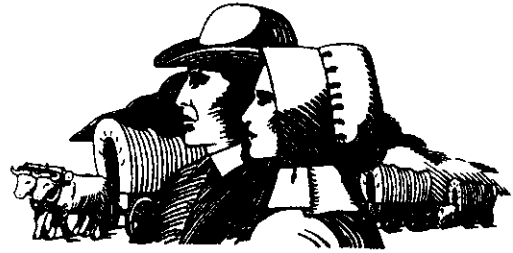


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



AGENDA

City Commission Chambers - City Hall
August 23, 2004 at 7:00 P.M.

The 2004 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. **HEARINGS:**

ZC 04-03 (*Quasi-Judicial Hearing*), Applicant: Paul Reeder, Requesting approval of a Zone Change from R-6/MH Single-Family to R-8 Single-Family on a parcel identified as Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The site is located at 18879 Rose Road.

PD 04-02 (*Quasi-Judicial Hearing*), Applicant: Paul Reeder, Requesting approval of a 67-unit Planned Unit Development. The sites are identified as Clackamas County Map 3S-1E-12A, Tax Lot 1700 (9.39-acres zoned R-10 Single-Family) and Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The sites are located at 19093 South End Road and 18879 Rose Road.

WR 04-12 (*Quasi-Judicial Hearing*), Applicant: Paul Reeder, Requesting a Water Resource determination and mitigation plan approval in association with a Planned Unit Development application (PD 04-02). The sites are identified as Clackamas County Map 3S-1E-12A, Tax Lot 1700 (9.39-acres zoned R-10 Single-Family) and Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The sites are located at 19093 South End Road and 18879 Rose Road.

L 03-01 (*Legislative*), Applicant: The City of Oregon City, Requesting adoption by ordinance of Revisions to the Comprehensive Plan, Comprehensive Plan Map, Zoning Ordinances and Zoning Map that were adopted May 19th, 2004 per Ordinance Number 03-1014.

5. **ADJOURN PUBLIC MEETING**

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.

CITY OF OREGON CITY PLANNING COMMISSION

320 WARNER-MILNE ROAD
TEL (503) 657.0891

OREGON CITY, OREGON 97045
FAX (503) 722.3880



TO: Planning Commission

FROM: Tony Konkol, Senior Planner

DATE: August 16, 2004

SUBJECT: File # ZC 04-03; PD 04-02 & WR 04-12

Staff requests that the Planning Commission continue the hearing for the above referenced files to September 13th, 2004. The applicant has requested that the City continue the applications in order to address concerns raised by staff. This continuance will not have a negative impact on the city's ability to meet the 120-day decision requirement for the processing of this application.

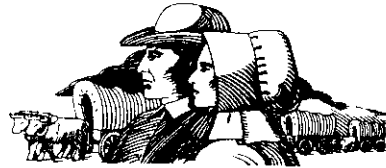
Staff recommends a continuance of the public hearing for Planning Files ZC 04-03, PD 04-02 and WR 04-12 to the date certain of September 13th, 2004.

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



Revisions to the Comprehensive Plan, Comprehensive Plan Map, Zoning Ordinances and Zoning Map that were adopted May 19, 2004 per Ordinance number 03-1014

August 16, 2004

FILE NO.: L 03-01 Review

APPLICATION TYPE: Legislative

HEARING DATE: August 23, 2004
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

**APPLICANTS/
OWNERS:** City of Oregon City
Staff: Tony Konkol/Dan Drentlaw
320 Warner Milne Road
Oregon City, Oregon 97045

**APPLICANT'S
REPRESENTATIVE:** Same.

REQUESTS: Amendments to the Oregon City Comprehensive Plan, Oregon City Comprehensive Plan Map, Oregon City Zoning Ordinances, and Oregon City Zoning Map.

Comprehensive Plan updates include Chapters 2 and 10. Zoning updates include: Definitions, Zoning District Classifications, R-10, R-8, R-6, R-3.5, R-2, Limited Office, Neighborhood Commercial, Mixed Use Corridor, Tourist Commercial, Mixed Use Employment, Unstable Soils and Hillside Constraints, Administration and Procedures, Off-Street Parking and Loading, Supplemental Zoning Regulations, Conditional Uses, Variances, Adjustments to the Mixed-Use Zones, Site Plan and Design Review, Zoning Changes and Amendments and Communication Facilities.

LOCATION: Numerous. Refer to attached Comprehensive Plan and Zoning maps.

REVIEWER: Dan Drentlaw, Community Development Director, City of Oregon City

RECOMMENDATION: Staff recommends approval of this application based on satisfaction of all required criteria for comprehensive plan and zoning code updates.

Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The planning manager shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
2. Planning Manager's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the planning manager shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
2. Notice of Final Decision. Not later than five days following the city commission final decision, the planning manager shall mail notice of the decision to DLCD in accordance with ORS 197.615(2). (Ord. 98-1008 §1(part), 1998)

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT TONY KONKOL IN THE PLANNING DIVISION OFFICE AT 657-0891.

I. PROPOSED PROJECT

The Comprehensive Plan and Code Amendments were adopted by the Oregon City City Commission on May 19th, 2004. The Measure 56 notice was sent on October 16, 2003. Properties impacted by the proposed Comprehensive Plan and Zoning Map changes were notified by a letter from the Community Development Department that was mailed on August 16, 2004. Ordinance number 03-1014 adopted a new Oregon City Comprehensive Plan, Comprehensive Plan Map, Zoning Map and amendments to the Oregon City Municipal Code. The ordinance adopted new water and sewer master plans as ancillary documents to the Oregon City Comprehensive Plan. Section 7 of Ordinance 03-1014 required that the Oregon City Planning Commission 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 Zone Map to consider possible revisions or refinements to the to the adopted documents.

The proposal amends text in the following Chapters of the Comprehensive Plan and Oregon City Municipal Code (OCMC) and the comprehensive plan and zoning designations of properties within the city limits of Oregon City:

Comprehensive Plan

- Chapter 2 – Land Use
- Chapter 10 - Housing

Oregon City Municipal Code

Chapter 16 – Land Divisions

- Chapter 16.12 – Minimum Improvements and Design Standards for Subdivisions

Chapter 17 – Zoning

- Chapter 17.04 – Definitions
- Chapter 17.06 – Zoning District Classification
- Chapter 17.08 – R-10 Single-Family Dwelling District
- Chapter 17.10 – R-8 Single-Family Dwelling District
- Chapter 17.12 – R-6 Single-Family Dwelling District
- Chapter 17.17 – R-3.5 Dwelling District
- Chapter 17.22 – LO – Limited Office District
- Chapter 17.24 – NC – Neighborhood Commercial District
- Chapter 17.26 – HC – Historic Commercial District
- Chapter 17.29 – MUC – Mixed Use Corridor District
- Chapter 17.30 – TC – Tourist Commercial District
- Chapter 17.31 – MUE – Mixed Use Employment District
- Chapter 17.32 – C – General Commercial District
- Chapter 17.34 – MUD – Mixed Use Downtown District
- Chapter 17.44 – US – Unstable Soils and Hillside Constraints Overlay District
- Chapter 17.50 – Administration and Procedures
- Chapter 17.52 – Off-Street Parking and Loading
- Chapter 17.54 – Supplemental Zoning Regulations and Exceptions
- Chapter 17.56 – Conditional Use
- Chapter 17.60 – Variance
- Chapter 17.61 – Adjustments in the Mixed-Use Zones
- Chapter 17.62 – Site Plan and Design Review
- Chapter 17.68 – Zoning Changes and Amendments
- Chapter 17.80 – Communication Facilities

Comprehensive Plan and Zoning Maps

Staff has recommended several amendments to the Comprehensive Plan map that are necessary to correct mapping errors that currently exist, provide consistency of R-10 parcels with the surrounding R-8 parcels and zone properties within the city that do not have city zoning designation. The mapping errors are predominantly parcels that have two plan designations on them. Staff has recommended changes that are consistent with the surrounding designations or current use of the site.

R-10 to R-8

There are numerous parcels that were automatically zoned R-10 single-family when they were annexed into the city. The automatic designation to R-10 did not consider the zoning designation of the surrounding properties nor the location of the property relative to transportation and community facilities. The proposed zone change would reduce the minimum lot size from 10,000 square feet to 8,000 square feet and increase the density from 4.4 to 5.5 units per acre. The proposed changes will have a negligible affect on density and traffic and will rezone properties to be consistent and compatible with the surrounding properties (Exhibit 1 and 2).

County to CI -- Campus Industrial

There are several parcels within the City that have a Comprehensive Plan of Industrial and a zoning designation of Future Urban – 10, a Clackamas County zoning designation. These parcels are located north of Glen Oak Road and west of Beavercreek Road. Prior to the adoption of Ordinance number 03-1014, if a parcel with an Industrial Comprehensive Plan designation was annexed into the city, the applicant also needed to apply for a zone change to choose one of the three zoning designations allowed under the Industrial land use designation. Several parcels were part of the "Island Annexation" and have been annexed into the city and have never applied for a zone change to an appropriate zoning designation. Under current regulations, if a parcel were annexed into the city with an Industrial Comprehensive Plan designation, the parcel would automatically be zoned CI -- Campus Industrial. Staff is recommending that the remaining parcels with a land use designation of Industrial that are within the city and zoned FU-10 be rezoned to CI (Exhibits 1 and 2).

Staff has received three requests from the public to change the comprehensive plan designation and zoning designation of their properties.

Mr. Dan Fowler has requested that the property identified as Clackamas County 2S-2E-29CC, Tax Lot 7100 and located on the corner of Jefferson and 14th be rezoned from the comprehensive plan designation of Medium Density Residential to Mixed-Use Downtown and that the zoning be changed from R-3.5 Dwelling District to Mixed-Use Downtown. The subject site is adjacent to the MUD zone and is separated from the surrounding residential properties by topography. Staff recommends changing the property as requested (Exhibit 3).

Mr. Ryan Smith has requested that the property identified as Clackamas County 2S-1E-36DD, Tax Lot 2300 and located at 615 McLoughlin Boulevard be rezoned from the comprehensive plan designation of Low Density Residential to Mixed-Use Corridor and that the zoning be changed from R-6 Single-Family to Historic Commercial. The subject site is a split zone, with the front portion of the property zoned Historic Commercial and the rear portion of the property zoned R-6. Staff would recommend changing the property as requested.

Mr. Rocky Younger has requested that his properties located east of Molalla Avenue and north of Beavercreek Road be rezoned from the comprehensive plan designation of Mixed-Use Corridor to Commercial and that the zoning be changed from Mixed-Use Corridor 2 to General Commercial.

The subject sites have access to Molalla Avenue and have been zoned Mixed-Use Corridor 2, which

requires pedestrian orientated development in support of the Molalla Corridor Plan and requires a conditional use permit for the development of building in excess of 60,000 square feet. Staff would not recommend changing the properties as requested.

II. FACTS

A. Background

The City of Oregon City adopted a revised comprehensive plan, zoning ordinance amendments to implement the comprehensive plan and Metro regional requirements and new sewer and water master plans on May 19th, 2004. As part of that process it was required that the Planning Commission revisit the adopted changes and take additional testimony to determine if additional amendments were necessary. Staff was directed to review the Housing section of the Comprehensive Plan, specifically a goal and supporting policies to address affordable housing.

Staff has recommend minor changes to the Oregon City Municipal Code that are in response to the changes that were previously adopted. The changes represent clarifications, adjustments to provide consistency, and amendments based on testimony provided by staff, the public and developers (Exhibit 4).

Below is a summary of the changes to the comprehensive plan elements and major changes to the municipal code to implement the changes. Policies encouraging sustainable practices were included in appropriate elements. Not all changes proposed are included in Table 1.

Table 1: Summary of Proposed Changes to the Oregon City Comprehensive Plan and Municipal Code

New Element	Changes
Comprehensive Plan Chapter 2 Land Use	New policy focus on the redevelopment within the Downtown Design District and the need to investigate the need to require retail and service orientated uses on the first floor and limiting residential and office uses to the second floor and above.
Comprehensive Plan Chapter 10 Housing	New goal identifies the need to provide and maintain an adequate supply of affordable housing in Oregon City. The three policies reflect the need to retain affordable housing, allow density bonuses for developments that provide affordable prices and to support Metro's Title 7 Voluntary Affordable Housing Production Goals.
Municipal Code Chapter 16.12.110 Street Design	This section, which provides the design standards for private streets, has been removed from the code. Private streets are only allowed in Planned Unit Developments (PUD). PUD's are no longer a permitted development option.
Municipal Code Chapter 16.12.235 Calculations of lot area	This section has been rewritten to include the R-3.5 dwelling district when calculating the lot area in a subdivision application.
Municipal Code Chapter 16.12.360 Road Standards	This section, which provides the design standards for private streets, has been removed from the code. Private streets are only allowed in Planned Unit Developments (PUD). PUD's are no longer a permitted development option.
Municipal Code Chapter 17.04.290 Home Occupation	The definition has been amended to allow a home occupation to occur in an accessory dwelling unit.

New Element	Changes
Municipal Code Chapter 17.06.070 Requirements Table	The zoning district classification requirements table has been updated to include the new residential, commercial and industrial zone requirements.
Municipal Code Chapter 17.22 LO – Limited Office	This section was approved for removal from the code per Ordinance 03-1014.
Municipal Code Chapter 17.24 NC – Neighborhood Commercial	The NC zone has been expanded to allow the same conditional uses as the MUC-1 zone. The dimensional standards are more restrictive than the MUC-1 zone to provide compatibility in residential areas.
Municipal Code Chapter 17.29 Mixed-Use Corridor	The parking reduction option has been removed from the MUC-1 and MUC-2 dimensional standards. The parking reduction option has been moved to the Off-street Parking and Loading section of the code.
Municipal Code Chapter 17.30 TC – Tourist Commercial	This section was approved for removal from the code per Ordinance 03-1014.
Municipal Code Chapter 17.31 Mixed-Use Employment	Distributing, wholesaling and warehousing has been removed from the Prohibited uses and added to the Permitted uses. Distributing, wholesaling and warehousing will provide employment opportunities and there are several such developments existing in the MUE zone.
Municipal Code Chapter 17.32 C – General Commercial	The maximum building height in the general commercial zone has been expanded from 35 to 45 feet.
Municipal Code Chapter 17.34 Mixed-Use Downtown	The Designated section has been amended to encourage the development of retail and service uses on the ground floor and office and residential uses on the second floor and above in the Downtown Design District. The permitted uses have been amended to remove the requirement for retail and service uses on the first floor of a development. The parking reduction option has been removed from the MUD dimensional standards. A 50% reduction is now permitted in the Downtown Design District. For the remainder of the MUD zone, the parking reduction option has been moved to the Off-street Parking and Loading section of the code.
Municipal Code Chapter 17.44 US – Geologic Hazards	This section has been amended to clarify the development standards and requirements in steep slopes, which is defined as slopes greater than 25 percent. Grading in steep slope areas may only occur between May 1 and October 31. A maximum 45-day extension may be granted by the City Engineer based on weather conditions. Slope cuts and fills have been limited.
Municipal Code Chapter 17.50 Administration and Procedures	A separate process for the noticing requirements of an appeal of a land use decision have been created.
Municipal Code Chapter 17.52 Off-Street Parking and Loading	Parking reduction standards have been incorporated for uses that have are transit oriented, have shared parking or that parking need is reduced through the development of a transportation demand management program.

New Element	Changes
Municipal Code Chapter 17.54 Supplemental Zoning Regulations and Exceptions	The provision that prohibits the sale of fireworks from June 23 rd to July 5 th has been removed.
Municipal Code Chapter 17.56 Conditional Uses	All references to assisted living facilities and public housing projects have been removed because they are not legally justified. The dimensional standards for Churches and Religious facilities have been removed from the conditional use section of the code since they are controlled by the base zone dimensional standards.
Municipal Code Chapter 17.60 Variances	The definition of a minor variance have been expanded and new grounds have been created that reflect the minor impact such a variance request will have. The Mixed-use zone Floor Area Ratio and Minimum height requirements have been added to the minor variances to allow flexibility in the new standards.
Municipal Code Chapter 17.61 Adjustments in the Mixed- use zones	The adjustment grounds have been removed and incorporated into the minor variance procedures of Chapter 17.60.
Municipal Code Chapter 17.62 Site Plan and Design Review	This section has been rewritten to remove the R-3.5 dwelling district from the site plan and design review requirements.
Municipal Code Chapter 17.68 Zoning Changes and Amendments	This section has been amended to reference the Community Development Department Fee Schedule rather than the zoning code for determining application fees.
Municipal Code Chapter 17.80 Communication Facilities	The title of this chapter is incorrect. Communication Facilities is the correct title.

III. DECISION-MAKING CRITERIA:

Chapter O of the 1982 Oregon City Comprehensive Plan, Comprehensive Plan Maintenance and Update, contains criteria for approving changes to the comprehensive plan and plan map. Review of the comprehensive plan 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 that made available to the City of regional, state and federal governmental agencies.*

Chapter 17.68 of the Oregon City Zoning Code contains criteria for approval of zone changes.

17.68.020 Criteria. The criteria for a zone change are set forth as follows:

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*
- C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*
- D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

IV. ANALYSIS AND FINDINGS

A. Chapter O. Comprehensive Plan Maintenance and Update

Regular Review and Update

Another method of Plan maintenance and updating is a continuous technical review of the Plan by the Planning staff. This review and any subsequent recommendations for Plan updating should be presented to the Neighborhood Associations, Planning Commission and City Commission for input and discussion in the same manner as requested Plan changes. The continuous review should consider:

1. Plan implementation process;

The process to implement the Plan and ensure that the desires of the community are accurately represented requires the continuous review and, when necessary, make amendments to the Plan. As part of the approval of the existing Comprehensive Plan, the City Commission determined that it was necessary to revisit the adopted Plan to ensure that the goals and policies accurately reflect the vision for the development of Oregon City and will effectively serve as a guiding document for future land use decisions and zoning code development. Staff was directed to expand the goals and policies concerning affordable housing in Oregon City and to develop a policy concerning the redevelopment of the historic downtown. As part of this process, additional amendments to the Plan and Zoning Maps and the municipal code have been made. These amendments are necessary to implement the goals and policies of the Comprehensive Plan.

2. Adequacy of the Plan to guide land use actions, including an examination of trends.

The Plan, as adopted on May 19th, 2004, adequately guides land use actions and included an examination of transportation, development, housing and population growth in Oregon City and the region. Staff has proposed the addition of a policy to Chapter 2 – Land Use and the addition of a new goal and supporting policies to Chapter 10 – Housing. The additional goal and policies will effectively guide future land use action concerning the redevelopment of the historic downtown and the provision for and protection of affordable housing in Oregon City.

3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.

The existing Plan was adopted on May 19th, 2004 and reflects the needs, desires, attitudes and conditions of the community. The adopted Plan included a Citizens Technical Advisory Committee and several open houses and work sessions with the Planning Commission and City Commission. Since adoption of the Plan, there have been no comments submitted concerning the goals and policies. The proposed changes expand on and clarify the existing goals and policies in Chapters 2 and 10 and reflects the community need to redevelop the historic downtown and provide affordable housing for current and future residents.

4. Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.

Factual information on housing needs by income level was provided by the 2000 US census and utilized in the development of the Plan that was adopted on May 19th, 2004. The plan also responded to targets for future population and employment growth provided by Metro. Policies in support of Metro requirements and factual information are reflected in the adopted plan. No new factual information is being provided through this process.

B. Compliance with Statewide Planning Goals

Compliance with the Statewide Planning Goals is not a specific requirement for staff-sponsored changes to the comprehensive plan or plan map. However, for the plan to be approved by DLCD it must comply with the applicable statewide planning goals. The analysis below is provided for the Planning Commission and the public to understand how the proposed update complies.

Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The proposed additional policy to the Land Use section of the Comprehensive Plan is needed to ensure that the historic downtown develops consistently with the community vision for the area. The policy requires review of the redevelopment of the area to examine the need to restrict office and residential uses to the second floor and require retail on the first floor, thereby creating a lively and vibrant pedestrian street design.

Goal 10 Housing

To provide for the housing needs of citizens of the state.

Goal 10 has been amended to create a goal addressing affordable housing. The goal and supporting policies will provide a framework for reviewing, maintaining, and if necessary protecting affordable housing land in Oregon City. The policies include the replacement of affordable housing lost when considering Plan Map amendments, the creation of a density bonus system for housing developments that would provide housing to residents earning less than 50% of the median income for Oregon City and to support Metro's Title 7 Voluntary Affordable Housing Production Goals.

Oregon City Zoning Code

Compliance with the criteria for zone changes, below, are discussed in general, and for the specific zone changes as follows:

17.68.020 Criteria. The criteria for a zone change are set forth as follows:

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

The proposed changes are consistent with the goals and policies of the comprehensive plan. The proposed re-zoning of the slit-zoned properties will provide consistency with the surrounding land uses and clarification concerning the allowed use on the sites.

The proposed zone changes from R-10 to R-8 will provide consistency with the surrounding properties zoned R-8 single-family. The properties have an existing comprehensive plan designation of Low Density Residential, which allows the proposed R-8 zoning designation. The up-zone will encourage the redevelopment and infill of vacant or under developed lots, maximizing the efficient use of the existing infrastructure and lands currently available within the city limits.

The proposed re-zoning from Future Urban-10 to Campus Industrial of the Industrial properties to the north of Glen Oak Road and west of Beavercreek Road will encourage the redevelopment of these sites to manufacturing and employment uses and potentially provide uses compatible with Clackamas Community College and Oregon City High School educational programs. The sites are located within the city; however, they have maintained the Clackamas County zoning designation. Services are currently available in Glen Oak Road and can be made available in Beavercreek Road, maximizing the efficient use of the infrastructure and the lands currently available within the city limits.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

The changes proposed are consistent with the comprehensive plan designations. The public facilities planned for those areas can generally support the new uses as Oregon City's utilities have adequate capacity for new uses within the city limits. The proposed zone changes from R-10 to R-8 would not significantly increase the maximum density and would not create significantly different demands than the existing zoning. Increased flexibility with respect to setbacks and lot sizes may encourage more efficient use of land and result in more efficient provision of services. The proposed zone change from FU-10 to CI would implement the zoning designated and planned for the properties, which would not create additional demands on public facilities. Therefore, the rezones would not have a negative impact on the ability of the subject areas to be served by public facilities and services.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

The proposed zone changes from R-10 to R-8 would not significantly increase the maximum density or change the permitted uses on affected lots. Therefore, the rezones would not have a negative impact on the ability of the transportation network to serve the rezoned areas. The rezoning of the industrial properties from FU-10 to Campus Industrial, which supports the Industrial Comprehensive Plan designation, is consistent with the function, capacity and level of service of the transportation system planned for this area.

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

Consistency with statewide planning goals as they apply to the proposed comprehensive plan update is demonstrated above. The zoning ordinance updates and zoning map amendments implement the changes to the comprehensive plan as proposed. Therefore, the proposed changes comply with this criterion.

V. RECOMMENDATION:

Based on the findings contained in this report, staff recommends that the Planning Commission for the proposed amendments to the City Commission for approval.

V. EXHIBITS:

1. Proposed Comprehensive Plan Amendments dated August 16, 2004
2. Proposed Zoning Map Amendments dated August 16, 2004
3. Letter from Mr. Fowler dated July 28, 2004
4. Proposed Amendments to the Oregon City Comprehensive Plan, Plan Map, Municipal Code and Zoning Map – Version 1 dated August 16, 2004


















CITY OF OREGON CITY

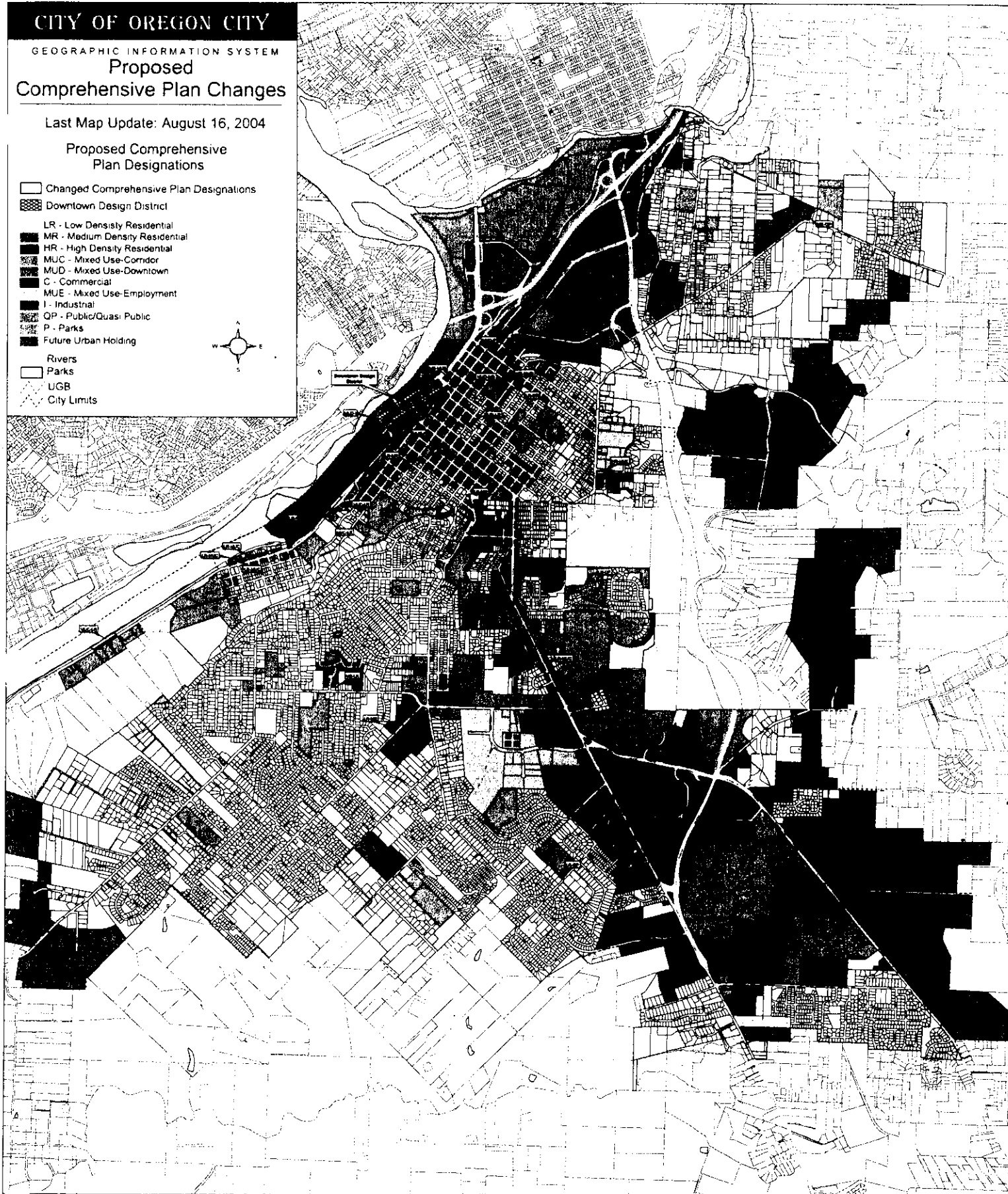
GEOGRAPHIC INFORMATION SYSTEM

Proposed Comprehensive Plan Changes

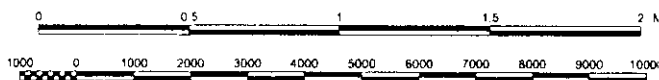
Last Map Update: August 16, 2004

Proposed Comprehensive Plan Designations

-  Changed Comprehensive Plan Designations
-  Downtown Design District
-  LR - Low Density Residential
-  MR - Medium Density Residential
-  HR - High Density Residential
-  MUC - Mixed Use-Corridor
-  MUD - Mixed Use-Downtown
-  C - Commercial
-  MUE - Mixed Use-Employment
-  I - Industrial
-  QP - Public/Quasi Public
-  P - Parks
-  Future Urban Holding
-  Rivers
-  Parks
-  UGB
-  City Limits



MAP FOR REFERENCE PURPOSES ONLY.
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.



City of Oregon City



Exhibit

1

CITY OF OREGON CITY

GEOGRAPHIC INFORMATION SYSTEM

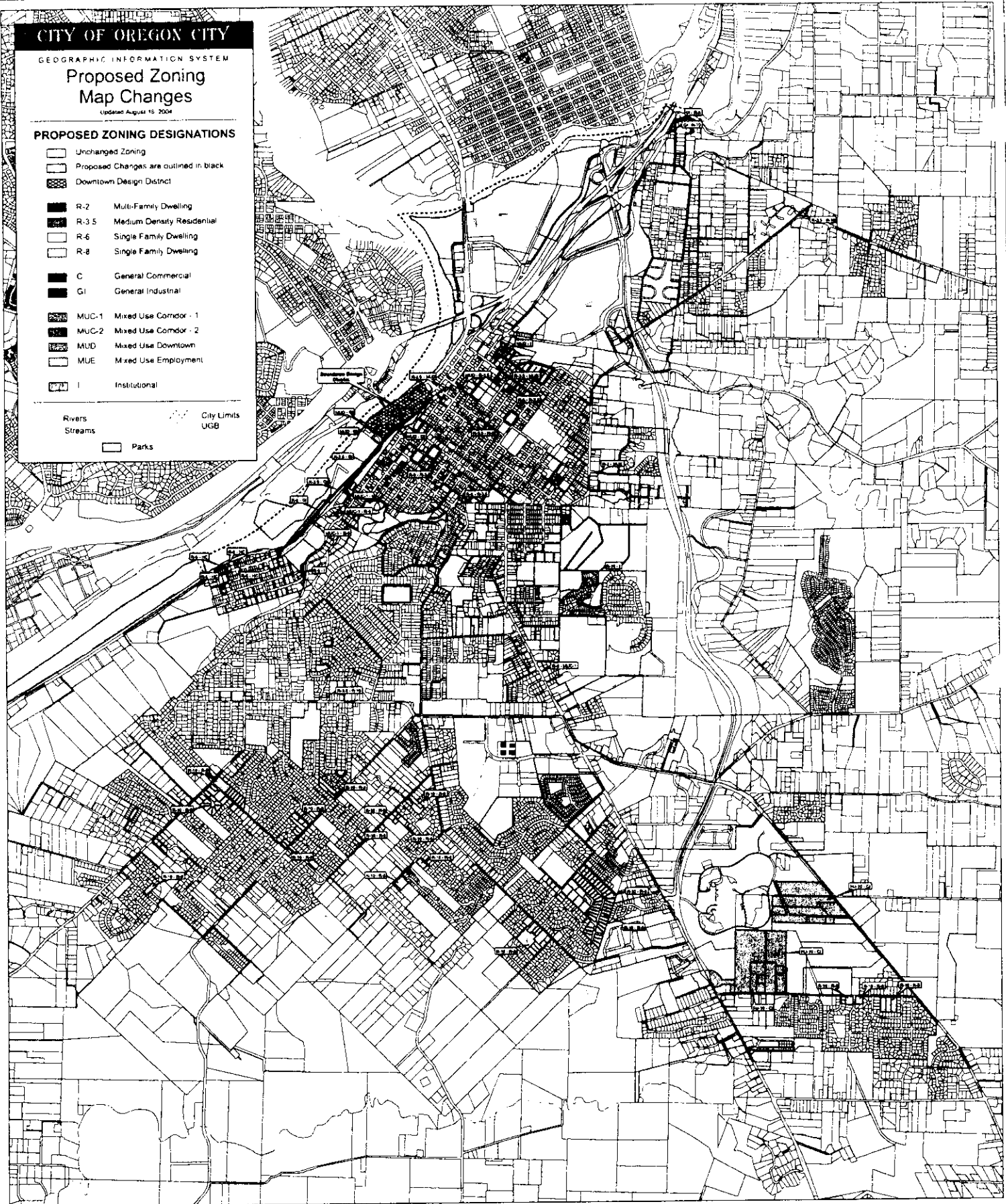
Proposed Zoning Map Changes

(Updated August 16, 2004)

PROPOSED ZONING DESIGNATIONS

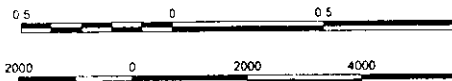
- Unchanged Zoning
- Proposed Changes are outlined in black
- Downtown Design District
- R-2 Multi-Family Dwelling
- R-3.5 Medium Density Residential
- R-6 Single Family Dwelling
- R-8 Single Family Dwelling
- C General Commercial
- GI General Industrial
- MUC-1 Mixed Use Corridor - 1
- MUC-2 Mixed Use Corridor - 2
- MUD Mixed Use Downtown
- MUE Mixed Use Employment
- I Institutional

- Rivers
- Streams
- City Limits
- UGB
- Parks



MAP FOR REFERENCE PURPOSES ONLY
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.

Please recycle with colored office grade paper



Exhibit

2

Abernethy Center
04 JUL 28 PM 5:01
RECEIVED
CITY OF OREGON CITY

July 28, 2004

Dan Drentlaw
320 Warner-Milne Road
Oregon City, Oregon 97045

Re: Minor Adjustment to Zoning Boundary

Dear Dan:

We are requesting a minor change to the boundary in the downtown MUD, Mixed Use Downtown Zone. We recently purchased Tax Lot 7100 of Block 119, Lots 5 and 6. This property is level with the remaining property in the area. The property is very beautiful and private. We are planning on using it for outdoor wedding ceremonies at the Abernethy Center. The topography separates it from the surrounding MR, Medium Density Residential Zone. A map is enclosed showing the property and the requested change.

Please let me know the process of this requested change; if it is handled administratively or if it would require us to file any other papers or applications.

Thank you for your consideration.

Sincerely,



Dan Fowler
Member/Manager
DF:jsl

Amendments to the Oregon
City Comprehensive Plan, Plan
Map, Municipal Code and
Zoning Map.
City of Oregon City
Planning Division

Dan Drentlaw – Community Development Director

For more information, contact:

Tony Konkol, Senior Planner

Christina Robertson-Gardiner, Associate Planner

Sean Cook, Associate Planner

Phone: (503) 657-0891

City of Oregon City Planning Division

320 Warner Milne Road

Oregon City, Oregon 97045

Phone: (503) 657-0891

Fax: (503) 722-3880

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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2. LAND USE

GOALS AND POLICIES

Goals

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.

Policy 2.2.13 Monitor the redevelopment within the Downtown Design District and investigate the need to require retail and service uses on the first floor and limiting residential and office uses to the second floor and above.

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

Both the State of Oregon and Metro have requirements that Oregon City must fulfill with respect to its comprehensive planning for residential needs. 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. **Compliance with Goal 10 is demonstrated through a housing inventory and analysis, which is also part of Metro's requirements (see below). The housing inventory and analysis that were completed for this updated plan is discussed below.**

Oregon has two Metro requirements to fulfill. The first, related to Metro's 2040 Growth Concept, is discussed in the following paragraphs. The second, related to Title 7 of the Urban Growth Management Functional Plan, concerns provisions for affordable housing and is discussed at the end of this section.

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

¹ Assumes 2.62 per household and 5% vacancy.

In January 2001 Metro Council adopted amendments to the Regional Framework Plan and Urban Growth Management Functional Plan (UGMFP) to further the implementation of the Regional Affordable Housing Strategy. The UGMFP amendments require local jurisdictions to consider the adoption of a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as constituting no more than 30% of household income for people making 50% of the Median Household Income (in each jurisdiction). By that definition, an affordable housing unit in Oregon City in 2000 would not cost more than \$570 per month. The housing inventory and analysis completed for the comprehensive plan update showed that the number of lower-cost units in Oregon City was less than the number needed to meet all of the housing needs of the city's lower-income residents. Consequently, this Housing element adopts Title 7 tools and strategies as Goal 10.2 and Policy 10.2.3 below.

Many of the policies for 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.
- 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.

Goal 10.2: Provide and maintain an adequate supply of affordable housing.

Policies

Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Map, ensure potential loss of affordable housing is replaced.

Policy 10.2.2 Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50% of the median income for Oregon City.

Policy 10.2.3 Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

CHAPTER 16.12 LAND DIVISIONS

16.12.110 Street design—Private street.

~~The city discourages the use of private streets and permanent dead-end private streets except where construction of a through street is found by the decision-maker to be impracticable due to topography; some significant physical constraint such as unstable soils, wetlands, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. As a minimum, private streets and/or right of way shall comply with the following criteria and, if necessary, slope easements and altered curve radius may be required by the city engineer:~~

- ~~A. Maximum length of two hundred feet. An exception to this may only be permitted if emergency vehicular access and supportive facilities are provided and the application is recommended by the city engineer;~~
- ~~B. Applies only to planned unit developments;~~
- ~~C. Facilities are constructed to city standards;~~
- ~~D. Sidewalk located on one side of the street and may include rolled curbs;~~
- ~~E. Maintenance agreement identifying all owners of the lots in the plat which identifies the maintenance of the private street and mechanism for implementation; and~~
- ~~F. Minimum of twenty feet pavement width. (Ord. 98-1007 §1(part), 1998)~~

16.12.235 Building sites- Calculations of lot area.

- A. A subdivision in a ~~the R-10, R-8, R-6 of R-3.5~~ single-family dwelling district may include lots that are up to ten percent 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.

16.12.360 Minimum improvements--Road standards and requirements.

- ~~A. Subdivision applicants may propose private streets so long as the design for all accessways are reviewed and approved by the city engineer as being adequate for fire and life safety access and so long as the applicant provides a legally binding means for the repair and maintenance of all private streets proposed.~~

- AB.** The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

- CB.** For any public street created pursuant to subsection **AB** of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the planning manager and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions. (Ord. 98-1007 §1(part), 1998)

CHAPTER 17.04 DEFINITIONS

Chapter 17.04.290 Home Occupation.

"Home occupation" means an occupation carried on solely by the resident of a dwelling house as a secondary use, in connection with which no assistants are employed, no commodities are sold other than services, no audible sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a single-family dwelling, and not more than one-half of the floor area of one story is devoted to such use. The occupation **may** ~~shall not~~ be carried on in an accessory building of the residence. (Prior code §11-1-6(part))

CHAPTER 17.06 ZONING DISTRICT CLASSIFICATIONS

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. 03-1014, Att. B3 (part), 2003: 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 Commercial	21.8	*	35	10	0	10	10
GI General Industrial	0	—	40	10	0	10	10

Residential

Standard	R-10	R-8	R-6	R-3.5	R-2
Minimum Lot Size	10,000 sq. ft.*	8,000 sq. ft.*	6,000 sq. ft.*	3,500 sq. ft.*	2,000 sq. ft.*
Maximum Height	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	4 Stories (55 ft.)*
Maximum Building Lot Coverage	40%	33%	36%	45%	--
Minimum Front Yard Setback	20 ft.	15 ft.	10 ft.	5 ft.	5 ft.*
Minimum Interior Side Yard Setback	10 ft. / 8 ft.	9 ft. / 7 ft.	9 ft. / 5 ft.	Detached – 5 ft. Attached – 7 ft.	5 ft.
Minimum Corner Side Yard Setback	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.
Minimum Rear Yard Setback	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage Standards Applicable	Yes*	Yes*	Yes*	Yes*	Yes*
Garage Setbacks	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley

*See district description for further information

Commercial

Standard	C	MUC-1	MUC-2	NC	HC
Maximum Building Height	3 Stories (45 ft.)*	3 Stories (45 ft.)*	60 ft	2.5 Stories (35 ft.)	3 Stories (35 ft.)
Minimum Building Height	--	--	2 Stories (25 ft.)	--	--
Maximum Lot Coverage	--	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building Footprint – 10,000 sq. ft.*	Building and Parking Lot – 80%
Maximum Front Yard Setback	5 ft.*	5 ft.*	5 ft.*	5 ft.*	5 ft.*
Maximum Interior Side Yard Setback	--	0 - 30 ft.*	0 - 33ft.*	0 - 10 ft.*	0-5 ft.*
Maximum Corner Yard Setback	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5ft.*
Maximum Rear	10 ft.	0 - 30 ft.*	0 - 33ft.*	0 - 10 ft.*	0 - 20 ft.*

Yard Setback					
---------------------	--	--	--	--	--

*See district description for further information

Employment, Downtown and Industrial

Standard	MUE	MUD	MUD – Design District	GI	CI
Maximum Building Height	60 ft. / 85 ft.*	45 ft /75 ft.*	58 ft.	3 Stories (45 ft.)*	45 ft. / 85 ft.*
Minimum Building Height	--	2 Stories (25 ft)*	2 Stories (25 ft.)*	--	--
Maximum Lot Coverage	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building and Parking Lot – 100%	--	--
Maximum Front Yard Setback	5 ft.*	20 ft.*	10 ft.*	25ft.*	25ft.*
Maximum Interior Side Yard Setback	50 ft.*	0 ft.*	0 ft.*	25ft.*	25ft.*
Maximum Corner Yard Setback	5 ft.*	20 ft.*	10 ft.*	25ft.*	25ft.*
Maximum Rear Yard Setback	5 - 50 ft.*	*	10 ft*	25ft.*	25ft. / 100 ft*

*See district description for further information

CHAPTER 17.22 LO – LIMITED OFFICE

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. (Ord. 03-1014, Att. B3 (part), 2003)

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;
Stationery store;
Studio for art, dance, music, photo; and
Watch and clock repair shop.
(Ord. 03-1014, Att. B3 (part), 2003)

17.24.025 Conditional uses.

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

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of 10,000 square feet.**

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 **or conditional use as identified in Section 17.24.025.**

(Ord. 03-1014, Att. B3 (part), 2003)

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: ten thousand 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: ten feet.
- E. Maximum Allowed Setback.
 - 1. Front yard: five 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: thirty 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 ten percent for mixed-use projects, subject to a determination by the community development director that the project qualifies as a "mixed-use" project. (Ord. 03-1014, Att. B3 (part), 2003)~~

CHAPTER 17.26 HC – HISTORIC COMMERCIAL DISTRICT

17.26.020 Permitted uses.

- A. **Uses permitted in the MUC-1 Mixed Use Corridor District**
- B. **Residential Units, single-family detached**

~~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; and
 Uses permitted in the R-6 single-family dwelling district. (Ord. 03-1014, Att. B3 (part),
 2003; 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. ~~Conditional Uses listed in the MUC-1 Mixed Use Corridor District~~Section 17.56.030.

(Ord. 03-1014, Att. B3 (part), 2003; Ord. 96-1026 §2, 1996; prior code §11-3-11(B))

17.26.050 Dimensional standards.

A. Residential Unit, Single-family detached:

1. Dimensional standards required for the R-6 Single-family dwelling district.

B. All other uses:

1. Minimum Lot Area: **None.**
2. **Maximum building height: 35 feet or 3 stories, whichever is less.**
3. **Minimum required setbacks if not abutting a residential zone: None.**
4. **Minimum required rear yard setback if abutting a residential zone: 20 feet.**
5. **Minimum required side yard setbacks if abutting a single-family residential use: 5 feet.**
6. **Maximum front yard setback: 5 feet (May be extended with Site Plan and Design Review section 17.62.055).**
7. **Maximum interior side yard: None.**
8. **Maximum rear yard: None.**
9. **Minimum required landscaping (including landscaping within a parking lot): 20 percent.**
 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. (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-3-11(D))~~

CHAPTER 17.29 MUC – MIXED USE CORRIDOR

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; infirmity 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 six p.m. 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 chapter;
- 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;
- ~~QR.~~ 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 ten thousand square feet;
- ~~RS.~~ Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;{+}
- ~~ST.~~ Studios and galleries, including dance, art, photography, music and other arts;
- ~~TU.~~ 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.
- ~~UV.~~ Veterinary clinics or pet hospitals, pet day care. (Ord. 03-1014, Att. B3 (part), 2003)

17.29.030 Conditional uses--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;
- C. Drive-in or drive-through facilities;
- D. Emergency services;
- E. Motor vehicle service, parts sales, repair, or equipment rental;
- F. Museums and cultural facilities;
- G. Outdoor markets that do not meet the criteria of Section 17.29.020(H);

- H. Public utilities and services;
- I. Religious institutions;
- J. 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 ~~ten thousand square feet in the MUC-1 zone or of~~ sixty thousand square feet in the **MUC-1 or MUC-2** zone;
- K. Schools, including trade schools and technical institutes; and
- L. Vehicle fuel sales. (Ord. 03-1014, Att. B3 (part), 2003)

17.29.050 Dimensional standards--MUC-1.

- A. Minimum lot areas: none.
- B. Maximum building height: forty-five feet or three 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: twenty feet, plus one-foot additional yard setback for every one-foot of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard: five 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: thirty 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 ten percent for mixed use transit orientated projects, subject to a determination by the community development director that the project qualifies as a "mixed use" project.~~
- FG. Maximum lot coverage of the building and parking lot: eighty percent.
- GH. Minimum required landscaping (including landscaping within a parking lot): twenty percent. Ord. 03-1014, Att. B3 (part), 2003)

17.29.060 Dimensional standards--MUC-2.

- A. Minimum lot area: none.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: sixty 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: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: five 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: twenty 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 fifteen percent for mixed-use transit orientated projects, subject to a determination by the planning director that the project qualifies as a "mixed-use" project.~~
- HI. Maximum site coverage of building and parking lot: ninety percent.
- IJ. Minimum landscaping requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

CHAPTER 17.30 TOURIST COMMERCIAL

17.31 MUE – MIXED USE EMPLOYMENT

17.31.020 Permitted uses.

Permitted uses in the MUE district are defined as:

- A. Auditoriums, exhibition halls;
- B. Banks, savings, credit union, stocks and mortgages;
- C. Banquet, conference facilities and meeting rooms;
- D. Child care facilities;
- E. Clinics, outpatient; infirmary services;
- F. Distributing, wholesaling and warehousing;**
- GF. Employment training and business services;
- HG. Health and fitness clubs, including tennis courts and swimming pools, but exclusive of spectator sports facilities;
- IH. Hospitals, medical centers and emergency service facilities;
- JI. 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
- KJ. Offices; including finance, insurance, real estate and government;
- LK. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- ML. Postal services;
- NM. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing, photo engraving;
- ON. Public utilities and services;
- PO. Publicly-owned parks, play fields and community or neighborhood centers;

- QP. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- RQ. Residential units, single-family detached residential existing prior to adoption of this chapter;
- SR. Software development;
- TS. Transit and passenger rail center and station, exclusive of transit storage areas;
- UF. 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. (Ord. 03-1014, Att. B3 (part), 2003)

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;~~
- DE. Draying, trucking and automobile freighting yard;
- EF. Entertainment centers and facilities, outdoor;
- FG. Foundry casting lightweight non-ferrous metals;
- GH. Ice or cold storage plant;
- HI. Junk yards, salvage yards, wrecking yards, storage yards and recycling centers;
- IJ. Kennels;
- JK. Machinery, equipment or implement sales, service or rental relating to farming and construction (heavy equipment);
- KL. Motor vehicle, travel trailer, recreation vehicle, motorcycle, truck, manufactured home and boat sales, leasing, rental or storage;
- LM. Recreational vehicle (RV) parks, including sites established or maintained for travel trailers, truck campers, camping trailers and self-propelled motor homes;
- MN. Self-storage facilities;
- NO. Storage yard for contractor's equipment, transit vehicles and related vehicle or equipment maintenance activities;
- OP. Warehouse/freight movement; and
- PQ. Wholesale and bulk sales. (Ord. 03-1014, Att. B3 (part), 2003)

CHAPTER 17.32 C – GENERAL COMMERCIAL

17.32.040 Dimensional standards.

- A. Minimum Lot Area. Buildings hereafter built wholly or used partially for dwelling purposes shall comply with the dimensional standards in the R-2 multi-family dwelling district; otherwise, no minimum lot area is required;
- B. Maximum building height not to exceed **forty-five** ~~thirty-five~~ feet;
- C. Minimum Required Setbacks.

1. Front yard: ten feet minimum depth.
 2. Interior side yard: no minimum.
 3. Corner side yard: ten feet minimum width.
 4. Rear yard: ten feet minimum depth.
- (Editorially amended, Supp. No. 5; prior code §11-3-13(C))

17.34 MUD – MIXED USE DOWNTOWN

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 **Downtown Design District** overlay design sub-district for the historic downtown area. **Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district.** The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment. (Ord. 03-1014, Att. B3 (part), 2003)

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. Health and fitness clubs;
- F. Hotel and motel, commercial lodging;
- G. Indoor recreational facilities, including theaters;
- H. Marinas;
- I. Medical and dental clinics, outpatient and infirmary services;
- J. Museums and cultural facilities;
- K. Office ~~uses, 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 six p.m. 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 chapter;
- 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 sixty thousand square feet (a free standing building over sixty thousand 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; and
- 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. (Ord. 03-1014, Att. B3 (part), 2003)

17.34.060 Dimensional standards--Except for within the Downtown Design District 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: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
 - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 - 2. Property within five hundred feet of the End of the Oregon Trail Center property; and
 - 3. Property within one hundred 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: fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.

1. Front yard: twenty 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: twenty 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: twenty feet 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 twenty five percent for mixed use projects subject to a determination by the community development director that the project qualifies as a "mixed-use" project.~~
- HI. Maximum site coverage including the building and parking lot: ninety percent.
- IJ. Minimum landscape requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

17.34.070 Dimensional standards—Downtown Design DistrictHistoric 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: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: fifty-eight 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: twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 1. Front yard: ten 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: ten 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: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Parking Standards. The minimum **number of** off-street vehicular parking **stalls required in Chapter 17.52 may be reduced by fifty percent.** ~~requirements of Chapter 17.52 may be reduced by fifty percent. 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: one hundred percent.
- J. Minimum Landscape Requirement. Development within the **Downtown Design District** ~~historic~~ overlay district is exempt from required landscaping standards in Section 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 **and shall be provided per the standards of Chapter 12.08 and Chapter 17.52.** (Ord. 03-1014, Att. B3 (part), 2003)

CHAPTER 17.44 US – Geologic Hazards~~UNSTABLE SOILS AND HILLSIDE~~ ~~CONSTRAINTS OVERLAY DISTRICT~~

17.44.020 Definitions.

For the purpose of this chapter, the following definitions are applicable:

“Geotechnical remediation” means construction designed to increase the factor of safety against earth movement.

“Hillside” refers to any area with a slope of twenty-five percent or more.

“Landslide areas” means those areas identified as known or potential landslide or mass movement geological hazard areas:

1. 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), or in any subsequent DOGAMI mapping for the Oregon City area; or
2. By Portland State University in a study entitled “Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon” (1992).

“Slope” shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The ~~minimum~~ horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;
3. The resulting number is the slope expressed as a percentage.

“Unstable slopes” or “unstable soils” includes:

1. Any area identified on the city’s **Steep Slope** ~~unstable soils and hillside constraint overlay district~~ map;
2. Any other area that is identified on official 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, **seismic activity** or for which field investigation, performed by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession, confirm the existence of or potential for a severe hazard. (Ord. 94-1001 §2(part), 1994)

17.44.060 Development standards.

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter:

- A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal **and fill and grading** for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional prior to any earthwork. Up to a 30-day modification to the October 31 date, and a 45-day modification to the May 1 date may be made by the City Engineer, based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

- B. Designs shall minimize the number and size of cuts and fills.

- C. **Exposed cut slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Cut faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent. The top of cut slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.**

~~Toes of cuts and fills shall be set back from boundaries of separate private ownerships at least three feet, plus one fifth of the vertical height of the cut or fill. An exception to this requirement may be granted so long as the review authority determines there is a negligible risk of landslide, slump or erosion and a slope easement is provided.~~

- D. **Grading – fills. No terracing shall be allowed except for the purpose of developing a level building pad and for providing vehicular access to the pad. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.**

~~Except in connection with geotechnical remediation plans approved in accordance with this chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent.~~

- E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.
- F. Retaining walls shall be constructed in accordance with the Uniform Building Code adopted by the state of Oregon.
- G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.
- H. ~~Unless the property is developed as a planned development pursuant to Chapter 17.64,~~ Density shall be determined as follows:
 - 1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;
 - 2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
 - 3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection J of this section.
- I. ~~For those portions of the properties~~ with slopes of twenty-five to thirty-five percent between grade breaks:
 - 1. **For those portions of the property with slopes of twenty-five to thirty-five percent,** ~~the~~ the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
 - 2. **An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no** ~~No~~ more than fifty percent or four thousand square feet of the surface area ~~of an individual lot or parcel~~, whichever is smaller, ~~shall be~~ graded or stripped of vegetation or covered with structures or impermeable surfaces.
 - 3. **No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.**

- J. For those portions of the property with slopes over thirty-five percent between grade breaks:
1. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;
 2. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.
- K. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur. (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 **in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.**
- 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 ~~vegetation~~ **sed** 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. **No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.**
- 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. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)
- H. **Building envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.**

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.120 Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the planning manager determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the planning manager determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing before the city commission.
- B. **Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).**
- C. **Written notice of an appeal hearing before the City Commission shall be sent by regular mail no later than 14 days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site and all persons who testified either orally or in writing before the hearing body.**

~~Notice of the hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).~~

DC. The planning manager shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

ED. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The decision-maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;
4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and
5. That the commission chair shall call for any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item.

FE. Requests for continuance and to keep open the record: The commission or board, as the case may be, may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the commission or board establishes a time certain and location for the continued hearing. Similarly, the decision-maker may close the hearing but keep open the record for the submission of additional written material or other documents and exhibits. The commission or board may limit the factual and legal issues that may be addressed in any continued hearing or open-record period. (Ord. 98-1008 §1(part), 1998)

17.50.190 Appeals.

Appeals of any non-final decisions by the city must comply with the requirements of this section.

- A. Type I decisions by the planning manager are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, ~~Type III~~ or IV decision must be received in writing by the planning division within ten calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

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. **The required number of parking stalls may be reduced if one or more of the following is met:**

- A. Transit Oriented Development.** The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit. Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by ten percent.
- B. Transportation Demand Management.** The Community Development Director may reduce parking up to 10% when a development can demonstrate, in a parking-traffic study prepared by a traffic engineer:
 - 1. That use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
 - 2. That a Transportation Demand Management (TDM) Program has been developed for approval by the City Engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan the City may take enforcement actions.
- C. Shared Parking.** The Community Development Director may reduce parking requirements up to 50% when:
 - 1. **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of 50%, as determined by the Community Development Director.

2. **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 1,000 feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

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
Multi-Family: Studio Residential Unit (<500 sq ft)	1.00 per unit	1.52.00 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	2.500 per unit
Boarding/Lodging House	Case Specific	Case Specific
Mobile Homes	N/A	2.00 per unit
Hotel/Motel	1.0 per guest room	1.250 per guest 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	0.30 per # staff and students

	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

(Ord. 03-1014, Att. B3 (part), 2003: prior code §11-5-1)

17.52.070 Pedestrian access in off-street automobile parking areas.

- A. The off-street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the use being served.

- B. All pedestrian walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of pedestrian walkways shall be firm, stable and slip resistant, and shall comply with Chapter 1134 of the Uniform Building Code.
- C. Where an accessible pedestrian walkway crosses or adjoins a vehicular way, the boundary between the areas shall be defined by a marked crossing having a continuous, detectable marking not less than thirty-six inches wide. Where pedestrian walkways cross driving aisles, they shall be clearly marked with contrasting slip resistant materials. (Ord. 95-1001 §2(part), 1995)

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.060 Seasonal sales.

The following standards shall apply to seasonal sales which are limited to:

- A. Fireworks Sales. The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5.
 - 1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
 - 2. A business license shall be required pursuant to Title 5 of this code.
- B. Christmas Tree Sales. The annual season for Christmas tree sales shall commence no sooner than the day after Thanksgiving and shall continued no longer than December 26.
 - 1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
 - 2. Signing within the city limits for sales lots located outside the city limits shall be limited to no more than two signs, the dimensions of which shall not exceed twelve square feet, each. The placing of signs on property not privately-owned shall be by permission obtained from the city.
 - 3. A business license shall be required pursuant to Title 5 of this code.
- C. All signing for seasonal sales shall be removed no later than the day after the holiday.
- ~~D. The provisions of subsection A of this section shall be repealed on July 5, 1991. (Ord. 91-1018 §2, 1991; prior code §11-4-6)~~

CHAPTER 17.56 CONDITIONAL USES

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; **and** 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;~~
- VW. Sales and service establishments of manufactured homes and recreational vehicles in C and GI districts;
- WX. Stadiums, arenas and auditoriums, excluding residential districts; and
- XY. Welfare institutions and social service organizations, excluding residential districts. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1004 §§1, 2, 1998; Ord. 91-1025 §2, 1991)

17.56.040 Criteria and standards for conditional uses.

In addition to the standards listed herein in Section 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

- A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.
- B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
- C. ~~Churches and Other Religious Facilities. The planning commission may authorize a church as a conditional use if the following dimensional standards are used:~~
 - ~~1. Minimum lot area, ten thousand square feet;~~
 - ~~2. Minimum street frontage, one hundred feet;~~
 - ~~3. Maximum lot coverage, fifty percent for all buildings;~~
 - ~~4. Maximum building height, fifty feet;~~
 - ~~5. Minimum depth, one hundred twenty five feet;~~

6. ~~Minimum setback distance, front yard, thirty feet; rear yard, twenty feet; side yard, twenty feet. Buildings on corner lots shall observe the minimum setbacks on both streets. Side yard and rear yard setbacks shall be increased by five feet for each additional story exceeding two stories or thirty feet, whichever is less.~~

CHAPTER 17.60 VARIANCES

17.60.0230 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. **A Variance shall address the criteria identified in Section 17.60.030 Variances – Grounds.**
- 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), **and shall address the criteria identified in Section 17.60.040 Minor Variance - Grounds.**
- 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. **Five percent variance to the minimum required parking stalls.**
 7. **Variances to the Floor Area Requirements and minimum required Building Height in the Mixed Use Districts.**

(Ord. 03-1014, Att. B3 (part), 2003; Ord. 00-1003 §12, 2000; prior code §11-8-4)

17.60.0320 Variances--Grounds.

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

- 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;
- 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;
 - 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;
 - D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;
 - E. That the variance requested is the minimum variance which would alleviate the hardship;
 - F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied. (Prior code §11-8-2)

17.60.040 Minor Variance – Grounds.

A minor variance may be granted only in the event that all of the following conditions exist:

- A. That the minor 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.**
- B. That the request is the minimum variance which would alleviate the hardship.**
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.**
- D. Any impacts resulting from the adjustment are mitigated; and**
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance.**
- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.**

CHAPTER 17.61 ADJUSTMENTS IN THE MIXED-USE ZONES

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.030 When required.

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6 and R-3.5, ~~R-6/MH, RC 4, and RD 4~~ zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses and non-residential uses in all zones, to planned developments, manufactured dwelling parks, and partitions and residential development within overlay districts. No building permit or other permit authorization for development shall be

issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts. (Ord. 94-1002 §1(part), 1994)

Chapter 17.68 – ZONING CHANGES AND AMENDMENTS

17.68.060 Filing of an application.

Applications for amendment, or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the ~~fee schedule in Chapter 17.50~~ **Community Development Department Fee Schedule**. (Ord. 91-1007 §1(part), 1991; prior code §11-12-6)

CHAPTER 17.80 COMMUNICATION FACILITIES BUILDING CODE



PC Mailing List

Meeting Date: 8/23/04

Sent On: 8-16-104

Number	Recipients	Sent
10 8	Copies for Front Table	F ✓
1	PC Binder	F ✓
1	Front Counter	F ✓
1	Dan Drentlaw	F ✓
1	Tony Konkol	A ✓
1	Christina Robertson-Gardiner	A ✓
1	Sean Cook	A ✓
1	Larry Patterson	F ✓
1	Bob Cullison	A ✓
1	Nancy K	A ✓
1	City Recorder	A ✓
1	Fire Department	A ✓
1	Public Works	A ✓
1	Police Department	A ✓
1	Library	F ✓
1	Carnegie Center	F ✓
1	Pioneer Center	F ✓
5	City Commission	A ✓

*In addition to the names on the following page

Total:

F = 15
A = 10

CICC Chairman/Hillendale Nbrhd
Julie Hollister
13304 Clairmont Way
Oregon City, OR 97045

Barclay Hills Nbrhd Assoc.
Elizabeth Klein, Land Use
13569 Jason Lee Drive
Oregon City, OR 97045

Canemah Nbrhd Assoc.
Howard Post, Chairman
302 Blanchard Street
Oregon City, OR 97045

Caufield Nbrhd Assoc.
Cathi VanDamm
15092 S. Persimmon Way
Oregon City, OR 97045

Caufield Nbrhd Assoc.
Mike Mermelstein, Land Use
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Gaffney Lane Nbrhd Assoc.
Joan Schultze
19413 Stillmeadow Drive
Oregon City, OR 97045

Hazel Grove / Westling Farm N/A
Kathy Hogan, Chairman
19721 S. Central Point Road
Oregon City, Oregon 97045

Hillendale Nbrhd. Assoc.
Debbie Watkins, Co-Chairman
13290 Clairmont Way
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McLoughlin Nbrhd Assoc.
Denyse McGriff, Land Use
815 Washington Street
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McLoughlin Nbrhd Assoc.
Dean Walch, Co-Chairman
516 Madison Street
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Park Place Nbrhd. Assoc.
Ralph and Lois Kiefer
15119 Oyer Drive
Oregon City, OR 97045

Park Place Nbrhd. Assoc.
Don Slack
16163 Widman Court
Oregon City, OR 97045

Rivercrest Nbrhd. Assoc.
Diane McKnight, Chairman
161 Barclay Avenue
Oregon City, OR 97045

Rivercrest Nbrhd. Assoc.
Patti Brown, Land Use
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Karen Montoya, Chairman
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South End Nbrhd. Assoc.
Kathy Robertson, Land Use
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Bill Kabeiseman
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Planning Commission
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Planning Commission
Dan Lajoie
143 John Adams Street
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Planning Commission
Tim Powell
819 6th Street
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Planning Commission
Renate Mengelberg
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Oregon City, Or 97045

DJC
Kurt Shirley
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365 Warner-Milne Road, Ste. 110
Oregon City, Oregon 97045
Attn: Steve Mays

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West Linn, OR 97068

Rocky Younger
15080 Maple Lane
Oregon City, OR 97045

Dan Fowler
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Oregon City, OR 97045

Ryan Smith
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Joan Mitchell
393 Warner Parrott
Oregon City, OR 97045



31E12AB02600
PATTEN BETTY J
OR CURRENT RESIDENT
18926 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB02700
SNELL RON W
OR CURRENT RESIDENT
14615 SW HAZELTREE TERR
TIGARD OR 97224

31E12AB02800
WINSLOW LARRY I. & NANCY K
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18948 LAFAYETTE AVE
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31E12AB02900
SIMMONS DONALD & CARLA
OR CURRENT RESIDENT
18952 LAFAYETTE AVE
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31E12AB03000
KLAETSCH DEBORAH LYNN
OR CURRENT RESIDENT
19029 SOUTH END RD
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31E12AB03001
BUCK MAHLON M & MINNIE
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31E01CA01200
SUNDSTROM ROBERT W & MARIA C
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31E01CA01300
RONFELD JOHN A & SUSAN E
OR CURRENT RESIDENT
18774 CONIFER DR
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31E01CA01400
MILLS CHERYL L
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ZEIDA SHIRLEY I
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18754 CONIFER DR
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31E01CA01600
BUSSE JOSEPH W & MELODY A
OR CURRENT RESIDENT
18742 CONIFER DR
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31E01CA01700
CRAVENS TERRY RAY & KAREN JUNE
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18712 CONIFER DR
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31E01CA01800
SMRKOVSKY HOWARD ALLEN & MARY E
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18710 MADRONA DR
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31E01CA03000
HUGETT RICHARD W & DIANNE M
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18865 LAFAYETTE AVE
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31E01CA03100
WIGMORE WILLIAM F & KELLY J
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31E01CA03200
BROOKS IVAN L & NANCY E
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18835 LAFAYETTE AVE
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31E01CA03300
MANESS STEVEN H & M JANE HAWK
OR CURRENT RESIDENT
18825 LAFAYETTE AVE
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31E01CA03400
WALCH CANDACE
OR CURRENT RESIDENT
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31E01CA03500
ZIEMENDORF FREDERICK
OR CURRENT RESIDENT
18793 CONIFER DR
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31E01CA03600
RICE ZACHARY T
OR CURRENT RESIDENT
18783 CONIFER DR
OREGON CITY OR 97045

31E01CA03700
JUDD MICHAEL E
OR CURRENT RESIDENT
18773 CONIFER DR
OREGON CITY OR 97045

31E01CA03800
ASHLAND LLOYD D & SUSAN D
OR CURRENT RESIDENT
18763 CONIFER DR
OREGON CITY OR 97045

31E01CA03900
WELCH GARY L & KRISTEN L
OR CURRENT RESIDENT
18751 CONIFER DR
OREGON CITY OR 97045

31E01CA04000
CREAGER MICHAEL R & DIANNE H
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18739 CONIFER DR
OREGON CITY OR 97045

31E01CA04100
PACKUS WILLIAM L & JOANNE
OR CURRENT RESIDENT
18733 CONIFER DR
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31E01CA04200
DUMMER VIRGINIA
OR CURRENT RESIDENT
18714 MADRONA DR
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31E01CA04300
BUCKNER ERMA RUTH L-EST
OR CURRENT RESIDENT
18718 MADRONA DR
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31E01CA04400
BROWN ROBERT R & NICOLETTE M
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18865 OAK TREE AV
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31E01CA04500
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31E01CA04700
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31E01CA04800
POTTRATZ CLYDE J & VICKI J
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18789 OAKTREE AVE
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31E01CA04900
FINCH JAMES D & JENNIFER RAE
OR CURRENT RESIDENT
18787 OAKTREE AVE
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31E12A 02200
HENDRICKSEN JAMES S & ANN E
OR CURRENT RESIDENT
19101 S SOUTH END RD
OREGON CITY OR 97045

31E12A 02201
HOLMES NORRIS E & DORIS A
OR CURRENT RESIDENT
19056 S ROSE RD
OREGON CITY OR 97045

31E12A 02202
LEONARD DOROTHY A & ROBERT F
OR CURRENT RESIDENT
19058 S ROSE RD
OREGON CITY OR 97045

31E12A 02300
PEITZ IRENE M TRUSTEE
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GRESHAM OR 97030

31E12A 02402
CORDOVA ERWIN T & SAIPHIN
OR CURRENT RESIDENT
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31E12AA05200
HEILMAN ERVIN G
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19060 S SOUTH END RD
OREGON CITY OR 97045

31E12AA05300
JOLIVETTE RONALD L & ELSIE E
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11710 PARTLOW RD
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31E12AA08900
SCHROEDER CHARLES M & JUDY K
OR CURRENT RESIDENT
11711 S LONGSTANDING CT
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31E12AA09000
SHAW JAMEY G
OR CURRENT RESIDENT
11731 S LONGSTANDING CT
OREGON CITY OR 97045

31E12AA09600
WITKOWSKI DOROTHY N
OR CURRENT RESIDENT
11750 LONGSTANDING CT
OREGON CITY OR 97045

31E12AA09700
WOODWARD ROBERT W
OR CURRENT RESIDENT
11730 LONGSTANDING CT
OREGON CITY OR 97045

31E12AA09800
LUCAS JOE & JENNIFER H
OR CURRENT RESIDENT
11710 LONGSTANDING CT
OREGON CITY OR 97045

31E12AA09900
BAKER MATTHEW R & CAITLIN P
OR CURRENT RESIDENT
19124 SOUTH END RD
OREGON CITY OR 97045

31E12AB00900
ASKEW LARRY D
OR CURRENT RESIDENT
18971 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB01000
GRACE JENNIFER C
OR CURRENT RESIDENT
18969 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB01100
BRUHN LARA A & GAVIN
OR CURRENT RESIDENT
18959 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB01200
KUNZ HENRY C
OR CURRENT RESIDENT
18957 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB01300
JAHN DAGMAR G
OR CURRENT RESIDENT
18955 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB01400
RUMPCA LAVERN A
OR CURRENT RESIDENT
18953 LAFAYETTE
OREGON CITY OR 97045

31E12AB01500
MURPHY RICHARD B
OR CURRENT RESIDENT
18951 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB01600
BAKER FRANKLIN C JR & MARCIA E
OR CURRENT RESIDENT
18945 LAFAYETTE DR
OREGON CITY OR 97045

31E12AB01700
LIVINGSTON BRETT G & LISA M
OR CURRENT RESIDENT
18925 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB01800
DAIKER GREG L
OR CURRENT RESIDENT
18915 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB01900
BLANTON ALICE K
OR CURRENT RESIDENT
18954 LAFAYETTE AVE
OREGON CITY OR 97045

31E12AB02000
SCHNELLE BETTY J
OR CURRENT RESIDENT
18907 OAKTREE AVE
OREGON CITY OR 97045

31E12AB02100
PARRISH CLINTON A
OR CURRENT RESIDENT
18897 OAKTREE AVE
OREGON CITY OR 97045

31E12AB02200
MCDONOUGH SHIRLEY J
OR CURRENT RESIDENT
18887 OAK TREE
OREGON CITY OR 97045

31E12AB02300
VICARS DONALD A & LORI J
OR CURRENT RESIDENT
PO BOX 446
COLTON OR 97017

31E12AB02400
ROWLETT BERT M & LORI J
OR CURRENT RESIDENT
18869 S OAK TREE
OREGON CITY OR 97045

31E12AB02500
CHADWICK MICHAEL J & TAMARA R
OR CURRENT RESIDENT
18916 LAFAYETTE AVE
OREGON CITY OR 97045

31E01CA05000
WELLS REGINALD W
OR CURRENT RESIDENT
18770 LAFAYETTE AVE
OREGON CITY OR 97045

31E01CA05100
MACDANIELS LINDA
OR CURRENT RESIDENT
18786 LAFAYETTE AVE
OREGON CITY OR 97045

31E01CA05200
SMITH RICHARD T & SHARON L
OR CURRENT RESIDENT
18826 LAFAYETTE AVE
OREGON CITY OR 97045

31E01CA05300
PEEK CHRISTINE W TRUSTEE
OR CURRENT RESIDENT
12723 SE ELLIS ST
PORTLAND OR 97236

31E01CA05400
GILKISON DONALD A
OR CURRENT RESIDENT
18846 LAFAYETTE AVE
OREGON CITY OR 97045

31E01CA05500
DOYLE CHRISTY L
OR CURRENT RESIDENT
18866 LAFAYETTE AVE
OREGON CITY OR 97045

31E01CA05600
WISHOFF BRADDEN J & SALLY A
OR CURRENT RESIDENT
18886 LAFAYETTE AVE
OREGON CITY OR 97045

31E01CA05700
PEIK WILBUR D & FLORENCE M
OR CURRENT RESIDENT
PO BOX 855
OREGON CITY OR 97045

31E01CD00200
BURTON EDWARD & PENELOPE E
OR CURRENT RESIDENT
18872 ROUNDTREE DR
OREGON CITY OR 97045

31E01CD00300
REEDER PAUL H
OR CURRENT RESIDENT
10893 S FOREST RIDGE LN
OREGON CITY OR 97045

31E01CD00301
WORDEN JAMES C & KATHLEEN A
OR CURRENT RESIDENT
18835 S ROSE RD
OREGON CITY OR 97045

31E01CD00302
TONDREAU MICHAEL A & VIRGINIA L
OR CURRENT RESIDENT
18851 S ROSE RD
OREGON CITY OR 97045

31E01CD00400
HORNYCH DANIEL P & VALERIE J
OR CURRENT RESIDENT
18803 S ROSE RD
OREGON CITY OR 97045

31E01CD00502
FINCH EVERETT N TRUSTEE
OR CURRENT RESIDENT
18878 S DEER LN
OREGON CITY OR 97045

31E01CD00900
SCHWAHN VINCENT P & DEBORAH I
OR CURRENT RESIDENT
18848 S ROSE RD
OREGON CITY OR 97045

31E01CD01000
PORTER EVALYN L
OR CURRENT RESIDENT
18862 S ROSE RD
OREGON CITY OR 97045

31E01CD01100
WHITE ROBERT W & LINDA H
OR CURRENT RESIDENT
18555 S WALKER RD
OREGON CITY OR 97045

31E01CD01200
KNUTSON DUWAYNE L
OR CURRENT RESIDENT
2017 CONESTOGA LN
WEST LINN OR 97068

31E01CD01300
DINGES JOHN P JR & PHYLLIS
OR CURRENT RESIDENT
18896 S ROSE RD
OREGON CITY OR 97045

31E01CD01400
ROUGH JOHN S & MARY S
OR CURRENT RESIDENT
18944 S ROSE RD
OREGON CITY OR 97045

~~31E12A 01700
REEDER PAUL H
OR CURRENT RESIDENT
10893 S FOREST RIDGE LN
OREGON CITY OR 97045~~

31E12A 01800
OR CURRENT RESIDENT

31E12A 01801
GALLIGAN KATHLEEN M
OR CURRENT RESIDENT
18996 S ROSE RD
OREGON CITY OR 97045

31E12A 01802
GORNICK MICHAEL J & BEVERLY M
OR CURRENT RESIDENT
18974 S ROSE RD
OREGON CITY OR 97045

31E12A 01900
FAULK JASON K
OR CURRENT RESIDENT
19024 S ROSE RD
OREGON CITY OR 97045

31E12A 02000
DORAN BRIAN L & SUSAN A
OR CURRENT RESIDENT
11241 S FOREST RIDGE RD
OREGON CITY OR 97045

31E12A 02001
WILLMON FRED E & CONNIE L
OR CURRENT RESIDENT
19131 SOUTH END RD
OREGON CITY OR 97045

~~31E12A 02002
KNUTSON DUWAYNE L
OR CURRENT RESIDENT
2017 CONESTOGA LN
WEST LINN OR 97068~~

~~31E12A 02003
KNUTSON DUWAYNE L
OR CURRENT RESIDENT
2017 CONESTOGA LN
WEST LINN OR 97068~~

31E12A 02100
DORAN BRIAN L & SUSAN A
OR CURRENT RESIDENT
11241 S FOREST RIDGE RD
OREGON CITY OR 97045

