served by all public services. Our own research and our preliminary meeting with the city's development review team indicates all required services are in place. In addition, approval of the project will require applicant to improve the 8th Street frontage with sidewalks, planting strip, curbs, and gutters that do not presently exist.

Goal 7 - Ensure a Sense of History and Place

Applicant believes the project presented, modern, but in such scale and style compatible with the overall neighborhood historic district, continues the city's settlement pattern and aesthetic tradition without imitating legitimate history.

RESPONSE TO TRANSPORTATION - CHAPTER 11

With regard to parking, we are requesting a variance from the minimum spaces required, not the maximum. As stated above, however, we suggest this has no negative impact while having positive impacts for the goals of the comprehensive plan. We also believe this variance request responds to the following parking policies:

Policy 12.1.1

Maintain and enhance city wide transportation functionality by emphasizing multi-modal

travel options for all types of land uses. Please see following:

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. The 7th Street corridor, with improvements currently under construction, is one block away from the site. It is a designated Tri-Met route with regular mass transit connections to the regional system.

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. The improved sidewalk access required of the project will conveniently connect the residents to the transportation corridor. At least as important, this project represents an opportunity to plant four households in an area of the city where many churches, community centers, dining, drinking and other commercial establishments exist within comfortable walking or cycling distance. Access to the lower downtown via the elevator is also easily achievable. In addition, it's just a plainly beautiful area to walk in, with many viewpoints, parks and structures of historic interest available. De-emphasizing automobile ownership and use can only enhance that.

February 15, 2005

Oregon City Planning Commission
320 Warner Milne Rd.
Oregon City, OR 97045

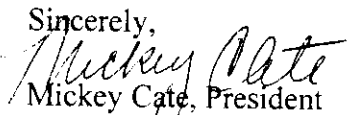
Re: File # VR 04-05: Variance

To Whom IT May Concern,

The Zion Lutheran Church Council reviewed the Notice of Public Hearing regarding the property located at 719,721,723, &725 Monroe Street. It was a consensus of the council that this project would not have an impact upon the church. Therefore, the church remains neutral.

Thank you for including Zion in this process.

Sincerely,



Mickey Cate, President

Zion Lutheran Church Council

CITY OF OREGON CITY

Historic Review Board

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



NOTICE OF TYPE III LAND USE DECISION

File Numbers: HR 04-06 & HR 04-09

DATE OF MAILING OF THE DECISION: January 21, 2005

DATE: January 21, 2005

FILE NO: HR 04-06 & HR 04-09

APPLICANT: John Kyle Architect
421 SW Sixth, #1090
Portland, Oregon 97204

PROPERTY OWNER: Charlie Swan
13243 SE Reedway Place
Portland, Oregon 972045

LOCATION: A parcel located at 719, 721, 723, & 725 Monroe Street and identified as Clackamas County Map 2-2E-31AD, Tax Lot 4700

PRESENT ZONING The property is zoned "R-3.5" Medium Density Dwelling District, (McLoughlin District Overlay), and the Comprehensive Plan designation is "MR" Medium Density

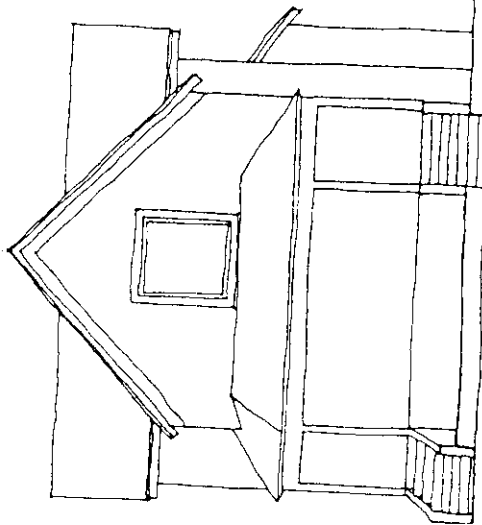
PROPOSAL: Demolition of a Designated 4-Unit Structure in the McLoughlin Conservation District in concert with the New Construction of a 4-Unit Structure in the McLoughlin Conservation District (HR 04-06) and Approval of Historic Preservation Incentives to reduce rear yard, side yard and garage setbacks in association with the request for approval of new construction in the McLoughlin Conservation District (HR 04-06).

DECISION: On January 20, 2005, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant and citizens, the Historic Review Board concluded that the proposed New Construction and request for Historic Preservation Incentives could meet, with conditions, all of the requirements of each applicable section of the Oregon City Municipal Code and **APPROVED WITH CONDITIONS** the request for construction by a vote of 2-1 and the request for Preservation Incentives by a vote of 3-0.

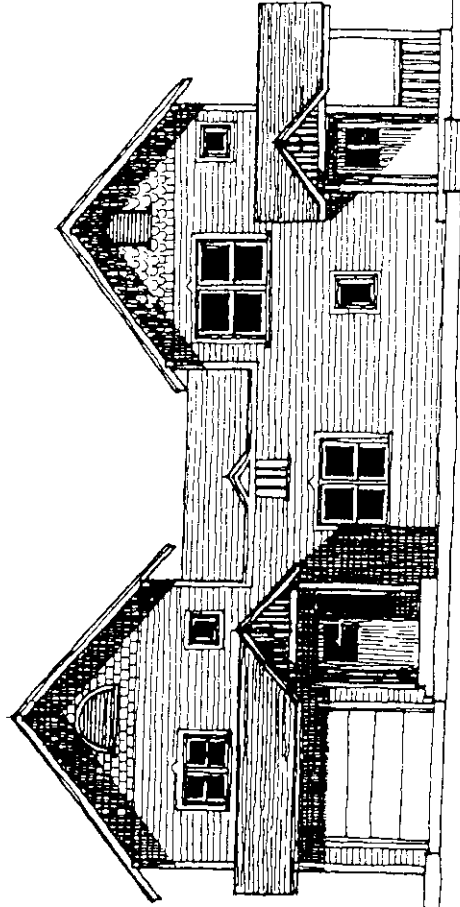
PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations, Historic Review Board reviews 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.

The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 320 Warner-Milne Road, Oregon City, OR 97045, (503) 657-0891, between the hours of 8am and 1pm. Copies of these documents are available (for a fee) upon request.

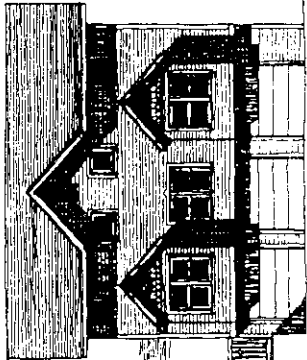
Exhibit 4



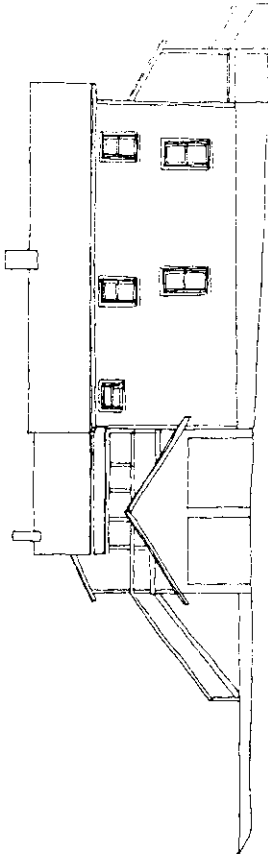
EXISTING NEIGHBOR



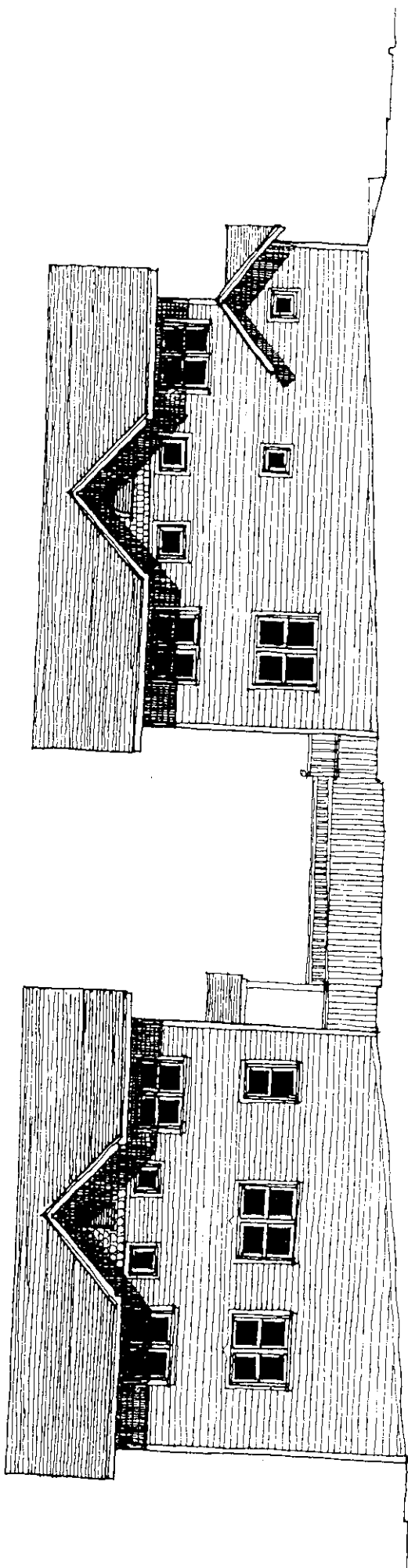
MONROE STREET ELEVATION



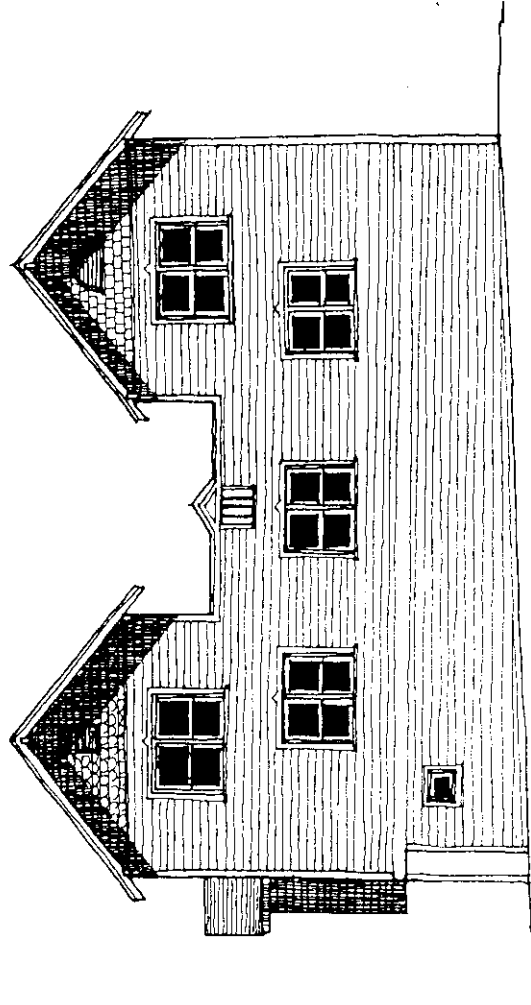
EIGHTH STREET ELEVATION



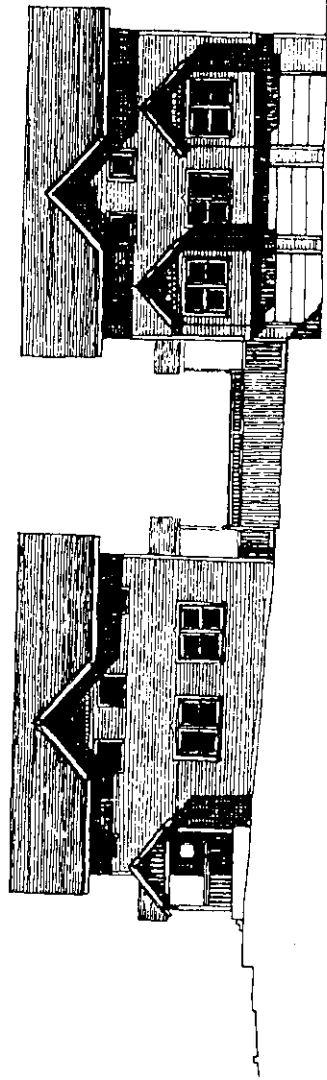
EXISTING NEWS ROOM



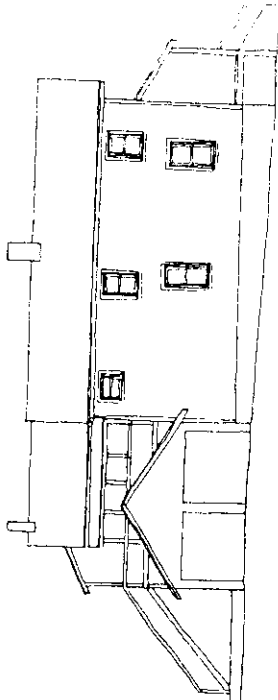
REAR (SOUTH) ELEVATION



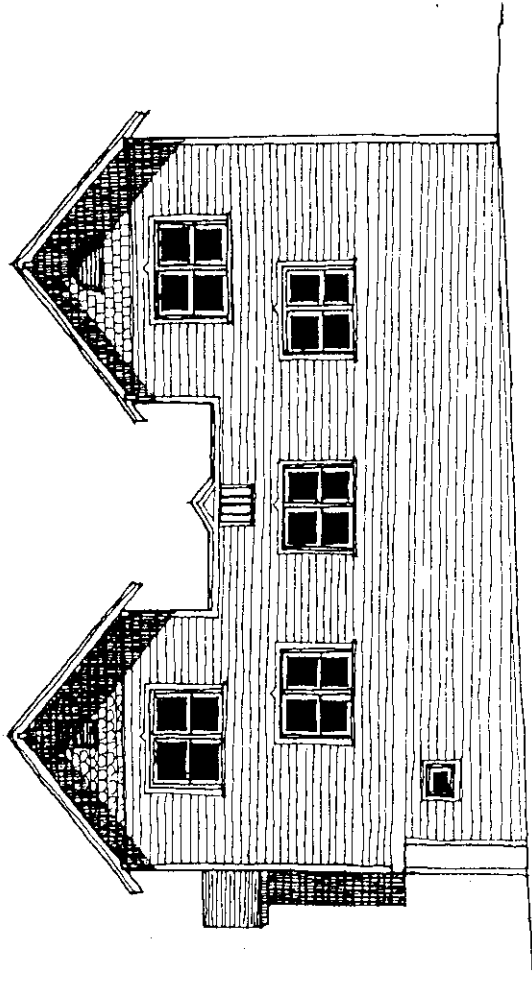
REAR (WEST) ELEVATION



EIGHTH STREET ELEVATION



EXISTING NEIGHBOR



REAR (WEST) ELEVATION



CITY OF OREGON CITY

INCORPORATED 1844

Community Development Department
Planning Division

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

Dear Neighborhood Representative,

You are invited to attend the Planning Commission Hearing Training Session presented by Bill Kabeiseman, Assistant City Attorney for Oregon City. The training session will take place at the Planning Commission Work Session on March 14, 2005. The Work Session is scheduled to begin at approximately 7:30 P.M in City Commission Chambers at City Hall (320 Warner Milne). Hope to see you there!

Sincerely,

Tony Konkol
Senior Planner
City of Oregon City