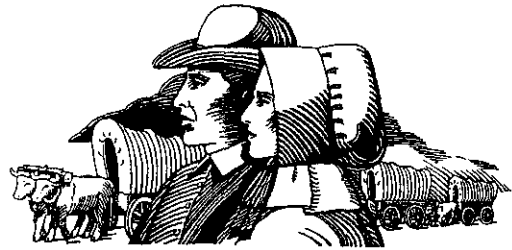


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## AGENDA

City Commission Chambers - City Hall  
February 28, 2000 at 7:00 P.M.

### PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:05 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
- 7:10 p.m. 3. **APPROVAL OF MINUTES:** February 14, 2000
4. **WORKSESSIONS**
- 7:15 p.m. A. **Urban Renewal Agency Project Update** (*Material attached*)
- 7:45 p.m. B. **Site Design Review Standards** (*Material attached*)
- 8:30 p.m. C. **South Corridor Study** (*Material to be handed out at meeting*)
- 8:45 p.m. D. **File LL 00-01 (Parking Standards)** (*Bring material from previous meetings*)
- 9:00 p.m. 5. **OLD BUSINESS**
- 9:15 p.m. 6. **NEW BUSINESS**
- A. **Staff Communications to the Commission**
- B. **Comments by Commissioners**
- 9:20 p.m. 7. **ADJOURN**

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 MINUTES  
February 14, 2000**

**COMMISSIONERS PRESENT**

Chairperson Hewitt  
Commissioner Carter  
Commissioner Olson  
Commissioner Surratt

**COMMISSIONERS ABSENT**

Commissioner Vergun

**STAFF PRESENT**

Barbara Shields, Senior Planner  
Marnie Allen, City Attorney  
Paul Espe, Associate Planner  
Tom Bouillion, Associate Planner  
Bob Cullison, Engineering Manager  
Ken Martin, Contract Staff

**1. CALL TO ORDER**

**Chairperson Hewitt** called the meeting to order. He reviewed the legislative and quasi-judicial hearing procedures. He stated that there are three legislative hearing items on the agenda as well as one quasi-judicial item that is not open to public comment.

**2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

None.

**3. APPROVAL OF MINUTES: January 24, 2000**

**Commissioner Hewitt** stated that page three should read "Chairperson Hewitt clarified that a lot line adjustment cannot be made within one legal lot because no other interior line legally exists," instead of reading "Chairperson Hewitt clarified that tax lots 1001 and 1002 are in fact only one legal lot." He also stated that a sentence in the middle of page five should read, "Chairperson Hewitt replied that if Criteria C is strictly applied, the applicant should have known, and the variance should be denied."

**Commissioner Olson** moved to approve the minutes of January 24<sup>th</sup> as corrected.  
**Commissioner Surratt** seconded.

Ayes: Carter, Olson, Surratt, Hewitt; Nays: None.

**4. ZC 99-07 (Continued)**

## **STAFF REPORT**

City of Oregon City; Amendments to the Oregon City Municipal Code including:  
Minor edits; Deletions of inaccurate code references and outdated language; and  
New language that clarifies existing policies; Citywide

**Barbara Shields** reviewed the staff report and the attachments. Staff recommends that the Planning Commission recommend approval of Ordinance 00-1003 to the City Commission for the March 1, 2000 hearing.

**Commissioner Carter** asked why in Section 8 the Tourist Commercial Design Review is being deleted. **Barbara Shields** replied that all developments are subject to the site plan and design review process. This particular amendment eliminated an incorrect reference. She also stated that two sections were eliminated. The eliminated portions included the noise ordinance section and the section that limited the number of land use divisions allowed in one year. In addition, the engineering standards were incorporated within the Engineering Standards Manual for street design.

**Chairperson Hewitt** asked if all the property that has not been annexed is designated on the Comprehensive Plan Map. **Barbara Shields** replied that the land is designated as FU-10 which is a transition area and is part of the intergovernmental agreement the City has with the County.

**Chairperson Hewitt** asked what the sentence on page 2 stating, "The planning department shall complete a review of the final zoning classification within sixty days after annexation" means. **Barbara Shields** replied that the applicant must request a zone change within sixty days after the annexation.

**Chairperson Hewitt** stated that it is his understanding that when property is annexed into the City, it comes in as FU-10, but the Code is not clear as to what zoning is automatically applied. The Ordinance needs to be readable. The Ordinance states that the land use designation is applied "as per the city/county urban growth management area agreement." Somewhere the Ordinance needs to state that all property that is going to be annexed into Oregon City starts with some zoning designation. If the Commission has already agreed upon "R-10" as the zoning designation, then it needs to be clear in the Ordinance. The Ordinance should also state that the applicant is responsible to request that the planning department complete a review of the zoning, instead of the planning department holding that responsibility.

**Marnie Allen** stated there has been discussion between the City Attorney's Office and Planning Staff as to whether it would make sense for the City to adopt an automatic designation of R-10. There may be other housing policies that would allow R-6 or R-8 zoning. On page three of the ordinance, the second paragraph under B states that a newly annexed property will be automatically zoned whatever corresponds to the

Comprehensive Plan classification by a ministerial decision by the planning manager. Only if the applicant applies for a rezone to R-6 or R-8 would a public hearing be held.

**Chairperson Hewitt** stated that he has never seen on the Comprehensive Plan Map property coming in with any other designation besides FU-10. **Commissioner Surratt** stated that she remembers property coming in from the County as FU-10 and then applying for R-6. She thought that the City desired to stop this from happening by requiring the property to come in as R-10 and then allowing the property owner to apply for a change. **Barbara Shields** stated that that is exactly what this section is attempting to do.

**Chairperson Hewitt** asked to see a Comprehensive Plan Map. **Commissioner Surratt** asked how much of the County land is zoned low density. **Chairperson Hewitt** stated, by reviewing the Comprehensive Plan Map, that all of the land within the Urban Growth Boundary is low density residential with the exception of a small portion with the designation of "low density residential / manufactured homes" which would have the zoning of "R-6/MH."

**Commissioner Surratt** moved to recommend approval of Ordinance 00-1003 to the City Commission at the March 1, 2000 hearing. **Commissioner Olson** seconded.

Ayes: Carter, Olson, Surratt, Hewitt; Nays: None.

## 5. ZC 99-09 (*Continued*)

### STAFF REPORT

City of Oregon City; Legislative Action to amend Chapter 17.64 "Planned Unit Development"; All properties zoned residential within City of Oregon City limits.

**Barbara Shields** reviewed the staff report and stated that staff's recommendation is that the Planning Commission recommend approval of the new PUD Ordinance to the City Commission at the March 1, 2000 hearing.

**Commissioner Carter** stated that on the first page of the staff report, item number two should have read "neighborhood commercial uses" instead of "neighborhood residential uses." She asked why on page three of the Ordinance that a "Townhouse" requires a "fire resistant wall" between the units while a "Row House" does not. **Barbara Shields** replied that the definition of a "Row House" will be changed to read, "separated from others in a row by a vertical fire resistant unpierced wall."

**Commissioner Carter** also asked if number six at the bottom of page three should read "Hiking and/or biking trails" instead of "Hiking and/or riding trails." Riding may be too

open ended. **Commissioner Surratt** stated that "Hiking and/or bicycle riding trails" would be clearer.

**Commissioner Carter** stated that on page five under H, the "a" should be eliminated so that it reads, "a minimum of 7,000 square feet."

**Commissioner Hewitt** commented that on page four, under C, the perimeter lots should also be required to follow the underlying zoning designation's setbacks. **Commissioner Surratt** observed that such a statement already exists under C on page four.

**Commissioner Olson** moved to recommend approval of the PUD Ordinance with the minor corrections on pages 3 and 5 to the City Commission for the hearing on March 1, 2000. **Commissioner Carter** seconded.

Ayes: Carter, Olson, Surratt, Hewitt. Nays: None.

**Chairperson Hewitt** stated for public benefit that there is still an opportunity for public input on the PUD Ordinance at the upcoming City Commission hearing. **Marnie Allen** added that the Planning Commission had already held public hearings for both of the legislative items just heard.

## 6. AN 99-11

### STAFF REPORT

Ken Sandblast / Land Solutions; Annexation to City of Oregon City of three parcels (~22 Acres): 14487 S. Thayer Rd. (~6.04 Acres), 14562 S. Maple Lane (~12.58 Acres), and 3391 S. Beaver Creek Rd. (~3.3 Acres) all zoned County "FU-10" Future Urbanizable; Clackamas County Maps 3S-2E 04C Tax Lots 2100 & 1300; 3S-2E 04DC Tax Lots 100 & 200; 3S-2E 04DB Tax Lot 400

**Tom Bouillion** submitted a letter from the Thayer Neighborhood Association into the record as Exhibit 1. The letter was submitted at the meeting and staff has not had time to review it. He then reviewed the staff report and attachments. There is also a request to modify the application. The Comprehensive Plan designation is "LR/MH" which is "low-density manufactured home." Therefore the zoning would be "R-6/MH."

**Ken Martin** stated that there has been an additional property requesting to be added to this proposal. The applicant delivered a copy of his petition for annexation and a legal description and map. The property is Tax Lot 2002.

**Chairperson Hewitt** asked if it is permissible for this modification to be added at this late date since the notification went out seven days prior. **Ken Martin** replied that State statute allows add-ons to be brought to a proposal up until the City Commission makes a

final decision on the proposal. An add-on is ultimately a policy decision. There is no statute that would prohibit it. **Ken Martin** stated that he had checked with the City Attorney.

**Chairperson Hewitt** asked if the Planning Commission could choose to not accept any modification at this time. **Marnie Allen** replied that they could recommend against the modification.

**Ken Martin** noted that the modification is similar to the original modification request. It was staff's estimation on the original request for modification that there was very little difference and that it would be easy to include it and apply the criteria. He would make the same argument on this modification as well.

**Commissioner Carter** asked what Ken Martin's position is as preparer of the staff report. **Ken Martin** replied that when the Boundary Commission went out of business, the individual cities were then in charge of doing their own annexation work. Instead of doing the work themselves, many cities have contracted out annexation work. As the former Director of the Boundary Commission, he contracts with Metro to do annexation work for cities and counties.

**Chairperson Hewitt** stated that the report seemed to state that it is the responsibility of the County or the City to ensure adequate sewer. **Ken Martin** replied that there is adequate sewer service to the area. The City Engineer had stated that it may be expensive to get the sewer line to the area, but it is an economic issue for the developer, not an issue of availability or capacity.

**Commissioner Surratt** asked if the entire property is in "LR/MH." **Ken Martin** replied that by looking at the City's Comprehensive Plan Map, that it appears to all be "LR/MH," but the County might show a discrepancy.

**Commissioner Carter** stated that the property to the left appears to be "Medium Density Boundary" while the property to the right is "Low Density Boundary." **Ken Martin** replied that those designations are from the County's Comprehensive Plan Map. The County has said in their intergovernmental agreement that they will adopt the City's Comprehensive Plan designations. He believes the City has not transmitted changes to the County, and therefore, the County's map has not changed on a regular basis.

**Chairperson Hewitt** stated that the land use designation on the Oregon City Comprehensive Plan Map is not valid until Clackamas County reviews and accepts it. Since the UGMA agreement has not been fulfilled by the City, there is split zoning. **Marnie Allen** replied that zoning designations will be dealt with after the property is annexed. The nature of the zoning right now is not a big issue.

**Commissioner Olson** asked Mr. Martin to point out the proposed annexation on the Comprehensive Plan Map in relation to the City Limits and the Urban Growth Boundary.

### TESTIMONY IN FAVOR

Speaker: Ken Sandblast P.O. Box 38 Clackamas, OR 97015; representing applicant

**Ken Sandblast** stated that a discrepancy does exist between the County and the City's Comprehensive Plan Map. The UGMA does state that the City needs to notify the County. There is an effort to correct the discrepancy in order for the County to accurately reflect the City's Comprehensive Plan designation. The zoning is FU-10. The second issue is in regard to the modifications to the proposed annexation. From a planning perspective, it is probably a good idea to have the modifications for better future planning, thus discouraging piecemeal annexations and piecemeal planning. However, if the Planning Commission is not in favor of the modifications, the applicant is willing to move forward in the process without the suggested modifications.

**Ken Sandblast** continued to describe the benefits of the application. Exhibit C addresses the seven criteria that an application is requested to address. Page three of the staff report lists the factors to take into account when determining whether to place the annexation on the ballot for the voters. They are issues that deal with adequacy and availability, not whether the property will develop. For this application there is adequate infrastructure to support the approximately 22 acres. The paragraph after the criteria states that there should be a positive balance of the criteria. There is only one small waterway on the property that can be classified as a natural hazard (factor five). There are no designated open spaces, historic resources, flood plains, or steep slopes within the area. This annexation is a large enough area to provide for good comprehensive planning.

**Commissioner Carter** asked if the value of the property stated as \$52,970 is accurate. There is quite a difference between that figure and what residential lots are valued at in the City. **Ken Martin** replied that usually if the figure is that low it is tax deferred.

**Commissioner Carter** then stated that page seven, "C" under Policy 6.0, states that "Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas." In this particular case, it is not an infilled area. The majority of the property around it is rural and would not be developed until the time it is annexed. **Ken Sandblast** replied that he is not aware of any immediate urban areas within the Urban Growth Boundary of the City. The subject property is rural, but it is within the Urban Growth Boundary.

**Commissioner Carter** again stated that it states that a "need" must be demonstrated for the land to be annexed. If there is no urban growth around the area to be annexed, perhaps it does not demonstrate a need to annex.

**Chairperson Hewitt** stated that the "Immediate Urban Areas" will automatically be converted to "Future Urbanizable Areas" through the zoning designation. He stated that Mr. Sandblast does not need to "demonstrate the need." The guideline states that the zoning does need to change from "FU-10" to a City zone, but a need does not need to be demonstrated at this time. **Commissioner Carter** replied that she does not interpret the statement in the same way.

**Marnie Allen** stated that she does not think there is just one way to interpret the criteria. By annexing a property and having zoning applied to it, it does not necessarily mean that there is a need for infilling the immediate area.

**Commissioner Carter** stated that she thinks there is a difference between "the need" for conversion and "the desire" for conversion. **Ken Sandblast** agreed with her. **Commissioner Carter** again stated that she would like to know if this criteria is stating that there must be sufficient need of urban build-out around the area that is the subject of annexation.

**Chairperson Hewitt** stated that a, b, c, and d are not the criteria they are reviewing. They are getting sidetracked. These are guidelines that apply to annexations. **Commissioner Olson** stated that all of the guidelines must be taken together.

**Commissioner Surratt** asked if these guidelines are from Oregon City or Clackamas County. **Ken Martin** replied that the language is from the County plan and is used for the County's review of the annexation. It is not criteria for the City to use when reviewing an annexation request.

**Chairperson Hewitt** asked what criteria #7, "Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation" means. **Ken Sandblast** replied that he believes the City Commission placed that criteria as a general statement that encompasses factors that do not relate to quantifiable issues. He emphasized that this process is just to get the proposal to the voters.

## **TESTIMONY OPPOSED**

Speaker: Milan E. Conley 14530 S. Maple Lane Rd. Oregon City, OR 97045;  
representing himself.

**Milan Conley** stated that he lives close to the property proposed to be annexed. He pointed out his property on the overhead. He is concerned the traffic will increase on Maple Lane Road and Beavercreek Road as a result of the annexation. He also lives adjacent to a 50 foot right of way. He is concerned about truck traffic, vibration, and noise along the right of way. The City should do something about Beavercreek Road.



**Chairperson Hewitt** replied that what Mr. Conley brought up is part of the process for later development. Once the land is annexed and there is a proposal to develop it, then these issues will come into play. Adjacent properties will be notified if there is a proposal for development. The only question the Commission can answer tonight is if the property has access or not, and it does. In addition, there is a transportation plan that will soon be in effect. It will be going out to the neighborhood associations and will be a way to find out about the transportation issues for Oregon City.

Speaker: Shirley Wilson, 19338 S. Rollins St. Oregon City, 97045; representing Thayer Neighborhood Association

**Shirley Wilson** read the letter submitted as Exhibit 1 from the Thayer Neighborhood Association. They are concerned about the lot sizes, traffic problems, the creation of island pockets which results in confusion about City services, schools, drainage issues, and the removal of groves of trees. It is the desire of the Thayer Neighborhood Association that the City deny the annexation of the proposed properties.

Speaker: Janet Hochstatter, 14539 S. Thayer Rd. Oregon City, 97045; representing herself

**Janet Hochstatter** stated that she and her husband are members of the Thayer Neighborhood Association. If she read the Planning Commission's comments correctly, most of the items stated in the letter from the Thayer Neighborhood Association are issues that should be brought up during development. However, as a public citizen, annexation equals development. She is very frustrated at the City officials for approving annexations of property without the proper infrastructure already in place. This leads to overcrowded schools, failed intersections, and traffic congestion. There are residents who drive through the Community College campus rather than go through the intersections. The traffic problems are not just frustrating, they are of an acute proportion. The City may continue to annex properties because the City is short on funds; however, one City Commissioner had stated in the last few months that for one residence to come onto the City's tax rolls, it costs the City approximately \$15,000 for services. There is no acute need to annex this property at this time. The City does not want to become another Beaverton or Hillsboro. The City needs to plan ahead with roads and schools. Annexation of the property does mean development. She urged the Planning Commission to think of what they want the community to look like down the road and not give in to people who desire to expand for their own personal desires. One of the property owners is a developer. She is not against development, but they have reached a point where they need to put the horse before the cart, not the cart before the horse.

## **APPLICANT REBUTTAL**

**Ken Sandblast** responded by saying that there is adequate access to the site by arterial streets. The County is addressing the zoning questions already. Based on the testimony given by the Superintendent of Schools in the fall, the schools are operating at 85% of capacity. He would like to review the Thayer Neighborhood Association letter. There are no trees to be removed at this point. Tree removal would be part of a process if development is proposed on the parcels.

## **CLOSE PUBLIC HEARING**

## **DELIBERATION AMONG COMMISSIONERS**

**Commissioner Surratt** stated that there is access to the site. From a planning standpoint, there is some reason to believe that annexation does mean development. She does not believe that the access is adequate at this time. She would like to see the TSP to go through before any annexations are approved.

**Chairperson Hewitt** stated that the state will be working on the intersection of Highway 213 and Beavercreek Road. He asked Marnie Allen if they can consider the State's work on the intersection as part of the criteria. **Marnie Allen** replied that they can consider it as part of the criteria if they believe it is relevant to findings.

**Commissioner Olson** stated that the proposal is in an area where people beyond Oregon City have an impact. The question is where does one stop growth. It is not just Oregon City's problem. **Commissioner Surratt** stated that they should wait on some of the annexations in the area until intersection improvements are finalized. **Commissioner Olson** stated that it is the vote of the people that annexes property, and that does not mean that there is going to be development.

**Chairperson Hewitt** stated that it has been brought up that annexation means development. Once property is annexed in, the potential for development is there. There is a reason why people spend the time and money to be annexed into the City. The other question brought up was why put the cart before the horse. Why not change the intersection first before bringing in added people by development? Even if money does come in by development, the money will not go to County or State roads and intersections. He agreed with Commissioner Surratt that access adequacy to the site is questionable.

**Commissioner Carter** stated that the rural residency of Oregon City is quite a bit larger than the residency of the Oregon City incorporated area. The rural residents add tremendous traffic to Oregon City. With voter registration, the rural residents who surround the property to be annexed do not get to have a vote. They are affected by the traffic and the overall development, but they do not have a vote. It also appears there will

be two properties that will become islands with this annexation. The City currently has trouble with island properties—this is not cohesive planning. Schools are public facilities (as stated in criteria number three) and the school district is trying to spread the school population out by busing children to different locations. There is not adequacy and availability of schools for the community.

**Commissioner Surratt** stated that the school situation with children dispersed throughout the City used to be worse. The problem is that people within the City are upset with the school system, but then are not willing to vote for a bond measure to support the schools.

**Commissioner Carter** stated that annexations will happen within the community and it is the Planning Commission's job to try to get the annexations to be as sensible as possible.

**Chairperson Hewitt** stated that the adequacy of Highway 213 and Beavercreek Road is a sad state of affairs for the City of Oregon City and the Oregon Department of Transportation (ODOT). Sewer will cost the developer money, but the developer will not pay for Highway 213 improvements directly. It is not an adequate situation to put more people in the area.

**Commissioner Olson** stated that she thinks the applicant has the right to take the proposal to the voters. The voters may turn it down. **Chairperson Hewitt** agreed up to a point. The voters, however, are not planners or the neighborhood associations. His concern is if their job is to give the City the best ability to make planning decisions in the future, and if the seven criteria cannot be met, then the proposal is premature. There is a reason why it comes by the Planning Commission first before going to the voters. There are planning issues that need to be addressed.

**Chairperson Hewitt** stated that the Planning Commission is going to recommend whether this should be placed on the ballot by considering the seven criteria. If they agree that it should not be placed on the ballot, then they will ask the City Commission to focus on the inadequacy of access to the site and the inadequacy of the schools.

**Commissioner Carter** stated that number seven of the criteria is also not met because the traffic and school situations are "significant adverse effects." **Commissioner Olson** disagreed with the school situation. Children have been bused throughout the City for years. **Commissioner Surratt** stated that the system is changing and boundaries will keep changing. If the schools ask for money and residents say no, then the City gets what they deserve. Schools are not a part of the argument. **Commissioner Olson** replied that the Superintendent did say that there is room within the schools.

**Commissioner Carter** stated that the issue of how people voted on a bond measure should not be brought into the argument. **Chairperson Hewitt** agreed and added that they are

also not bringing in the issue of those who cannot vote on the annexation. He stated that all the Commissioners are in agreement that the proposal should not go on the ballot considering factors one and seven. **Commissioner Olson** stated that she is not in total agreement with either of factors one or seven. **Chairperson Hewitt** stated that "public facilities" in factor number three could be considered to be roadways and therefore factor three is also not met. With the annexation there is potential for development and the roadways would not be adequate for potential development. In addition, the City cannot make the roads change because they do not have jurisdiction over them.

**Marnie Allen** stated that the Planning Commission needs to adopt findings as part of their decision. Normally, it is the adoption of those findings in the staff report. In this case, it would be necessary to make amendments to what is found in the staff report. There are a few options. They should make a motion to set this over for preparation of findings and adopt the findings either at the worksession on Wednesday, February 16 or at the regular meeting on February 28. **Ken Martin** stated that he can draft findings for a decision by Wednesday.

**Commissioner Surratt** moved that the matter be set over for deliberation and adoption of the written findings at the worksession on Wednesday February 16.

**Chairperson Hewitt** stated to the public that the Planning Commission is recommending that the annexation does not go on the ballot based on not meeting factors one, three, and seven.

**Commissioner Carter** seconded the motion.

Ayes: Carter, Surratt, Hewitt; Nays: Olson

## 7. WRG 00-01

### STAFF REPORT

City of Oregon City; Willamette River Greenway permit to allow a pedestrian observation viewpoint of Willamette Falls; 509 McLoughlin Blvd.; Zoned "CBD" Commercial Business District; Clackamas County Map 2S-2E-31 (no tax lot; ODOT Right-of-way)

**Chairperson Hewitt** asked if any of the Commissioners have any conflicts or biases on this quasi-judicial item. He noted that no Commissioners had any statements to declare. Most of the Commissioners are familiar with the site and Commissioner Surratt visited the site.

**Paul Espe** reviewed the staff report of the Willamette River Greenway and the location of the proposed project. He pointed out the location of the proposed street trees in raised planters. The raised planters are to provide safety and a vehicle barrier along McLoughlin Boulevard. The project is before the Planning Commission because Policy 1 of Section K in the Comprehensive Plan requires this application to be processed through the conditional use administrative procedure. Staff found that the criteria has been satisfied because the project provides adequate public access, protection and safety, protection and restoration of the stream bank, and will enhance the bank of the Willamette in a different and more useful way by providing the overlook area, sidewalk improvements, and additional accessibility to scenic vistas. The proposal satisfied the criteria in the Comprehensive Plan and is consistent with Parks and Recreation, Transportation, Willamette River Greenway, and the Downtown Community Plan. Staff recommends approval of the Willamette River Greenway permit.

**Chairperson Hewitt** asked Paul Espe to point out on the map where the views shown in the pictures can be seen from. He stated that there currently is limited access to the proposed project area.

**Commissioner Surratt** asked what the distance is between the current project and the bicycle lane. **Paul Espe** pointed out the bicycle lane in reference to the extent of the project. The two bike lanes would not connect as a result of the project. There would be two blocks that would not have a bike lane.

**Commissioner Carter** stated that a more scenic railing was mentioned in the Downtown Community Plan in order for passengers to see through to the river. Now there is language that states that the new railing will be consistent with the existing railing. What type of railing will be there? **Paul Espe** replied that there are a variety of factors that need to be looked at. The existing railing has a degree of historic significance. They hope to obtain compatibility with the old fencing. There is also a safety factor; there might be a need to put in additional fencing at the viewpoint area.

## **NO PUBLIC TESTIMONY**

**Commissioner Carter** asked why this application is quasi-judicial. **Chairperson Hewitt** replied that it is quasi-judicial because of the Willamette River Greenway overlay.

**Commissioner Olson** moved to adopt the findings of the staff to approve the Conditional Use Permit, CU00-01 (WRG). Commissioner Surratt seconded.

Ayes: Carter, Olson, Surratt, Hewitt; Nays: None.

**Chairperson Hewitt** stated that they will address the Old Business first before going into the Worksession on landscaping standards.

## 8. OLD BUSINESS

### A. VR 99-08 (*Adoption of findings*)

Don and Murva Milbrandt & Construction, Inc.; Variance for lot depth dimensional standard to allow land partition (MP 99-08); 418 Harris Lane, zoned "R-6 Single Family Dwelling District"; Clackamas County Map 3S-2E-05BD Tax Lot 1001

**Chairperson Hewitt** stated that the action before them is a final action without public input. There is a final fourth draft and he asked if there are any comments by the Commission.

**Commissioner Surratt** moved to adopt the findings of fact on VR 99-08.  
**Commissioner Olson** seconded.

**Chairperson Hewitt** pointed out that the file number stated on the first page of the findings of fact should be changed to "VR-99-08."

**Commissioner Surratt** and **Commissioner Olson** accepted this revision for their motion.

Ayes: Carter, Olson, Surratt, Hewitt; Nays: None.

## 9. WORKSESSION

### A. Landscape Standards for Parking Lots

**Tom Bouillion** introduced the discussion of the item. He reviewed the memo dated February 14, 2000 regarding the comparison of 2-inch and 3-inch minimum caliper tree sizes. The issues include availability, cost, installation, and survivability. Staff recommends that the Planning Commission, despite lower availability, adopt a 3-inch minimum caliper tree size for all parking lot landscaping in Oregon City because of the benefits of having a more mature landscape. Based on the Planning Commission's recommendation for the tree size and any revisions to the code language, staff will circulate the changes throughout the other departments and bring it back to the Planning Commission on March 27 for a public hearing.

**Commissioner Surratt** stated that the current street tree standard is a minimum of 2-inch caliper. She would like to see consistency throughout the City's standards. In addition, there is a difference in cost between the 2-inch and 3-inch tree and the City desires to keep the costs down for developers.

**Tom Bouillion** agreed that it will be somewhat more of a burden to provide the 3-inch tree, but it would benefit the City by providing more mature landscaping, shade, beauty, and better survivability. There is certainly a trade-off.

**Commissioner Surratt** asked what landscaping conditions are required of new developments. **Tom Bouillion** replied that there is a requirement to maintain on-site landscaping for 2 years. **Commissioner Surratt** then asked what the difference is in landscaping between 2 and 3 years. **Tom Bouillion** stated that it does depend upon the species, but it typically would take 2 years for a 2-inch tree to grow to be a 3-inch tree.

**Chairperson Hewitt** reiterated that this is for parking lots, and that additional shade helps cool down run-off from asphalt surfaces that goes into streams.

**Tom Bouillion** stated that the purpose of the landscaping in parking lots is for the aesthetics of the site, filtering air pollutants, and cooling off the run-off to the streams that may affect fish species.

**Commissioner Olson** stated that she is concerned with the low availability of the 3-inch caliper trees. **Tom Bouillion** stated that the City of Portland has the 3-inch requirement and their demand is met. If nurseries can accommodate the City of Portland, they can certainly accommodate the City of Oregon City. The larger nurseries typically have more of the large trees.

**Commissioner Surratt** then stated that with a larger tree requirement, the City is guaranteeing that business will go to the larger companies. **Chairperson Hewitt** replied that it is a two edged sword.

**Commissioner Olson** stated that she does not think it is wrong to have a 3-inch caliper requirement. However, they cannot expect every nursery to have 3-inch caliper trees available because entirely different equipment is needed for installation.

**Commissioner Carter** stated that by planting a little bit larger tree in the parking lots, it will enhance the livability of the City, and set a higher standard.

**Chairperson Hewitt** stated, after asking the Commissioners, that the Commission agrees with staff's recommendation to have a minimum standard of a 3-inch caliper tree.

**Tom Bouillion** continued to present the overall parking lot landscaping standards. He gave two examples of projects using the City's site plan and design review process. The first example is the proposed Home Depot. There is the minimum of 15% landscaping on the site, but it is primarily on the periphery of the site. It is an example of what is allowed under the current code. The second example, the Trails End Marketplace at 213 and Myers Road, is more consistent with the intent of the proposed code revision.

The changes in code language reflect portions of the West Linn code as well as additional language resulting from discussions with Nancy Kraushaar. One issue that came up at the meeting on January 10 is the width of perimeter landscaping. The discussion was that smaller sites should not be penalized. Under B.4 on page one, those parking lots with nine or fewer spaces have a five foot requirement while a parking lot with more than nine spaces has a ten foot minimum width perimeter landscaping requirement.

**Commissioner Carter** asked what the setbacks are for a commercial area. **Tom Bouillion** replied that there are no setbacks in the zoning code for commercial areas. **Commissioner Carter** stated that a 10 foot perimeter width on a narrow 100 foot lot is a large amount.

**Tom Bouillion** stated that parking spaces are a way to differentiate between size and intensity of use on the property. Width of the property is difficult to measure. The perimeter is all sides abutting the street or property line. It is not uncommon to have 10 foot exterior landscaping areas even on relatively small sites.

**Chairperson Hewitt** stated that he believes 10 feet is a bit excessive. **Commissioner Carter** agreed that 10 feet is too large of a requirement. **Tom Bouillion** replied that staff can raise the number of spaces for the requirement or they can look for another measurement. **Chairperson Hewitt** stated that he believes a five foot perimeter width would be sufficient.

**Commissioner Surratt** asked if two properties, each with nine parking spaces or less and with a common lot line, can share a five foot perimeter landscaping buffer. **Chairperson Hewitt** replied that each property would need a five foot landscape buffer.

**Commissioner Olson** suggested that B. 3 and 4 be consistent in the way the conditions are stated so that there would be an a, b, and c in the standards.

**Tom Bouillion** pointed out that any new development needs to provide at least 15% as landscaping. The perimeter requirement is not in addition to the 15%. The developer needs to find the space for the landscaping somewhere. Rather than allow the entire 15% to be placed in a rear corner of a lot, the landscaping can be equally distributed throughout the lot.

**Commissioner Surratt** stated that this issue is the same as the 2-inch versus the 3-inch minimum size tree. Both a smaller tree and less landscaping would help the small business person.

**Chairperson Hewitt** suggested to adjourn the meeting and to continue the discussion on Wednesday, February 16.



The meeting was adjourned.

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**Gary Hewitt, Planning Commission  
Chairperson**

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**Maggie Collins, Planning Manager**

**FEBRUARY 28, 2000 – PLANNING COMMISSION  
DOWNTOWN/NORTH END AND HILLTOP URBAN RENEWAL PLANS  
FIFTH AMENDMENTS**

February 18, 2000

To: Oregon City Planning Commission  
From: Renewal Agency Staff

RE: Downtown/North End and Hilltop Urban Renewal Plan Fifth Amendment Drafts

Attached are the proposed Fifth Amendments to the Plans and Reports for the Downtown/North End (on blue paper) and Hilltop (on green paper) Urban Renewal Areas. The text of the Plans incorporates the suggested changes and comments from the Agency's review in December and February.

**A. PLAN CHANGES**

In the December meeting, staff focused its recommendations on changes to the descriptions of project activities, and to the goals and objectives for each Plan. The Plan documents attached also contain changes to:

1. Acquisition procedures - The suggested changes are intended to give the Agency more flexibility in adding properties to the acquisition list without need for elaborate amendment procedures.
2. Amendment procedures - A new category of amendment, a Commission-approved amendment, is added. The intent of this change is to require Commission approval for certain types of Plan amendments, without requiring all the notice and adoption procedures of a substantial amendment.
3. Latest Date For Bonded Indebtedness – These provisions were inserted in both Renewal Plans in 1991, in response to a change in renewal statutes. In 1998, the "Latest Date" requirement was eliminated from renewal law, and a "Maximum Indebtedness" requirement was substituted. Staff recommends the Latest Date provisions be removed.
4. Downtown Plan Goals and Objectives – Staff recommends dropping some of the elaborate and unnecessary language on sub-district strategies.

**B. REPORT CHANGES**

The only change required to the Reports on the Plans is a revision to the project descriptions in the Project Cost tables for each Plan. The total cost of project has not been changed, and the Amendments will not affect the Maximum I for either Plan. The allocation of costs in the tables reflect 15% for administrative conceptual project cost estimates, and the balance of the funds spread among remaining categories. Final project costs will be adjusted based on project

**NEXT STEPS**

When the Planning Commission has completed its review and proposed changes, the next steps will be to send copies of the Plans to the taxing bodies for review and comment. The City Commission will hold a hearing and adopt a non-emergency ordinance approving the

CITY OF OREGON CITY  
DOWNTOWN/NORTH END URBAN RENEWAL PLAN  
FIFTH AMENDMENT - DRAFT

INTRODUCTION

The Fifth Amendment to the Downtown/North End Urban Renewal Plan makes the following changes to the Urban Renewal Plan:

- Revises certain Goals and Objectives of the Plan to reflect changed conditions, and to clarify the Agency's intentions.
- Revises the description of project activities to clarify the current and future intent of the Agency in carrying out project activities.
- Revises and clarifies procedures for acquiring property.
- Revises and clarifies procedures for amendments to the Urban Renewal Plan.
- In keeping with the current requirements of ORS 457, removes the provision for a latest date for issuing bonded indebtedness.

The Fifth Amendment to the Downtown/North End Urban Renewal Plan will be undertaken as a major amendment to the Plan, and as such, will require adoption by a non-emergency Ordinance of the City Commission. The Fifth Amendment to the Plan does not change the boundary of the Plan, or the Maximum Indebtedness that can be undertaken under the Plan.

In the following sections, additions and new wording are shown in *Italics*, deleted wording shown in ~~strikeover~~. The sections of the Urban Renewal Plan changed by the Fifth Amendment follow below.

400. RELATIONSHIP TO LOCAL OBJECTIVES

**D. Renewal Area Objectives**

1. To eliminate blighting conditions in the Renewal Area, including inadequate streets and traffic congestion, inadequate pedestrian and bicycle facilities, inadequate park and recreation facilities, inadequate public service facilities, substandard and obsolete buildings, inadequate sewer, water and drainage facilities, and under-utilized and unproductive land.
2. To make public improvements necessary to encourage new private investment in the Area including streets, sewer, water and drainage facilities, parking facilities and improvements.
3. To increase taxable values in the Renewal Area.
4. To improve the economic viability of Oregon City's downtown as a retail center and mixed-use area for Oregon City.
5. To encourage the rehabilitation of downtown's older buildings and/or historic significance.

6. To ~~support~~ *enhance historic, cultural, and natural resources in the project area.* ~~the End of Oregon Trail Center and related components as a historic interpretive center and outdoor living museum celebrating the Oregon Trail.~~
7. To support the redevelopment of *Clackamette Cove and waterfront areas in the project area.* ~~the Lagoon/Waterfront area as a mixed-use tourist commercial area.~~
8. ~~To support the development and redevelopment of tourist commercial, office and medium and high density housing in the Park Place area.~~
9. ~~To reduce through traffic impacts in the Washington Street corridor.~~
10. To support the revitalization of the ~~7th Street corridor~~ *urban renewal area through* ~~by providing parking and transportation improvements, and building rehabilitation assistance.~~
11. To provide traffic capacity, *pedestrian accessibility, parking, and safety transportation* improvements in the *urban renewal area* ~~Heritage Center area, and to stabilize the area.~~
12. To plan for and support development and redevelopment in the renewal area which is consistent with the Comprehensive Plan *and the Downtown Community Plan.*
13. To further the objectives of this Renewal Plan by assisting as necessary in the acquisition of land for development purposes, and for the assembly of development sites.
14. ~~To take steps necessary to establish and administer a marketing program to aid the development and redevelopment of land in the Renewal Area.~~
15. To assist in the improvement of the overall economic health of Oregon City and its businesses.

#### **E. Renewal Area Strategies**

The Renewal Plan implements the development strategy approved by the Urban Renewal Advisory Committee in the preparation of this Renewal Plan. Key elements of that strategy include:

#### **Overall Strategy**

1. ~~Assist in preparing plans to support the End of Oregon Trail Center and related historic interpretive center and tourist attraction for Oregon City.~~
2. Direct short-term public investments into areas with the greatest developer potential. ~~These areas are the End of Trail, and Lagoon/Waterfront A~~
3. Establish on-going business assistance programs in the Downtown ~~are designed to improve the downtown streetscape and build~~

~~owners and tenants.~~

4. Direct mid-term and long-term public investments in *the Urban Renewal area Downtown, Park Place, Washington/7th Corridor and Heritage Center* to support existing commercial and residential uses *in the renewal area*, and to stimulate new private investment.

### **~~Sub-District Strategies~~**

1. ~~End of Trail.~~ Public improvements are needed to support ~~development of the End Of Oregon Trail Center, and surrounding vacant and under-utilized parcels of land.~~ The EOT Center will contain an interpretive center, outdoor/living history quarter, amphitheater, restored 1850's district, an immigrant park, festival marketplace and related parking. Supporting improvements may include improvements to parking, traffic circulation, and ~~problems in the area.~~ Public improvements anticipated in this plan include:
  - ~~● Road improvements including ROW acquisition and relocation~~
  - ~~● Parking and site preparation improvements~~
  - ~~● Fire protection facilities~~
  - ~~● Abernethy Creek improvements~~
2. ~~Lagoon/Waterfront Area.~~ This area will be redeveloped for tourist commercial uses directly related to the End of Trail Center, and existing parks will be enlarged and enhanced. Tourist commercial uses in the lagoon area include hotels, restaurants, marinas, and housing. Clackamette Park will also be expanded and improved and expanded along both the Willamette and Clackamas Rivers. Public investments and improvements anticipated in this plan include:
  - ~~● Lagoon redevelopment plan~~
  - ~~● Park land acquisition/development~~
  - ~~● Clackamette Park improvements~~
  - ~~● River access trail~~
  - ~~● Mixed-use project site assembly and preparation~~
  - ~~● Main Street and Agnes Ave. reconstruction~~
  - ~~● Tour boat dock and marina~~
3. ~~Downtown.~~ The historic downtown area will be enhanced, and retail and office opportunities will be supported by on-going programs and public improvements. In order to improve the linkages between the downtown and End of Trail area, special design and transportation plans will be prepared. The design plan will identify needed public-private improvements and development and redevelopment standards for the downtown area. The transportation plan will improve the flow of people and vehicles between these two activity areas, and should consider people, bicycles, automobiles and special modes such as trolleys and light rail. Public investments and improvements include:
  - ~~● Historic buildings analysis: conservation/development program~~
  - ~~● Downtown streetscape improvements~~
  - ~~● Building facade improvement program~~
  - ~~● Transportation linkages plan and implementation~~
  - ~~● Surface parking improvements~~
  - ~~● 8th Street dock redevelopment~~
  - ~~● Promenade and viewpoint improvements~~
  - ~~● Downtown design plan~~

4. ~~Park Place.~~ The Park Place interchange area currently has a mix of industrial, commercial and residential land uses which do not take full advantage of the transportation and recreational improvements planned for the area. A sub-area design plan is needed in order to identify development and redevelopment opportunities and guidelines for more compatible uses such as tourist commercial, office, and high density housing. Public investments and improvements include:

- ~~• Design plan preparation~~
- ~~• Development and redevelopment assistance~~

5. ~~Washington/7th Street Corridor.~~ Traffic management improvements are needed in this sub-district. In addition, streetscape, and parking improvements are needed along 7th, and facade/building rehabilitation assistance will improve this local commercial corridor. Improvements to public areas will also enhance the area. Public investments and improvements include:

- ~~• Sub-district design plan~~
- ~~• Parking improvements~~
- ~~• Building rehabilitation assistance~~
- ~~• Streetscape improvements on 7th~~
- ~~• Washington St. traffic diverter~~
- ~~• Library rehabilitation assistance~~

6. ~~Heritage Center.~~ The focus of this sub-area is the new county museum. The area also serves as the entrance into Oregon City from the south. Transportation improvements are needed in the area to improve local circulation, and to improve the connections with the Downtown. Public investments and improvements include:

- ~~• Sub-district design plan~~
- ~~• Transportation improvements~~

## 700. DESCRIPTION OF PROJECT ACTIVITIES

In order to achieve the goals and objectives of this Plan, the following project activities will be undertaken on behalf of the City by the Urban Renewal Agency (hereinafter referred to as "Agency") in accordance with applicable federal, state, county and city laws, policies, and procedures. Exhibit 6 shows the general location of project activities. Exhibit 7 shows the location of properties to be acquired in order to carry out the objectives of this Plan.

### A. Transportation and Related Public Improvements

Traffic and pedestrian circulation and safety, parking and other transportation deficiencies have been identified as issues contributing to the depressed conditions in the urban renewal area, and future development called for in the Oregon City Comprehensive Plan. The Oregon City ~~Master System Plan~~ has identified needed transportation improvement projects. ~~Still, the need for streetscape and parking improvements in order to better serve the business and residents of these areas.~~ In order to correct these deficiencies, the Urban Renewal Agency will participate with Clackamas County and other agencies in the planning, design and construction of transportation and related public improvements throughout the area. ~~It is the intent of this plan to be subject to further engineering study, determination of funding responsibilities, and right-of-way requirements.~~

Transportation improvements may include the construction, reconstruction, repair or replacement of streets, traffic control devices, bikeways, pedestrian ways, and multi-use paths. Other street and sidewalk improvements including tables, benches and other street furniture, signage, kiosks, phone booths, drinking fountains, decorative fountains, street lights, and acquisition of property and right of way for Transportation Improvement purposes. Transportation Improvements are planned for:

- The McLoughlin Boulevard Corridor through the renewal area
  - The Washington Street Corridor between Route 213 and 7<sup>th</sup> Street
  - The 7<sup>th</sup> Street Corridor through the renewal area
  - The Main Street Corridor from Route 99E to Clackamette Cove
  - The Clackamette Cove area.
  - Transit or linkages to facilitate public transportation
  - Parking
1. ~~Main Street Reconstruction:~~ Main Street in the Lagoon/Waterfront area will be reconstructed to improve access to and within the area, increase traffic capacity, and provide pedestrian and bicycle improvements. Improvements include but are not limited to roadway reconstruction, sidewalks, street trees and landscaping, signals, right of way acquisition and relocation, street furnishings, utility relocation and other elements as required.
  2. ~~Agnes Avenue Reconstruction:~~ Agnes Avenue in the Park Place and Lagoon/Waterfront areas will be reconstructed to improve access to and within the area, increase traffic capacity, and provide pedestrian and bicycle improvements. Improvements include but are not limited to roadway reconstruction, sidewalks, street trees and landscaping, signals, right of way acquisition and relocation, street furnishings, utility relocation and other elements as required.
  3. ~~End of Trail Road Improvements:~~ Road improvements to Washington Street, Abernethy Road and other local streets are required to provide access to and within the End of Trail Area. Improvements include but are not limited to roadway reconstruction, sidewalks, street trees and landscaping, signals, right of way acquisition and relocation, street furnishings, utility relocation and other elements as required.
  4. ~~End of Trail Parking Improvements:~~ Parking improvements required to serve the End of Trail Area will be completed. Improvements include but are not limited to property acquisition and relocation, site preparation, parking facility construction, landscaping, signage, utility relocation, drainage and other elements as required.
  5. ~~Downtown/7th Street Parking Improvements:~~ Surface parking improvements in Downtown along Railroad Avenue and in the 7th Street corridor will be completed to serve existing and future shoppers and workers expected in these areas. Improvements include but are not limited to property acquisition and relocation, site preparation, parking facility construction, landscaping, signage, utility relocation, drainage and other elements as required.
  6. ~~Downtown, Washington St. & 7th Street Streetscape Improvements:~~ A streetscape design and improvements to improve downtown streets and 7th Street in order to make the areas more attractive and comfortable for pedestrians, shoppers and tourists. Improvements include but are not limited to sidewalk widening, landscaping, paved crosswalks, alleyways and parking area improvements, street furniture, improvements, signals and other streetscape improvements.
  7. ~~South End Road Improvements:~~ Road improvements to South End Road and other streets to provide access to the Downtown. Improvements include but are not limited to reconstruction, sidewalks and bikeways, street trees and landscaping, signal relocation, street furnishings, utility relocation and other elements as required.

## **B. Parks, Open Space and Recreation Improvements**

The urban renewal area is located on both the Clackamas and Willamette Rivers, which provide the most diverse recreational opportunities of any city in the region. The Oregon City Revised Master Plan, Oregon City Facilities Study, and End of Oregon Trail Center Master Plan have concluded that there is a need for over 200 acres of additional park land in Oregon City, and that existing parks need improvements. In order to correct these deficiencies, the Urban Renewal Agency will participate in the planning, design and construction of parks, *open space* and recreation facilities and related public improvements throughout the area. ~~These improvements will be subject to further engineering study including a determination whether acquisition for right of way will be required~~

*Parks and Recreation Improvements may include land acquisition, improvement of land or buildings for public parks, open space, bicycle and pedestrian trails, public docks or marinas, and construction of buildings and facilities for public park and recreation uses. Parks and Recreation Improvements are planned for:*

- *Clackamette Cove*
- *River Access and Frontage Improvements*
- *Willamette Riverfront Promenade*
- *Downtown Core Area*
- *End of the Oregon Trail Area bounded by railroad tracks to the west, Highway 213 to the north and Abernethy Creek to the east and south*
- *Abernethy Creek Corridor*
- *McLoughlin Bluff/Promenade*

1. ~~Lagoon/Waterfront Parkland Development: Parkland will be developed as part of this Plan. Land assembly for public parks along the Clackamas and Willamette Rivers will be accomplished as part of this plan. Clackamette Park will be enlarged, and a new park site will be created along the Clackamas River as part of the Lagoon Redevelopment project. Parkland acquisition activities include land acquisition, relocation, and site preparation.~~
2. ~~River Access Trail: A river access trail will be constructed along the Clackamas and Willamette Rivers linking the Park Place area to Downtown Oregon City. Improvements may include but are not limited to site preparation, trail construction, parking, landscaping, furnishings and other elements as required.~~
3. ~~Tour Boat Dock/Marina: Participate in a joint public/private development of a tour boat dock and marina in Lagoon/Waterfront Area. Improvements may include but not be limited to site preparation, dock/marina for parking, utilities, landscaping, furnishings and other elements as required.~~
4. ~~Clackamette Park Improvements: Construct landscaping and park improvements within Clackamette Park. Improvements include but are not limited to site improvements, street and parking improvements, irrigation, lighting, furnishings, restrooms, day use structures, and boat ramp improvement.~~
5. ~~8th Street Dock and Waterfront Area Improvements: Public improvements along the waterfront will enhance one of the most significant aspects of the Renewal Area. Improvements include a plaza, park, viewing area and dock capable of accommodating large tourist boats. A bike path will be constructed from Clackamette Park along the Willamette River to the riverfront.~~



6. ~~McLoughlin Bluff/Promenade Improvements: A series of improvements will be completed in the Downtown area. These improvements include but are not limited to improvement of landscaping along the Willamette Bluff, and improvement of the McLoughlin promenade and 99E pedestrian way.~~
7. ~~Abernethy Creek Corridor Improvements: Construct landscaping and park improvements along the Abernethy Creek Corridor.~~

### **C. Development and Redevelopment Assistance**

The poor condition of many buildings throughout the Area, the lack of facade improvements and the generally poor maintenance of many downtown buildings contribute to the obsolescence and deterioration of the area. ~~The Downtown Oregon City Building Improvement Handbook provides a good guide for building improvements, but many property owners have been unable to make the necessary improvements.~~ In addition, lotting patterns, varied ownerships, physical constraints and existing incompatible uses act as deterrents to redevelopment consistent with the Oregon City Comprehensive Plan and the Downtown Community Plan. In order to address these problems, the Urban Renewal Agency ~~will develop incentives for property owners to upgrade the character and appearance of structures, develop incentives to encourage the development and redevelopment of medium and high density housing within the Area, and when needed, assist in land assembly and site preparation for resale to private developers.~~ may participate, through loans, grants, or both, in assisting development of new public and private buildings in the project area, and in maintaining and improving exterior and interior conditions of existing buildings in the renewal area. The Agency may make this assistance available, as it deems necessary to achieve the objectives of this Plan.

#### ***1. Redevelopment Through New Construction***

*Redevelopment through new construction may be achieved by public or private property owners, with or without financial assistance by the Renewal Agency. To encourage redevelopment through new construction, the Renewal Agency is authorized to set financial guidelines, establish loan programs and provide below-market interest rate and market rate loans and provide such other forms of financial assistance to property owners and those desiring to acquire and redevelop property, as it may deem appropriate in order to achieve the objectives of this Plan.*

#### ***2. Preservation, Rehabilitation, and Conservation***

*The purpose of this activity is to conserve and rehabilitate existing buildings where they may be adapted for uses that further Plan goals. Rehabilitation and conservation may be achieved by owner and/or tenant activity, with or without financial assistance by the Renewal Agency. To encourage rehabilitation and conservation, the Agency is authorized to create guidelines, establish loan and grant programs and provide below market interest rate and market rate loans to the owners of buildings, or those intending to acquire buildings, which are in need of rehabilitation and for which rehabilitation and reuse is economically feasible.*

1. ~~Facade Improvement No interest Loan Program: A no interest loan program for the Downtown, Washington St., and 7th Street Corridor areas to encourage building facade improvements as per the recommendations in the Building Improvement Handbook.~~
2. ~~Building Rehabilitation Loan Program: A low interest loan program for property owners in the Downtown, Washington~~

~~St. and 7th Street Corridor areas to encourage the rehabilitation of buildings requiring structural, wiring, plumbing, space organization, interior finish, exterior finish and other substantial rehabilitation to bring them to modern structural and fire codes, and ready them for conversion to modern office and retail use.~~

- ~~3. Lagoon Area Land Assembly and Site Preparation: The lagoon area is planned for redevelopment for tourist commercial uses directly related to the End of Trail Center. Acquisition of land, relocation of existing businesses, and site preparation activities will be undertaken by the Urban Renewal Agency as required.~~
- ~~4. Park Place Housing Development Assistance: A housing development assistance program in the Park Place district will be undertaken by the Urban Renewal Agency in order to support the development and redevelopment of medium and high density housing. Assistance programs may include but are not limited to loans, grants, planning and permitting assistance, and other activities required to support the development of new housing.~~

#### **D. Public Facility and Services Improvements**

The Oregon City Facilities Study has identified needed improvements to several public facilities located in the Urban Renewal Area. The Urban Renewal Agency ~~will participate in the planning, design and construction of public facility and services improvements, including the following:~~ *is authorized to acquire property for, and make improvements for public facilities which support the residential and business development of the project area, including:*

- *Meeting, conference, educational, or cultural facilities*
- *Facilities which supporting the identity of the Area, such as plazas, gateways, and public art*
- *Other Public building facilities*

*The extent of the Agency's participation in funding public building facilities will be based upon an Agency finding on the benefit of that project to the renewal area and the importance of the project in carrying out Plan objectives.*

- ~~1. End of Trail Area Fire Protection Facility: The Oregon City Facilities Study recommends that a new fire station be constructed in the End of Trail district in order to serve the urban renewal area. The Urban Renewal Agency will participate in the site acquisition and construction of a new fire station.~~
- ~~2. Assist City Library Restoration: The Oregon City Facilities Study identifies the need to improve the existing Carnegie library located in the Washington/7th Street district. The Urban Renewal Agency will participate in the library restoration activities sharing in the cost of historic building restoration.~~

#### **E. Public Infrastructure**

*These projects include construction, reconstruction, repair, and upgrading; water, wastewater and stormwater facilities, relocation of overhead lines, acquisition of land, right of ways, easements and other land rights needed to carry out the above purposes. Public Infrastructure Improvements are planned for:*

- *Water*
- *Wastewater*
- *Stormwater*

- *Utility Relocation*

#### **EF. Planning and Administration**

*Project resources may be utilized to prepare the Urban Renewal Plan, design plans and master plans for the renewal area, transportation plans, miscellaneous land use and public facility studies as needed during the course of the urban renewal plan. Activities related to marketing program for the Area that may utilize project funds. Project funds may also be utilized to pay for personnel, overhead and other administrative costs incurred in the management of the urban renewal plan.*

#### **E. Planning and Administration**

~~It is the intent of this Plan to provide for the effective administration of the Plan, and to plan for the various activities contained in the Plan. The Urban Renewal Agency will participate in further planning and design activities for the various districts within the Plan Area, planning and design for the various project activities contained in the Plan, activities related to the preparation of this Plan, and the general administration of the Plan. Specific activities include:~~

- ~~1. Sub-District Design Plans: Detailed design and development plans will be prepared for the Lagoon/Waterfront Area, Downtown, Park Place, Washington/7th Street Corridor, and Heritage Center.~~
- ~~2. Downtown/End of Trail Transportation Linkage Plan: In order to improve the linkages between the downtown and End of Trail area, a special design and transportation plan will be prepared. This plan will consider methods to improve the flow of people and vehicles between these two activity areas, and should consider pedestrians, bicycles, automobiles and special modes such as trolleys and light rail.~~
- ~~3. Plan Administration: Project resources may be utilized to prepare the Urban Renewal Plan, sub-district and transportation plans, miscellaneous land use and public facility studies as needed during the course of the urban renewal plan. Activities related to a marketing program for the Area may utilize project funds. Project funds may also be utilized to pay for personnel, overhead and other administrative costs incurred in the management of the urban renewal plan.~~

#### **G. Property Acquisition**

*Acquisition of real property is determined necessary to carry out the objectives of this Plan.*

*Accordingly, this Plan authorizes the following property acquisitions within the Urban Renewal Area:*

- *Where detrimental land uses or conditions such as incompatible uses, or adverse influences from noise, smoke or fumes exist, or where there exists over-crowding, excessive dwelling unit density or conversions to incompatible types of uses, and it is determined by the Agency that acquisition of such properties and the rehabilitation or demolition of the improvements are necessary to remove blighting influences;*
- *Where it is determined by the Agency that the property is needed for the following purposes;*

##### ***1. Property to be Acquired for Public Improvements and Facilities***

*It is anticipated that acquisition of real property will be necessary to carry out public use objectives of this plan. These objectives include right-of-way acquisition for streets, alleys, bicycle and pedestrian ways, and other public improvements, uses and facilities described in Section 700 of this Plan. Prior to acquisition, this Plan shall be amended to identify the specific property or interest to be acquired.*

*The type of amendment required to acquire property for Public Improvements and Facilities is:*

- a. Right-of-way acquisition for streets, alleys, bicycle and pedestrian ways that do not require the use of eminent domain will require a minor amendment to this Plan, as described in Section 1000 A1 of this Plan. City Commission approval will not be required for these acquisitions.*
- b. Acquisition for other public improvements, uses, and facilities will require a minor amendment to this Plan, as described in Section 1000 A1 of this Plan, and also will require City Commission approval of the minor amendment, per Section 1000 B. 2 of this Plan.*
- c. Any acquisition of property for Public Improvements and Facilities that requires the use of eminent domain will require a minor amendment to this Plan, as described in Section 1000 A1 of this Plan, and also will require City Commission approval of the minor amendment, per Section 1000 B. 2 of this Plan.*

*Such amendments will be accompanied by findings to the Agency describing the property to be acquired, the anticipated disposition of such property, and an estimated time schedule for such acquisition and disposition. The property to be acquired will be incorporated into Table 1 of this Plan.*

**2. Property to be acquired for Redevelopment.**

*Property may be acquired by the Renewal Agency and disposed of to a public or private developer in accordance with this Plan. Prior to acquisition, this Plan shall be amended to identify the specific property or interest to be acquired. The type of amendment required to acquire property for Redevelopment is:*

- a. Acquisition for Redevelopment will require a minor amendment to this Plan as described in Section 1000 A1 of this Plan, and also will require City Commission approval of the minor amendment per Section 1000 B 2 of this Plan.*

*Such amendments will be accompanied by findings to the Agency describing the property to be acquired, the anticipated disposition of such property, and an estimated time schedule for such acquisition and disposition. The property to be acquired will be incorporated into Table 1 of this Plan.*

**TABLE 1**  
**PROPERTIES TO BE ACQUIRED**

<u>Tax Map</u>	<u>Tax Lot</u>
2-2 E-20	(Part) 502
2-2 E-29	(Part) 1503
2-2 E-29	(Part) 1503
2-2 E-29	1505
2-2 E-29	1508

2-2 E-29

400

2-2E-29

(Part) 600

2-2E-29

1400

~~It is anticipated that the properties to be acquired will be acquired during the period 1991 to 2010, and that disposition will be completed by the year 2020.~~

~~1. **Property to be acquired for public use.** It is anticipated that acquisition of real property may be necessary to carry out public use objectives of this plan. Real property acquisition may be necessary to carry out roadway right of way and parking improvements as described for project activities A.1 8. Real property acquisition may be necessary to carry out park and recreation improvements and related right of way and parking improvements described for project activities B.1 7. Real property acquisition may be necessary to carry out public facility and services improvements described for project activity D.1.~~

~~—The real property which may be acquired for public use is shown in Exhibit 7 of this Plan, and is listed by Tax Map and Lot in Table 1 of this section.~~

~~—Property for public use may be acquired by gift, eminent domain, or any other lawful method for the purpose of development of public improvements.~~

~~2. **Property to be Acquired for Redevelopment.** Acquisition of property for redevelopment is necessary to carry out the objectives of this Plan. The Agency may acquire, assemble, and dispose of property for redevelopment by a redeveloper. Such action will assist in private commercial and residential development in the Renewal Area by allowing the consolidation of property into a parcel or parcels of adequate size for development.~~

~~—Property will be disposed of according to the terms of a Disposition and Development Agreement, specifying the obligations of the Renewal Agency and the Developer.~~

~~—Property for redevelopment may also be acquired by gift, eminent domain, or any other lawful method for the purpose of redevelopment. Property which may be acquired for Redevelopment is shown in Exhibit 7 of this Plan, and listed by Tax Map and Lot in Table 1 of this section.~~

~~Acquisition of properties listed in Table 1 and any right of way needed for project activities listed in this section not requiring the acquisition and relocation of a residence or business is authorized in this Plan. If acquisition for right of way is needed which requires the relocation of a residence or business, a major amendment to this Plan will be required as defined in Section 1000.B. If acquisition for public use or redevelopment is needed, other than the properties listed in Table 1, an amendment to this Plan will be required according to substantial changes, Section 1000.B.~~

## **H. Property Disposition**

**1. Property Disposition - The Renewal Agency will dispose of property acquired within the Amended Renewal Area for redevelopment for uses and purposes specified in this Plan. Properties shall be subject to disposition for the following purposes:**

**a. Road, street, and utility improvements.**

**b. Construction of pedestrian, bikeway, or other public facilities specified in this plan.**

- c. *Redevelopment by private redevelopers for purposes consistent with the uses and objectives of this plan. Such disposition will be in accordance with the terms of a Disposition and Development Agreement between the Developer and the Renewal Agency.*

*The Renewal Agency may enter into agreements to acquire land, to hold land for future development, to dispose of any land it has acquired at fair reuse value, and to define the fair reuse value of any land.*

## 1000. FUTURE AMENDMENTS

It is anticipated that this plan will be reviewed periodically during the execution of the Project. The plan may be changed, modified, or amended as future conditions warrant.

### *A. MINOR AMENDMENTS*

*Minor changes to the Plan shall be made by a duly approved resolution of the Agency that describes the details of the minor change. Minor changes shall include:*

1. *Identification of property to be acquired for any purpose set forth in Section 700 G(1)(a) of this Plan.*
2. *Changes to the Plan which are not specifically identified as requiring a Substantial Amendment, or a City Commission-Approved Amendment*

### *B. CITY COMMISSION-APPROVED AMENDMENTS*

*City Commission-Approved amendments to the Plan shall require approval by the Agency by Resolution and approval by the City Commission by Ordinance. City Commission-Approved amendments are:*

1. *Adding a project, activity, or program that differs substantially from a project, program, or activity in the Plan, and is estimated to cost in excess of the equivalent of \$500,000 in first quarter year 2000 dollars over the duration of the Plan. The \$500,000 threshold shall be adjusted annually at a rate equal to the Construction Cost Index (CCI), also referred to as the ENR Index for Construction published quarterly by the Engineering News Record.*
2. *Identification of land for acquisition which requires City Commission approval per Sections 700 G.1b, G.1c, or 700 G. 2a. of this Plan.*

### *C. SUBSTANTIAL AMENDMENTS*

*Substantial amendments shall require the notice, hearing, and approval procedures required by ORS 457.095, and special notice as provided in ORS 457.120. Substantial amendments are:*

1. *Adding land to the urban renewal area, except for an addition of land that totals not more than one percent of the existing area of the urban renewal area.*
2. *Increasing the amount of maximum indebtedness that can be issued or incurred under the plan*

~~Where, in the judgement of the Renewal Agency, the proposed modification will substantially change the plan, the~~

~~modification must be approved by the City Commission in the same manner as the original plan.~~

~~Minor changes to the Plan shall be made by a duly approved resolution of the Agency which describes the details of the minor change.~~

**A. Minor changes:**

~~Minor changes shall include:~~

- ~~1. Clarification or additions to definitions, or graphic exhibits in this Plan.~~
- ~~2. Clarification of descriptions of project activities, where these modifications are consistent with the overall intent of the Plan.~~
- ~~3. Modification in the location of project improvements authorized in this plan, as such modifications may result from detailed engineering, architectural, or planning analysis.~~
- ~~4. Modifications resulting from amendments to the City's Comprehensive Plan, or the codes, policies, or ordinances which are established to implement the Comprehensive Plan.~~
- ~~5. Right of way acquisition not requiring the relocation of a residence or business.~~

**B. Substantial Changes:**

~~Substantial changes, requiring City Commission approval in the same manner as the original plan, shall include:~~

- ~~1. Changes to the boundary of this Plan.~~
- ~~2. Acquisition of property not undertaken in connection with projects or activities defined in Sections 700 A through D of this plan.~~
- ~~3. The addition of project activities which would modify the purposes and objectives of this Plan.~~
- ~~4. Right of way acquisition requiring the relocation of a residence or business.~~

**SECTION 1100**

**Latest Date for Bonded Indebtedness** (Section inserted via 1<sup>st</sup> Amendment, Sept. 25, 1991)

~~This urban renewal plan calls for a division of ad valorem taxes under ORS 457.440. No bonded indebtedness shall be issued with respect to the plan, or any project undertaken with respect to the plan later than 15 years following the adoption of this amendment of this urban renewal plan.~~

*Note: The requirement for a "latest date" provision was removed from urban renewal law after passage of BM50. BM50 requires that plans contain a maximum debt provision.*

# CITY OF OREGON CITY DOWNTOWN/NORTH END URBAN RENEWAL PLAN REPORT ON FIFTH AMENDMENT - DRAFT

## INTRODUCTION

The Fifth Amendment to the Downtown/North End Urban Renewal Plan makes the following changes to the Urban Renewal Plan:

- Revises certain Goals and Objectives of the Plan to reflect changed conditions, and to clarify the Agency's intentions.
- Revises the description of project activities to clarify the current and future intent of the Agency in carrying out project activities.
- Revises and clarifies procedures for acquiring property.
- Revises and clarifies procedures for amendments to the Urban Renewal Plan.
- In keeping with the current requirements of ORS 457, removes the provision for a latest date for issuing bonded indebtedness.

In the following sections, additions and new wording are shown in *Italics*, deleted wording shown in ~~strikeover~~. The sections of the Report on the Urban Renewal Plan changed by the Fifth Amendment follow below.

### 100 - DESCRIPTION OF CONDITIONS IN THE AREA

The Fifth Amendment to the Downtown/North End Urban Renewal Plan makes no changes to this section of the Report on the Plan.

### 200 - FISCAL, SERVICES, AND POPULATION IMPACTS

The Fifth Amendment to the Downtown/North End Urban Renewal Plan makes no changes to this section of the Report on the Plan.

### 300 - REASONS FOR SELECTION OF THE AREA

The Fifth Amendment to the Downtown/North End Urban Renewal Plan makes no changes to this section of the Report on the Plan.

### 400 - RELATIONSHIP BETWEEN EACH PROJECT ACTIVITY TO BE UNDERTAKEN AND EXISTING CONDITIONS

The Fifth Amendment to the Downtown/North End Urban Renewal Plan makes no changes to this section of the Report on the Plan.

### 500 - FINANCIAL ANALYSIS OF PLAN

The Fifth Amendment to the Downtown/North End Urban Renewal Plan replaces Table 3 of the Report on the Plan. The revised Table 3 is shown below. The total cost of projects is unchanged from the Fourth Amendment. The Fifth Amendment results in no material change in the financial aspects of the Urban Renewal Plan, and the Plan therefore remains financially feasible.



<b>TABLE 3</b>		
<b>CITY OF OREGON CITY</b>		
<b>DOWNTOWN/NORTH END URBAN RENEWAL DISTRICT</b>		
<b>ESTIMATED PROJECT COSTS</b>		
	<b>Costs***</b>	<b>Comments</b>
<b>A. Transportation Improvements</b>		
McLoughlin Blvd Corridor**	\$1,000,000	Match for Regional funds
Washington St. Corridor**		
Abernethy to 7 <sup>th</sup> Street	\$1,200,000	Overlay, bridge safety, and LOS
Washington Street/Hwy 213	\$3,000,000	Match for Regional Funds long term
7 <sup>th</sup> Street Corridor**	\$1,500,000	Match for Regional Funds
Main Street Corridor	\$1,500,000	
Clackamette Cove Area		Partner share with development or Tri-
Agnes or Equivalent Cove Access Road construction	\$800,000	City?
Local Street Linkages**		
12 <sup>th</sup> Street, Main to Hwy 99E	\$800,000	
Main Street Ext. Bikeway, Hwy 99E to Main	\$100,000	Match for Regional Funds
Linkages to Public Transportation**	\$400,000	Match for Regional Funds
Transit Facilities		
Train Station	\$200,000	
Parking		
Second Downtown lot and Park'n Ride Lot	\$1,000,000	
<b>B. Parks, Open Space &amp; Recreation Improvements*</b>	\$3,943,000	
Clackamette Cove		
Willamette Riverfront Promenade		
River Access and Frontage Improvements		
Downtown Core Area		
End of Trail Area (RR, Highway 213, Abernethy Creek)		
Abernethy Creek Corridor		
McLoughlin Bluff Promenade		
<b>C. Development and Redevelopment Assistance*</b>	\$1,000,000	
Redevelopment Through New Construction		
Preservation, Rehabilitation, and Conservation		
<b>D. Public Facility and Service Improvements*</b>	\$2,000,000	
Meeting, conference, educational and cultural facilities		
Facilities supporting identity of the area (plazas, etc)		
Other public building facilities		
<b>E. Public Infrastructure Projects*</b>	\$1,166,683	
Water		
Wastewater		
Stormwater		
Utility Relocation		
<b>F. Planning and Administration*</b>	\$3,637,000	
<b>G. Property Acquisition*</b>	\$1,000,000	
<b>Total cost of projects***</b>	<b>\$24,246,683</b>	

\* *Final project costs within this project category will be adjusted based on project details.*

\*\* *Projects identified in Transportation System Plan (TSP) and Regional Transportation Plan (RTP)*

\*\*\* *The estimated total cost of project activities is the same as the total cost used in the 1998 calculation of maximum indebtedness for the Downtown/North End Renewal Area. All costs in Table 3 are shown in 1998 dollars, again to remain consistent with the cost figures used to calculate the maximum indebtedness*

## **600 – RELOCATION**

The Fifth Amendment to the Downtown/North End Urban Renewal Plan makes no changes to this section of the Report on the Plan.

CITY OF OREGON CITY  
HILLTOP URBAN RENEWAL PLAN  
REPORT ON FIFTH AMENDMENT - DRAFT

## INTRODUCTION

The Fifth Amendment to the Hilltop Urban Renewal Plan makes the following changes to the Urban Renewal Plan:

- Revises the description of project activities to clarify the current and future intent of the Agency in carrying out project activities.
- Revises and clarifies procedures for acquiring property.
- Revises and clarifies procedures for amendments to the Urban Renewal Plan.
- In keeping with the current requirements of ORS 457, removes the provision for a latest date for issuing bonded indebtedness.

In the following sections, additions and new wording are shown in *Italics*, deleted wording shown in ~~strikeover~~. The sections of the Report on the Urban Renewal Plan changed by the Fifth Amendment follow below.

### 100 - DESCRIPTION OF CONDITIONS

The Fifth Amendment to the Hilltop Urban Renewal Plan makes no changes to this section of the Report on the Plan.

### 200 - FISCAL, SERVICES, AND POPULATION IMPACTS

The Fifth Amendment to the Hilltop Urban Renewal Plan makes no changes to this section of the Report on the Plan.

### 300 - REASONS FOR SELECTION OF THE AREA

The Fifth Amendment to the Hilltop Urban Renewal Plan makes no changes to this section of the Report on the Plan.

### 400 - RELATIONSHIP BETWEEN ACTIVITY AND CONDITIONS

The Fifth Amendment to the Hilltop Urban Renewal Plan makes no changes to this section of the Report on the Plan.

### 500 - FINANCIAL ANALYSIS OF PLAN

The Fifth Amendment to the Hilltop Urban Renewal Plan replaces Table 5 of the Report on the Plan. The revised Table 5 is shown below. The total cost of projects is unchanged from the Fourth Amendment. The Fifth Amendment results in no material change in the financial aspects of the Urban Renewal Plan, and the Plan therefore remains financially feasible.

TABLE 5	
CITY OF OREGON CITY	
HILLTOP URBAN RENEWAL DISTRICT	
PROJECT COSTS	
<i>Total Project Costs</i>	
<b>A. Transportation Improvements*</b>	<b>\$5,525,000</b>
Beavercreek Road Corridor	
Beavercreek Road/ Highway 213 Intersection	\$2,500,000
Beavercreek Road Improvements	\$2,500,000
Fir Street Improvements	\$125,000
Molalla Road Corridor	
Molalla/Warner Milne	\$400,000
Local Street Improvements	
Transit or Linkages to facilitate	
Parking	
<b>B. Public Facility and Services Improvements *</b>	<b>\$769,411</b>
Meeting, conference, educational and cultural facilities	
Facilities supporting identity of the area (Plazas, etc.)	
Other public building facilities	
<b>C. Public Infrastructure *</b>	<b>\$769,411</b>
Water	
Wastewater	
Stormwater	
Utility Relocation	
<b>D. Planning and Administration</b>	<b>\$1,382,340</b>
<b>E. Property Acquisition *</b>	<b>\$769,411</b>
<b>Total cost of projects**</b>	<b>\$9,215,575</b>

\* Final project costs within this project category will be adjusted based on project details.

\*\* The estimated total cost of project activities is the same as the total cost used in the calculation of maximum indebtedness for the Hilltop Renewal Area. All costs are in 1998 dollars, again to remain consistent with the used to calculate the maximum indebtedness

## 600 – RELOCATION

The Fifth Amendment to the Hilltop Urban Renewal Plan makes no changes to this section of the Report on the Plan.

# CITY OF OREGON CITY HILLTOP URBAN RENEWAL PLAN FIFTH AMENDMENT - DRAFT

## INTRODUCTION

The Fifth Amendment to the Hilltop Urban Renewal Plan makes the following changes to the Urban Renewal Plan:

- Revises the description of project activities to clarify the current and future intent of the Agency in carrying out project activities.
- Revises and clarifies procedures for acquiring property.
- Revises and clarifies procedures for amendments to the Urban Renewal Plan.
- In keeping with the current requirements of ORS 457, removes the provision for a latest date for issuing bonded indebtedness.

The Fifth Amendment to the Hilltop Urban Renewal Plan will be undertaken as a major amendment to the Plan, and as such, will require adoption by a non-emergency Ordinance of the City Commission. The Fifth Amendment to the Plan does not change the boundary of the Plan, or the Maximum Indebtedness which can be undertaken under the Plan.

In the following sections, additions and new wording are shown in *Italics*, deleted wording shown in ~~strikeover~~. The sections of the Urban Renewal Plan changed by the Fifth Amendment follow below.

## 700. PROJECT ACTIVITIES

In order to achieve the goals and objectives of this Plan, the following project activities will be undertaken on behalf of the City by the Urban Renewal Agency (hereinafter referred to as "Agency") in accordance with applicable federal, state, county and city laws, policies, and procedures.

~~Because this Amendment removes all of the "first level" areas included in the original 1983 Plan, all of the project activities for the Amended Renewal Area are stated and restated herein and need not be referenced in any previous plan or amendment.~~

~~The Amended Plan shall be used as the guiding document and description of project activities to be undertaken, subject to revisions as may be appropriate through final design, engineering, scheduling, budgeting and implementation as carried out by the Agency. The Report on the Amended Plan lists annual project activities and contains projected costs and scheduling of project activities.~~

### A. ~~Transportation and Storm Drainage Improvements~~

The 1989 Amendment to the Urban Renewal Plan included Transportation and Storm Drainage

improvements intended to improve circulation and access within the Hilltop area of the Plan, and provide services adequate to permit more productive use of land in the area. It is deemed necessary to carry out these improvements within the Hilltop Area. Therefore, this Urban Renewal Plan calls for the following Transportation and Storm Drainage improvements within the Urban Renewal Area:

*Transportation improvements may include the construction, reconstruction, repair or replacement of streets, traffic control devices, bridges, bikeways, pedestrian ways, and multi-use paths. Other street and sidewalk improvements including tables, benches and other street furniture, signage, kiosks, phone booths, drinking fountains, decorative fountains, street lights, and acquisition of property and right of way for Transportation Improvement purposes. Transportation Improvements are planned for:*

- *The Beavercreek Road Corridor through the renewal area*
  - *The Molalla Avenue Corridor through the Renewal Area*
  - *Local streets linking Corridors within the area*
  - *Transit or Linkages to facilitate Public Transportation*
  - *Parking*
1. ~~**Beavercreek Road and Molalla Avenue Improvements, Phase 1.**~~ The intent of this activity is to improve the Molalla Avenue/Beavercreek Road intersection. The project includes signal relocation, sidewalk/bike path, drainage and street improvements, and right-of-way acquisition on Molalla Avenue and Beavercreek Roads.
  2. ~~**Red Soils Access and Drainage Improvements.**~~ This activity will construct a new roadway from the Molalla Avenue/Beavercreek Road intersection to Kaen Road. The project includes curb, sidewalks, street and drainage improvements. No right-of-way acquisition is anticipated.
  3. ~~**Fir Street Extension and Beavercreek Road Frontage Improvements.**~~ This activity will construct a new roadway from Beavercreek Road south to Fir Street. Only the portion of the new roadway within the Renewal Area will be financed with tax increment revenues. The project includes curb, sidewalk, street and drainage improvements for the new road; curb, sidewalk, street and drainage improvements to the Beavercreek Road frontage; and right-of-way acquisition.
  4. ~~**Younger/Jacobi Access and Beavercreek Road Frontage Improvements.**~~ This activity will construct a new roadway from Beavercreek Road to the Younger property. The project includes curb, street and drainage improvements for the new road; curb, sidewalk, street and drainage improvements to the Beavercreek Road frontage; and right-of-way acquisition.
  5. ~~**Beavercreek Road Improvements, Phase 2.**~~ This activity will improve and widen Beavercreek Road from the Phase 1 improvement to a point east of the Oregon City Bypass. The project includes curb, sidewalk, bikeway, signals, street and drainage improvements, and right-of-way acquisition. Tax increment revenues will finance a portion of the total project cost.
  6. ~~**Warner Milne Road Improvements.**~~ This activity will improve and widen Warner Milne Road from Molalla Avenue to Warner Parrot Avenue. The project includes curb, sidewalk, bikeway, street, and drainage improvements, right of way acquisition, and a new signal at Kaen Road. Tax increment revenues will finance a portion of the total project cost.

### **B. Public Facility and Services Improvements**

*The Agency is authorized to acquire property for, and make improvements for public facilities that support the development of the project area, including,*

- *Meeting, conference, educational, or cultural facilities*
- *Facilities supporting the identity of the Area, such as plazas, gateways, and public art*
- *Other Public building facilities*

*The extent of the Agency's participation in funding such facilities will be based upon an Agency finding on the benefit of that project to the renewal area and the importance of the project in carrying out Plan objectives.*

### **B.C.—Sewer and Water Improvements Public Infrastructure**

*These projects include construction, reconstruction, repair, upgrading; water, wastewater and stormwater facilities, relocation of overhead lines, and acquisition of land, right of ways, easements and other land rights needed to carry out the above purposes. Public Infrastructure Improvements are planned for:*

- *Water*
- *Wastewater*
- *Stormwater*
- *Utility Relocation*

~~The 1989 Amendment to the Urban Renewal Plan included sewer and water improvements necessary to adequately service land within the Hilltop area of the Plan, and permit more productive use and development of land in the area. It is deemed necessary to carry out these improvements in the Hilltop area. Therefore, this Urban Renewal Plan calls for the following improvements to be implemented within the Urban Renewal Area:~~

- ~~1. **Red Soils Sanitary Sewer Improvements.** This activity will construct a new sanitary sewer line across the Red Soils property to Molalla Avenue. Tax increment revenues will finance a portion of the total project costs.~~
- ~~2. **Red Soils Water Improvements.** Construct new water lines in Kaen Road and across the Red Soils property to Molalla Avenue. Tax increment revenues will finance a portion of the total project costs.~~

### **D. Planning and Administration**

*Project resources may be utilized to prepare the Urban Renewal Plan, design plans and master plans for the renewal area, transportation plans, miscellaneous land use and public facility studies as needed during the course of the urban renewal plan. Activities related to marketing program for the Area that may utilize project funds. Project funds may also be utilized to pay for personnel, overhead and other administrative costs incurred in the management of the urban renewal plan.*

### **G. E. Property Acquisition**

*Acquisition of real property is determined necessary to carry out the objectives of this Plan.*

*Accordingly, this Plan authorizes the following property acquisitions within the Urban Renewal Area:*

- *Where detrimental land uses or conditions such as incompatible uses, or adverse influences from noise, smoke or fumes exist, or where there exists over-crowding, excessive dwelling unit density or conversions to incompatible types of uses, and it is determined by the Agency that acquisition of such properties and the rehabilitation or demolition of the improvements are necessary to remove blighting influences;*
- *Where it is determined by the Agency that the property is needed for the following purposes;*

### ***1. Property to be Acquired for Public Improvements and Facilities***

*It is anticipated that acquisition of real property will be necessary to carry out public use objectives of this plan. These objectives include right-of-way acquisition for streets, alleys, bicycle and pedestrian ways, and other public improvements, uses and facilities described in Section 700 of this Plan. Prior to acquisition, this Plan shall be amended to identify the specific property or interest to be acquired.*

*The type of amendment required to acquire property for Public Improvements and Facilities is:*

- a. *Right-of-way acquisition for streets, alleys, bicycle and pedestrian ways that do not require the use of eminent domain will require a minor amendment to this Plan, as described in Section 900 A1 of this Plan. City Commission approval will not be required for these acquisitions.*
- b. *Acquisition for other public improvements, uses, and facilities will require a minor amendment to this Plan, as described in Section 900 A1 of this Plan, and also will require City Commission approval of the minor amendment, per Section 900 B. 2 of this Plan.*
- c. *Any acquisition of property for Public Improvements and Facilities that requires the use of eminent domain will require a minor amendment to this Plan, as described in Section 900 A1 of this Plan, and also will require City Commission approval of the minor amendment, per Section 900 B. 2 of this Plan.*

*Such amendments will be accompanied by findings to the Agency describing the property to be acquired, the anticipated disposition of such property, and an estimated time schedule for such acquisition and disposition. The property to be acquired will be incorporated into Table 2 of this Plan.*

### ***2. Property to be acquired for Redevelopment.***

*Property may be acquired by the Renewal Agency and disposed of to a public or private*



*developer in accordance with this Plan. Prior to acquisition, this Plan shall be amended to identify the specific property or interest to be acquired. The type of amendment required to acquire property for Redevelopment is:*

- a. Acquisition for Redevelopment will require a minor amendment to this Plan as described in Section 900 A1 of this Plan, and also will require City Commission approval of the minor amendment per Section 900 B 2 of this Plan.*

*Such amendments will be accompanied by findings to the Agency describing the property to be acquired, the anticipated disposition of such property, and an estimated time schedule for such acquisition and disposition. The property to be acquired will be incorporated into Table 2 of this Plan.*

TABLE 2

PROPERTIES TO BE ACQUIRED

<u>Tax Map</u>	<u>Tax Lot</u>	
3-2E-5DB	3400	
3-2E-5D	500	(Portion)
3-2E-5D	501	(Portion)
3-2E-5D	400	(Portion)
3-2E-5D	1000	
3-2E-5D	1100	
3-2E-5C	300	(Portion)
3-2E-5D	1300	(Portion)
3-2E-5D	1400	(Portion)
3-2E-9B	2000	(Portion)
3-2E-5C	293	(Portion)
3-2E-5DB	3300	
3-2E-5DB	3200	
3-2E-5DB	3201	
3-2E-5C	800	(Portion)

***Property Acquisition and Disposition Schedule:*** *It is anticipated that the properties to be acquired will be acquired during the period 1991 to 1998, 2011, and that disposition will be completed by the year 2016.*

~~The 1983 Urban Renewal Plan authorized real property acquisition for right of way improvements, and to implement a variety of public and private development activities. The 1989 Amendment to the Urban Renewal Plan included additional property acquisition within the Hilltop area of the Plan. Acquisitions included in that Amendment were for right of way purposes, and for assembly and disposition for private development purposes.~~

~~This Amended Plan authorizes the acquisition of an additional property for redevelopment purposes. This acquisition is a portion of a parcel of land within the Red Soils area, currently owned by Clackamas County. Acquisition of this property will be accomplished in phases. The property is identified in Exhibit 5, and in Table 2 of this section of the Plan.~~

Acquisition of real property is determined necessary to carry out the objectives of this Amended Plan. Accordingly, this Plan authorizes the following property acquisitions within the Amended Urban Renewal Area:

- ~~1. **Property to be acquired for public use.** It is anticipated that acquisition of real property will be necessary to carry out public use objectives of this plan. Real property acquisition will be necessary to carry out roadway right of way improvements as described for project activities 1.a 1.e.~~

~~— The real property which may be acquired for public use is shown in Exhibit 4 of this Plan Amendment, and is listed by Tax Map and Lot in Table 2 of this section.~~

~~— Property for public facilities other than streets may be acquired by gift, eminent domain, or any other lawful method for the purpose of development of public improvements. Such property shall not be acquired until this Plan is amended pursuant to Section 900 of this Plan.~~

- ~~2. **Property to be Acquired for Redevelopment.** Acquisition of property for redevelopment is necessary to carry out the objectives of this Plan. The Agency may acquire, assemble, and dispose of property for redevelopment by a redeveloper. Such action will assist in private commercial and industrial development in the Renewal Area by allowing the consolidation of property into a parcel or parcels of adequate size for development.~~

~~— Property will be disposed of according to the terms of a Disposition and Development Agreement, specifying the obligations of the Renewal Agency and the Developer.~~

~~— Property which may be acquired for Redevelopment is shown in Exhibit 5 of this Plan Amendment, and listed by Tax Map and Lot in Table 2 of this section. Additional property for Redevelopment shall not be acquired until this Plan is amended pursuant to Section 900 of this Plan.~~

## **F. Property Disposition**

- 1. **Property Disposition** - The Renewal Agency will dispose of property acquired within the Amended Renewal Area for redevelopment for uses and purposes specified in this Plan. Properties shall be subject to disposition for the following purposes:*

- a. Road, street, and utility improvements.*
- b. Construction of pedestrian, bikeway, or other public facilities specified in this plan.*
- c. Redevelopment by private redevelopers for purposes consistent with the uses and objectives of this plan. Such disposition will be in accordance with the terms of a Disposition and Development Agreement between the Developer and the Renewal Agency.*

The Renewal Agency may enter into agreements to acquire land, to hold land for future development, to dispose of any land it has acquired at fair reuse value, and to define the fair reuse value of any land.

**Disposition Schedule:** It is anticipated that property acquired for redevelopment will be

~~disposed of during the period 1991 to 1998.~~

## 900. FUTURE AMENDMENTS

It is anticipated that this plan will be reviewed periodically during the execution of the Project. The plan may be changed, modified, or amended as future conditions warrant.

### *A. MINOR AMENDMENTS*

*Minor changes to the Plan shall be made by a duly approved resolution of the Agency that describes the details of the minor change. Minor changes shall include:*

- 1. Identification of property to be acquired for any purpose set forth in Section 700 D.1.a. of this Plan.*
- 2. Changes to the Plan which are not specifically identified as requiring a Substantial Amendment, or a City Commission-Approved Amendment*

### *B. CITY COMMISSION-APPROVED AMENDMENTS*

*City Commission-Approved amendments to the Plan shall require approval by the Agency by Resolution and approval by the City Commission by Ordinance. City Commission-Approved amendments are:*

- 1. Adding a project, activity, or program that differs substantially from a project, program, or activity in the Plan, and is estimated to cost in excess of the equivalent of \$500,000 in first quarter year 2000 dollars over the duration of the Plan. The \$500,000 threshold shall be adjusted annually at a rate equal to the Construction Cost Index (CCI), also referred to as the ENR Index for Construction published quarterly by the Engineering News Record.*
- 2. Identification of land for acquisition which requires City Commission approval per Sections 700 D.1. b, 700 D.1.c., or 700 D. 2. a. ) of this Plan.*

### *C. SUBSTANTIAL AMENDMENTS*

*Substantial amendments shall require the notice, hearing, and approval procedures required by ORS 457.095, and special notice as provided in ORS 457.120. Substantial amendments are:*

- 1. Adding land to the urban renewal area, except for an addition of land that totals not more than one percent of the existing area of the urban renewal area.*
- 2. Increasing the amount of maximum indebtedness that can be issued or incurred under the plan*

~~Where, in the judgement of the Renewal Agency, the proposed modification will substantially change the plan, the~~

modification must be approved by the City Commission in the same manner as the original plan.

Minor changes to the Plan shall be made by a duly approved resolution of the Agency which describes the details of the minor change.

**A. Minor changes:**

Minor changes shall include:

1. ~~Clarification or additions to definitions, or graphic exhibits in this Plan.~~
2. ~~Clarification of descriptions of project activities, where these modifications are consistent with the overall intent of the Plan.~~
3. ~~Modification in the location of project improvements authorized in this plan, as such modifications may result from detailed engineering, architectural, or planning analysis.~~
4. ~~Modifications resulting from amendments to the City's Comprehensive Plan, or the codes, policies, or ordinances which are established to implement the Comprehensive Plan.~~

**B. Substantial Changes:**

Substantial changes, requiring City Commission approval in the same manner as the original plan, shall include:

1. ~~Changes to the boundary of this Plan.~~
2. ~~Acquisition of property not undertaken in connection with projects or activities defined in Sections 700 A through C of this plan.~~
3. ~~The addition of project activities which would modify the purposes and objectives of this Plan.~~

**950. LATEST DATE FOR ISSUE OF BONDED INDEBTEDTNESS**

(Section inserted via 2<sup>nd</sup> Amendment, Sept. 25, 1991)

~~This urban renewal plan calls for a division of ad valorem taxes under ORS 457.440. No bonded indebtedness shall be issued with respect to the plan, or any project undertaken with respect to the plan later than 10 years following the adoption of this amendment of this urban renewal plan.~~

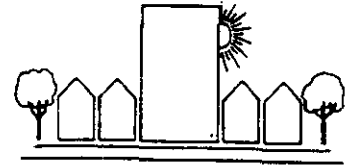
*Note: The requirement for a "latest date" provision was removed from urban renewal law after passage of BM50. BM50 requires that plans contain a maximum debt provision.*



# SITE PLAN AND DESIGN REVIEW CONTEXT FOR ANALYSIS

Planning Commission

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1. **Types of Review Processes**  
Administrative versus Discretionary Methods (Exhibit 1)
2. **Scope of Review**  
Impact: "Minor" versus "Major" developments;  
Use: Commercial versus Industrial versus Residential
3. **How to Find Design Review Elements in the Oregon City  
Municipal Code:**

***Chapter 17.62***

***Site Plan and Design Review***

Provides the primary review framework for processing Site Plan and Design Review applications.

***Chapter 17.52***

***Off-Street Parking and Loading***

Provides standards for parking and loading areas.

**Overlay Districts**

**Provide Area-Specific Standards**

Chapter 17.40

Historic Overlay District (Exhibit 2)

Chapter 17.42

Flood Management Overlay District

Chapter 17.44

Unstable Soils and Hillsides Constrain  
Overlay District

Chapter 17.46

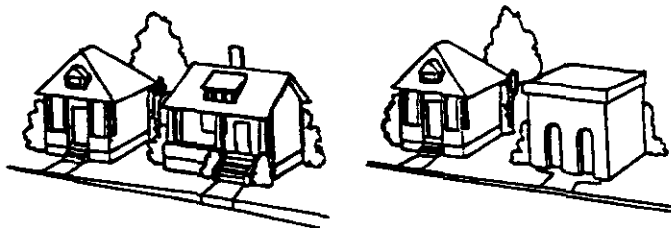
Park Acquisition Overlay District

Chapter 17.48

Willamette River Greenway Overlay District

Chapter 17.49

Water Quality Resource Overlay District



Most American cities use design review to improve the visual quality and compatibility of ordinary nonhistoric projects. They often use a discretionary design review process. How well does discretionary design review improve community appearance by keeping building projects compatible with their surroundings? This article presents a two-part study aimed at answering this question. For a neighborhood in Columbus, Ohio, our research team did a physical inventory of the compatibility of 96 projects that underwent discretionary design review and 68 that did not. The latter projects met less restrictive administrative appearance controls present in the zoning ordinance. The team also surveyed 39 residents for their opinions on a subset of projects built according to either the discretionary review of the design or the administrative controls. The results indicate that discretionary design review is not demonstrably better than administrative review. Communities can use methods like the ones discussed here to evaluate their own design review programs. They may find that the replacement of discretionary design review with more explicit administrative appearance controls achieves the intended compatibility more efficiently.

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# Design Review Reviewed

## *Administrative versus Discretionary Methods*

Jack L. Nasar and Peg Grannis

Urban form results from many activities by many actors, including governing bodies, developers, banks, and independent groups (Bacow, 1995). To shape the design decisions of these agencies and individuals, urban designers use a variety of administrative, regulatory, and financial techniques (Shirvani, 1985). This article centers on one such technique: design review. Design review differs from most zoning, subdivision, and building regulations in its emphasis on appearance. Local governments say they use design review to serve such purposes as improving quality of life, enhancing a unique place, promoting vitality, creating comfortable places for pedestrians, protecting property values, promoting compatible development, or improving community appearance (Scheer, 1994). Critics complain that design review is cosmetic, limits designer creativity, and unnecessarily intrudes on private property (Lightner, 1992). Yet most courts support design review and hold aesthetics alone as an adequate public purpose in land use regulation (Mandelker, 1993; Smardon & Karp, 1993). In early decisions, courts found aesthetics to be an adequate government purpose if it advanced other legitimate purposes, such as the protection of property value. In *Berman v. Parker* (1954), however, the U.S. Supreme Court went further to state that the values of public welfare include "spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy" (p. 33). Most state courts followed suit. Design review might also raise problems with free speech (Costonis, 1989; Lightner, 1992; Scheer, 1994). For example, if the review goes beyond regulating "the time, place and manner of architectural expression . . . [to] totally exclude an architectural style . . . courts could hold [this an] invalid prohibition on the content of free speech" (Mandelker, 1993, p. 479). However, the courts have consistently supported regulation of design over free speech, although in such cases the local government may have the burden of showing that design review serves a legitimate public interest, such as aesthetics (Mandelker, 1993).

Design review remains a major tool that local governments use to improve community appearance. A study of 1114 U.S. cities found that more than 90% had architectural appearance controls (International City Management Association, 1984). A later survey of 700 city and county planning departments obtained usable responses from 369 cities and towns (Lightner, 1993). Most of them (78%, 83% when counties were dropped, and 93% of cities having more than 100,000 residents) had some form of design review, and only 3% "limited design review to historic districts" (p. 1). Most of these ordinances apply to single-family residences (Mandelker, 1993).

In areas with design review, private and public proposals for development must be approved by the design review board in order to proceed. Typically, one submits a design to local planning staff, who may approve it, disapprove it, or ask for modifications. A planning (or review) commission or a staff member makes the decision. The review may evaluate many factors, such as architectural excellence, visual bulk, style, scale, materials, or environmental or historical factors, but it most often evaluates the compatibility of projects with their surroundings (Lightner, 1993; Preiser & Rohane, 1988). Court support for zoning rests on the compatibility principle: Courts allow communities to protect areas from incompatible uses. Thus controlling appearance for compatibility eases substantive due process problems (Mandelker, 1993). Psychological studies also suggest that humans need visual compatibility and order, especially in residential areas (Nasar, 1998). Compatibility does not necessarily require one to mimic the surroundings. Rather it refers to the degree to which a proposal has features that make it appear to fit with its surroundings. Project approval often rests on the appraisal of the compatibility of the proposed project.<sup>1</sup>

Communities vary in the amount of discretion left to the reviewers in deciding whether or not to approve a proposal. *Discretionary* design review refers to ordinances in which the decision rests on the reviewers' personal discretion. *Administrative* design review refers to ordinances that limit personal discretion by requiring projects to satisfy clear, precise, and measurable standards (Shirvani, 1985). As most U.S. cities lack the standards for administrative review (Lightner, 1993), they typically rely on a discretionary approach. This approach leaves them vulnerable to charges of abuse for being arbitrary, capricious, or vague (Hinshaw, 1995; Lai, 1994; Poole, 1987). To avoid such problems, communities have a compelling need to know how specific modifications of the physical environment will affect community appearance, and they need to develop clear guidelines or controls to support their objectives. They need to know how well de-

sign review boards perform, especially with discretionary reviews. Does discretionary design review improve the publicly perceived compatibility and appearance of developments? Previous research suggests that it does not.

A series of studies in California found that more often than not, discretionary design review by a board did not result in buildings that the public found more appealing (see Stamps, 1997a). Consider one case study that examined the performance of discretionary design review in the Oakland Hills Restoration Area, California (Stamps & Nasar, 1997). After a 1991 fire destroyed more than 2500 houses in Oakland Hills, the Oakland Hills Restoration Area rebuilt rapidly. People built many houses without design review. Later, the local planning department set up a discretionary design review process, in which planning staff served as reviewers. The criteria the reviewers had for evaluating the projects were vague. For example, one criterion referred to not having an adverse effect on the "livability of adjacent homes" or "the harmony of neighborhood appearance." At the time of the study, the Oakland Hills Restoration Area had completed 257 projects prior to discretionary design review and 476 under discretionary design review. Because all of the rebuilt houses had many characteristics in common, such as topography, planning process, demography, geographical location, trees, utility poles, street furniture, and car parking, the Oakland Hills Restoration Area provided a good opportunity to evaluate the performance of design review by comparing popular responses to houses built under discretionary design review to ones built with no design review.

Forty-two local and 40 nonlocal observers viewed photographs of seven projects selected at random from the design review projects and seven selected at random from projects with no design review. The results indicated that design review did not make a *noticeable* difference. Though the observers judged the discretionary design review houses as slightly more pleasant than the houses built without design review or appearance codes, the difference did not achieve statistical significance. Beyond statistical significance, the study examined the magnitude of effect. Cohen (1988) discusses three effect sizes—small, medium, and large. The analysis indicated a small effect (0.14). This means that the Oakland Hills Restoration Area discretionary design review had a nearly undetectable effect on public preferences.

In cases when design review deals with issues beyond appearance, such as functional effects of a structure through its site plan or building bulk, public opinion may not be the sole criterion. In the more typical case in which design review focuses on appearance, measures of the responses of individuals exposed to the project represent appropriate measures of success.

## Design Review in a Columbus, Ohio, Neighborhood

No single study in one city can fully evaluate the performance of design review in the hundreds of communities that use it. The projects, designers, reviewers, criteria, and degree of review board discretion may affect the result. We offer the present research to suggest that individual communities should evaluate the performance of design review, and as an example of how they might go about such an evaluation.

The research reported here adds to the information provided in the Oakland study in several ways. First, it tests the performance of discretionary design review in a different city: Columbus, Ohio. Second, it does so in the context of additions and renovations, rather than new buildings. Third, to improve internal validity, it matches and compares discretionary review projects with neighboring administrative review projects. Fourth, while the Oakland study compared discretionary design review with no design review, the present research compares discretionary review with administrative review of mandatory appearance controls (such as roof pitch) in the zoning ordinance. Fifth, it looks at several dimensions of response and uses a multiple method approach. One method examines the physical compatibility of the houses resulting from the discretionary review and those resulting from the administrative review; the second examines residents' ratings of preference and compatibility of the discretionary review and administrative review projects.<sup>2</sup>

The study centered on the University District, one of fourteen designated Area Commission Neighborhoods in Columbus, Ohio. Such neighborhoods elect their own commissioners to oversee development issues in the neighborhood and forward recommendations to City Council. The University District contains approximately 45,000 households in an area of 2 square miles. In September, 1990, the City of Columbus extended the jurisdiction of an appearance/compatibility review board from a core area of the University District to the full district on an interim basis for a 27-month trial period. To proceed, proposed projects had to meet zoning requirements for appearance and gain approval from this review board. The review board had no explicit criteria. Many projects in the outer district were completed both before and after the city established the interim design review board to do discretionary review. Prior to this design review process, the neighborhood had only an administrative review process in which residential projects had to satisfy some appearance controls in the zoning ordinance.

The research grew from a request from the City. In

December, 1992, city planners asked the first author for help in determining whether the City should continue the discretionary design review for the outer area. The City attorney indicated that for the City to continue, he had to be convinced that the level of regulation would be legally defensible.<sup>3</sup> In the research, we compared projects completed under administrative review only with those completed under discretionary review. Recall that we use the term *administrative review* to refer to a process removing discretion from the reviewers rather than to identify who does the review. City staff in the zoning department conducted the administrative reviews. One city planning staff member and a panel of residents appointed by the City made the discretionary review decisions. Consistent with national data showing that a majority of design review commissioners come from fields other than design, such as business, real estate, education, law, engineering, or home building (Sanders & Getzels, 1987), the panel had people from various backgrounds as well as design professionals.

## Methodology

We evaluated 164 projects—96 completed under discretionary review (DR) and 68 completed earlier under administrative review (AR). The 96 DR projects included all applications heard by the interim review board during the 27-month trial period that were approved and eventually constructed. At the time of the study, the board had reviewed applications for 113 projects, 17 of which, though approved, had not yet completed construction. We also selected 68 AR projects from a list of building permits issued during the year prior to the establishment of the interim design review board. We chose AR projects that matched as closely as possible the neighborhood locations and type of work performed on the DR projects. For example, if a DR project involved new siding, we chose an AR project from the same block that involved new siding.

First, we conducted a physical inventory of the compatibility of the specific building features (e.g., roof pitch, siding material, lot coverage, deck size) that were considered in the discretionary review and administrative review work, and gave each relevant feature a compatibility rating. Next, we had the public rate the compatibility of and their preferences for the appeal of selected discretionary review and administrative review projects. We used two approaches to mitigate biases inherent in each one. The physical inventory evaluations allowed us to obtain ratings for a large number of discretionary and administrative review projects, but it did not assess popular reactions. The public ratings obtained popular reactions, but the research design limited



these ratings to a small number of projects. Together, the approaches allowed us to get compatibility judgments for every discretionary review and administrative review project completed between September 1989 and December 1992, plus public appraisals of a selected subset of projects from that same time period.

### Physical Inventory Evaluations of Compatibility

We constructed a checklist covering a comprehensive set of the physical features in all the projects under study. The checklist included the address, type of modification, broad categories of work, and features within those categories that could affect compatibility (see Figure 1).

Our judges scored whether or not each project feature was compatible with the rest of the building and the surrounding neighborhood. For reliability, we would have preferred to have a large number of judges complete the physical inventory on all 164 projects, but this proved impractical. Instead we enlisted seven graduate students in city and regional planning. To improve consistency, we had these judges run through pretests in which each person rated the same building followed by comparison and discussion of the ratings. The process was repeated until all judges had given consistent responses for three buildings. Then the seven students divided into teams of two or three members to inventory their subset of the properties.

The judges made their evaluations independently. They visited each project location and evaluated only the work completed under design review. While the yes/no choice may have overlooked degrees of compatibility, this simplification was necessary in order to inventory so many projects in a such a short period. We assigned each project one score between 0 and 100, representing the percentage of the relevant features judged as compatible.

**Results.** The physical inventory evaluations did not show the DR projects as more compatible than the AR projects; we found no significant differences in scores. The tally revealed a mean compatibility score of 87.7% ( $SD = 15.00$ ) for DR work and 84.4% ( $SD = 23.24$ ) for AR work. Though the results seem to favor the DR process, the difference did not achieve statistical significance. Further, the magnitude of the effect was small. This means that the difference may have resulted from chance, and that discretionary review had a relatively undetectable effect on the rated compatibility.<sup>4</sup>

The physical inventory evaluations suggested that the addition of DR did not produce a meaningful improvement in compatibility over what resulted from AR.

It is possible, however, that because the physical inventory was conducted by a small sample of judges, though it was comprehensive, it did not reflect the perceptions of the public who experience the buildings on a regular basis. Also, the sum of the ratings of various elements of each building may not accurately reflect public perceptions. We therefore conducted a second component of the study to gather and examine public evaluations of DR and AR designs.

### Public Evaluations of Compatibility and Preference

For the public evaluations, we sought pairs of projects similar to one another in location, kind of building, and type of work, but differing in whether they were AR or DR projects. We photographed all AR projects completed during the 12-month period prior to the start of the discretionary review process and all DR projects completed during the 27-month period of the interim discretionary review. Each photograph presented a color view of the target building from directly across the street. To show the building in its setting, the photograph included portions of the building on either side of the target building. We used color photographs because research consistently confirms that responses to color photos accurately reflect on-site response (Stamps, 1990). As the interviewees (see below) lived in the same neighborhood, we assumed they would judge the target buildings against their broader sense of their neighborhood's character.

For purposes of experimental control, we used a subset of the DR and AR projects for the public evaluation. We selected pairs of DR and AR buildings that had similar kinds of structures, locations, types of work, and other site features. For example, we compared DR and AR buildings of similar size; DR porch projects with AR porch projects, DR siding projects with AR siding projects, etc.; and DR and AR buildings that had similar amounts of vegetation. In each case, we tried to control features other than the type of design review that might affect ratings. This process led to six pairs of projects; see Figure 2 for a black and white version of one color photo pair.

For each matched pair, we obtained paired comparison evaluations by surveying area residents. Interviewers worked in teams of two or three in each subarea of the study area, where they selected residences at random to recruit participants for the survey. They randomly choose streets, cross streets, number of houses from the corner, and the side of street. They returned to the selected addresses in early morning and late afternoon. If they failed to get an interview, they selected at random one of the five houses surrounding the target house.

Address: \_\_\_\_\_

Type of Modification:

Addition \_\_\_\_\_ Garage \_\_\_\_\_ Carport \_\_\_\_\_ Porch \_\_\_\_\_ Roof \_\_\_\_\_ Siding \_\_\_\_\_  
 Window \_\_\_\_\_ Door \_\_\_\_\_ Staircase \_\_\_\_\_ Handrails \_\_\_\_\_ Deck \_\_\_\_\_ Fence \_\_\_\_\_  
 Walkway \_\_\_\_\_ Ramp \_\_\_\_\_ Parking \_\_\_\_\_ Landscape \_\_\_\_\_ Satellite Dish \_\_\_\_\_ New Structure \_\_\_\_\_  
 Demolition \_\_\_\_\_

Massing	Yes	No	Shape/Style of trim		
Form of structure			Color of trim		
Size of structure			Material of trim		
Height of structure			Doors	Yes	No
Matched roofline			Size		
Pitch of roof			Shape/Style		
Special features (towers, bay windows)			Shape/Style of trim		
Stewwork	Yes	No	Color of trim		
Setback			Material of door		
Lot coverage			Material of trim		
Building location & orientation			Porch or Deck	Yes	No
Orientation of front door			Size		
Pavement materials			Form		
Landscaping			Color		
Facade			Material		
Roof	Yes	No	Shape/Style of trim		
Color			Size of supports		
Material			Shape/Style of supports		
Siding	Yes	No	Ornamental detail		
Size			Fencing	Yes	No
Shape			Height		
Color			Style		
Material			Color		
Trim	Yes	No	Material		
Size			Misc	Yes	No
Shape/Style			Dormers		
Color			Corals		
Material			Rejoisting		
Ornamental detail			Awnings		
Foundations	Yes	No	Lighting		
Material			House numbering		
Windows	Yes	No	Handrails		
Size			Gutters		
Shape/Style					

FIGURE 1. Physical inventory checklist for building features.



FIGURE 2. One of the six pairs of University District buildings used in the public opinion survey. These houses were evaluated for new siding; a dot in each photo marked which house had undergone the work. The top one passed discretionary review, while the bottom one passed administrative review.

A questionnaire given to participants stated that they would see photos of pairs of buildings. It asked them to respond to a marked building in each photo. The interviewers shuffled the photograph pairs before each interview to reduce potential order effects on responses. They also randomly varied the order of the placement of the DR and AR projects on the right or left. The photographs did not have labels, and we did not inform participants which project had gone through discretionary review and which had gone through administrative review. As each photograph showed several buildings, we placed a dot above the building that we wanted participants to judge.

For each pair, the interviewers called attention to the kind of work done (e.g., siding, front porch, roof). To reduce biases from considering other portions of the buildings, participants were instructed to consider only the remodeling work. Participants then answered two or three of the following questions:

- 1) When you look at the [name of work done] on each pair of buildings, which one better *fits* with its neighboring buildings?
- 2) When you look at the [name of work done] on each pair of buildings, which one do you *like* better?
- 3) When you look at the [name of work done] on each pair of buildings, which one do you think would command a higher *rent*?<sup>5</sup>

The interviewers told participants that if they felt the same about the two buildings, they could answer "neither."

Design review often seeks to create more compatible and more pleasant results. We used the first two questions to look at those aspects of design review. Of the various ways to obtain responses, we chose a rank order procedure which involved ordering projects relative to each other. We considered other kinds of scales and checklists, but studies have found that these different kinds of measurement scales produce similar results (Gould & White, 1974; Stamps, 1997a). Rank order approach offers additional benefits. It tends to produce a higher level of agreement among respondents, and it has greater efficiency in that it allows one to obtain responses to many scenes rapidly (Brush, 1976; Zube et al., 1974).

Thirty-nine residents took part in the survey. We had 19 participants answer all three questions, and to reduce biases for judgments of *like* or *fit* on one another, we had 20 participants answer the *like* and *rent* questions only and 20 participants answer the *fit* and *rent* questions only. We varied the order of the questions to reduce systematic bias from question order. The interviewers also requested demographic information: whether the re-

spondent had owned or rented, whether they owned any other properties in the area, how long they had lived at their present address, and whether or not they thought the area needs some form of regulation to ensure that new buildings, additions, and changes fit their surroundings.<sup>6</sup>

**Results.** Of the 39 participants, most (72%) said they were renters. Their tenure in the area varied. Most (67%) said they had lived there for more than a year (1–3 years, 41%; more than 3 years, 26%). They should have had enough familiarity with the area to make judgments about the target house's compatibility with the neighborhood. This sample had enough participants to allow statistical comparisons.

Tests of results by question order did not reveal significant differences. Therefore, we combined the data and examined the 25 responses to *fit* and the 33 responses to *like*. Table 1 shows the percentages of participants who evaluated DR or AR work as a better fit to the surroundings, or better liked. It also shows the associated test statistics when differences were significant. For each measure, DR work received scores lower than or equal to those for AR work.

**Fit.** As shown in Table 1, more participants judged DR projects the better fit in three project pairs (A, C, and D) and AR in two project pairs (B and E), but only one difference achieved statistical significance. For project pair E, significantly more people selected AR as the better fit. Adjusting for multiple comparisons, this effect becomes statistically insignificant. The analysis also looked at the effect size, calculated by transforming the  $X^2$  into a standardized difference between the means,  $d$  (Judd et al., 1991). Project pair E achieved a large effect ( $d = 1.21$ ) strongly favoring the AR project over the DR one.

For discretionary review to be justifiable, it should produce work that more than equals the fit of work done under administrative review: It should yield better results. To test whether it did in our study, we compared the number of people judging DR work as a better fit to those choosing AR work or neither. The results of these comparisons suggested that discretionary review is not demonstrably better than administrative review. For all six project pairs, 62.0% of participants rated the fit of the AR projects as equal to or better than that of the DR projects. Considering multiple claims, this became statistically insignificant, but it had a large effect ( $d = 1.72$ ). The results for each pair paralleled those for the full set: A majority of the participants rated the fit of the AR project as equal to or better than that of the DR project. The differences achieved statistical significance for two pairs, B and E, but with multiple claims, only the comparison in pair E remained significant. The effect sizes varied

TABLE 1. Resident ratings of fit to surroundings and preference for DR versus AR projects.

Better Fit Project Pair	DR	AR	Neither	Better Liked Project Pair	DR	AR	Neither
A (n=25)	44.0%	28.0%	28.0%	A (n=33)*	0.0%	90.9%	9.1%
B (n=25)	28.0	44.0	28.0	B (n=33)	63.6	18.2	18.2
C (n=25)	48.0	40.0	12.0	C (n=33)	39.4	48.5	12.1
D (n=25)	48.0	20.0	32.0	D (n=33)	42.5	42.4	12.1
E (n=25)*	20.0	68.0	12.0	E (n=33)	30.3	57.6	12.1
F (n=25)	40.0	40.0	20.0	F (n=33)	39.4	39.4	21.2
Mean*	38.0	40.0	22.0	Mean*	35.9	49.5	14.1
Total (= or better) n = 150	38.0	62.0	—	Total (= or better) n = 198	37.9	62.1	—

\*Significant differences, Bonferonni adjusted for multiple comparisons

E: AR+neither better than DR:  $\chi^2 = 9.0$ , 1 df,  $p < .02$

\*Significant differences, Bonferonni adjusted for multiple comparisons

A: AR better than DR:  $\chi^2 = 30.0$ , 1 df,  $p < .02$

A: AR+neither better than DR:  $\chi^2 = 33.0$ , 1 df,  $p < .02$

TOTAL: AR+neither better than DR:  $\chi^2 = 11.64$ , 1 df,  $p < .02$

from medium (B:  $d = .86$ ) to large (E:  $d = 1.80$ ) against DR. Residents thus judged the fit of these AR projects as noticeably better than the fit of the DR projects.

**Like.** Table 1 also shows that the AR project was better liked in three pairs (A, C, and E), while the DR project was better liked in one pair (B). The differences achieved statistical significance for two pairs, A and B. With multiple claims, only the comparison in pair A remained statistically significant. Both A and B had large effect sizes, with A favoring AR ( $d = 1.57$ ) and B favoring DR ( $d = 1.15$ ). The comparison of those judging DR as better liked versus those judging AR as equal to or better than DR does not offer support for discretionary review. For all six pairs, 62.1% of the participants rated the AR projects as equally or better liked than the DR projects. This remained statistically significant under multiple claims. It also had a large effect ( $d = 1.72$ ). The findings held for the comparisons of each pair. In five of the six pairs, fewer participants liked the DR projects better than liked the AR project equally or better. The differences achieved statistical significance for two comparisons (A and E), but with multiple claims, only the comparison in pair A remained statistically significant. The comparisons for A and E had a large and medium effect size, respectively (A:  $d = 4.00$ ; E:  $d = .69$ ).

In sum, the results show that residents rated DR projects as having a poorer fit for pair E and for the full set, with large effect sizes for each. For preferences, the results show DR projects rated as less liked for pair A and the full set, with large effect sizes for each.

## Discussion

The public opinion data on the six project pairs suggest that projects done under discretionary design review produced results that were viewed as neither more compatible nor more preferable than projects undergoing administrative review. These findings agree with the broader findings from the physical inventory, which indicated only minor differences in physical compatibility between the DR and AR projects. Both sets of findings result from a relatively small sample of respondents evaluating a small set of changes, additions, or remodeling of existing houses. Though limited, they agree with findings from larger samples of respondents evaluating the overall impact of completed projects (Stamps, 1997a; Stamps & Nasar, 1997).

As the present research only evaluated *completed* projects, it does not indicate whether discretionary review had improved any projects as initially *proposed*. The results do indicate that discretionary review failed to yield projects more compatible than or preferred to those approved through only administrative review. Because discretionary review involves extra cost, resources, and time for both the City and individuals proposing changes, the findings did not support it as a cost effective procedure. Columbus discontinued the discretionary design review process for the tested area.

Can we rely on public opinion over the informed judgment of design reviewers? Yes. Federal and state law support design review to improve the built environment for the public (Costonis, 1989), but the judgments of design professionals and other outsiders on such boards often differ from the judgments of residents (Nasar,

1999). Though some people believe the public will eventually follow the views of the experts, research suggests otherwise. Public preferences are remarkably stable over time. For example, a series of studies of an award-winning building found that negative public evaluations of the building remained unchanged 10 years after completion of the project (Nasar, 1999). When a developer proposed the Transamerica Tower in San Francisco, local planners objected. Public opinion obtained 2 years, 18 years, and 23 years after construction revealed that the public initially liked the building and continued to do so (Stamps, 1997b). A study of 20 buildings in San Francisco revealed similar stability in public evaluations (Stamps, 1997b). In sum, research indicates that compared to judgments by design professionals, public opinion polls offer a better indicator of likely long-term public preferences.

## Conclusion

Through a two-part study, we sought to determine whether discretionary design review adequately served the purpose of enhancing aesthetics in building designs, often mandated by local governments. The approaches also demonstrate methods for evaluating the effectiveness of both types of review. Placing discretionary review and administrative review projects in matched pairs for the survey portion of the present study provided greater internal validity than the previous Oakland study (Stamps & Nasar, 1997) by controlling for extraneous variables. However, its reliance on a small sample of projects and survey participants may have reduced the generalizability of the findings. In response to this limitation, the Columbus study supplemented the small sample by examining comparability judgments for all of its 164 projects.

The Oakland and Columbus findings differ in detail, but both show potential problems with discretionary design review. For the Columbus additions and renovations, the administrative review projects outscored those subject to discretionary review in popular judgments of compatibility and preference. The physical inventory evaluations showed the discretionary review work as slightly more compatible, but this difference did not achieve statistical significance, and the strength of the effect was small. For Oakland, the discretionary design review houses emerged as preferred to the houses that had no design review, but the strength of the effect was again relatively small. The findings replicate other work highlighting problems with discretionary design review (Stamps, 1997a). Though limited, our research agrees with a larger set of data. A meta-analysis of several design review studies in California in-

dicated an insignificant correlation ( $n = 42$ ,  $r = .09$ ) between discretionary design review and public preferences (Stamps, 1997a).

The meta-analysis and the present study did not examine the effects of the makeup of the review board on the results. Research has consistently found that for evaluations of appearance, design professionals and outsiders differ from local residents and the public (Brower, 1988; Nasar, 1994). Though these findings may point to some benefits of design review panels of nonprofessionals and residents for issues of community appearance, those who choose to serve on review commissions may judge design differently than their neighbors. Ambiguous criteria may also skew their judgments.

Our results point to the need for continued evaluations of design review in various contexts, and the present research offers methods that planners can use for such evaluations. The present findings suggest that communities could opt for administrative design controls over discretionary design review. Administrative controls involve less cost and time, and, if the present results are accurate, they produce designs that are judged equal to or better than those obtained through discretionary review. However, the lower scores for discretionary review projects may have resulted from the absence of explicit criteria or criteria based on scientific evidence to guide the reviewers' judgments. Communities may reduce problems by improving the discretionary review procedures through replacing ambiguous or unstated criteria with clear, specific, and explicit criteria. Courts have upheld challenges on the grounds of vagueness (Blaeser, 1994; Lai, 1994). For example, in *Anderson v. City of Issaquah* (1993), an appeals court in Washington decided against unconstitutionally vague provisions such as "compatible," stating that "aesthetic standards . . . must be drafted to give clear guidance to all parties concerned. Applicants must have an understandable statement of what is expected" (p. 82). The Supreme Court has also placed a greater burden on local governments to demonstrate the benefit of their regulatory actions and has called for heightened judicial scrutiny for land use regulations (*Dolan v. City of Tigard*, 1994; *Nollan v. California Coastal Commission*, 1987). Implicit or arbitrary appearance guidelines and controls may not provide an adequate legal basis for design review decisions.

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## NOTES

1. To prevent monotony, some ordinances require moderate but not excessive variation from the typical appearance in the surrounding neighborhood (Mandelker, 1993).
2. We also examined the minutes of review board meetings to understand the basis for decisions and to make recommendations for guidelines that could help applicants. This article does not include the analysis of the meeting minutes.
3. Recent U.S. Supreme Court decisions suggest that although aesthetics represents an adequate basis for control, in some cases, local governments may have a greater burden to show an adequate public purpose (Lai, 1994; Mandelker, 1993).
4. For this test, we transformed the *F* value into the standardized difference between the means ( $d = .03$ ). According to Cohen (1988), this represents a small effect.
5. The question about rent related to a specific interest of City officials. As the rent variable does not link to the theoretical framework, we do not present results for it other than to note that they echo the findings for the other variables.
6. The question about support for regulations related to a specific interest of City officials. As the support variable does not link to the theoretical framework, we do not present results for it other than to note that most respondents (63%) favored regulation to ensure that design changes fit their surroundings.

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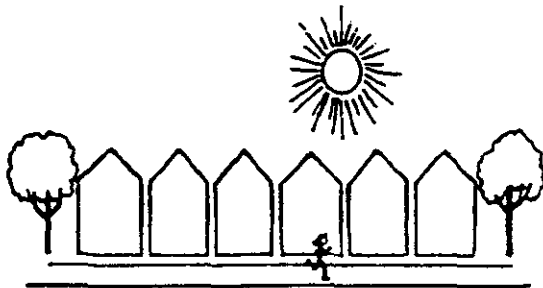
# EXCERPT FROM CITY OF ASHLAND SITE, DESIGN AND USE STANDARDS

## C. HISTORIC DISTRICT DESIGN STANDARDS

In addition to the standards found in Section II, the following standards will be used by the Planning and Historic Commissions for new development and renovation of existing structures within the Historic District:

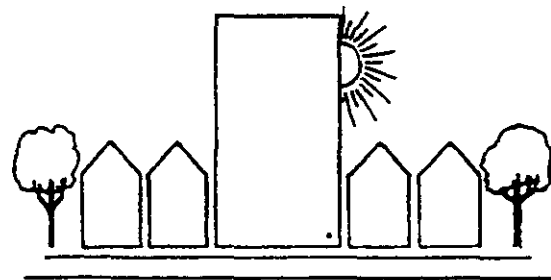
### RECOMMENDED

#### HEIGHT



IV-C-1) Construct buildings to a height of existing buildings from the historic period on and across the street.

### AVOID

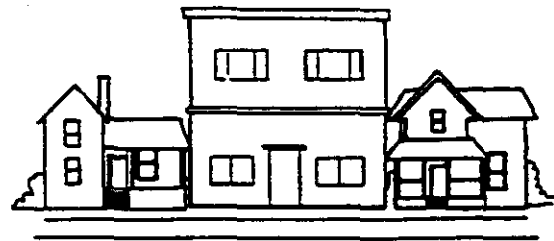


Avoid construction that greatly varies in height (too high or too low) from older buildings in the vicinity.

#### SCALE



IV-C-2) Relate the size and proportions of new structures to the scale of adjacent buildings.



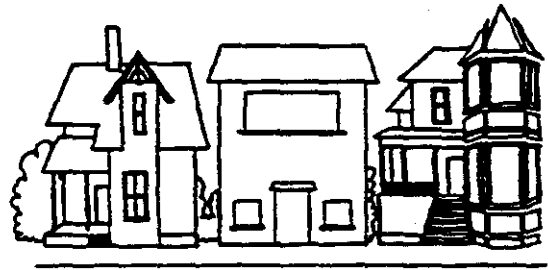
Avoid buildings that in height, width, or massing, violate the existing scale of the area



**RECOMMENDED**

**AVOID**

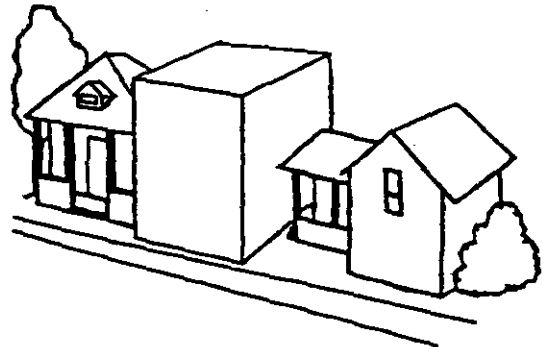
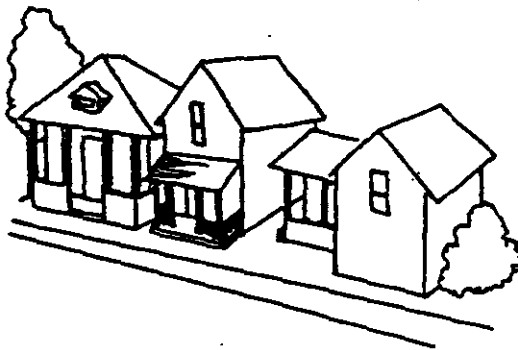
**MASSING**



*IV-C-3) Break up uninteresting boxlike forms into smaller, varied masses which are common or most buildings from the historic period.*

*Avoid single, monolithic forms that are not relieved by variations in massing.*

**SETBACK**



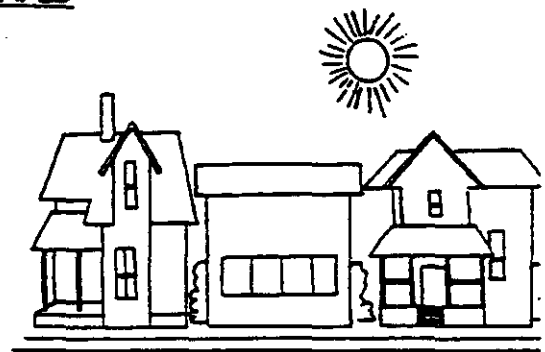
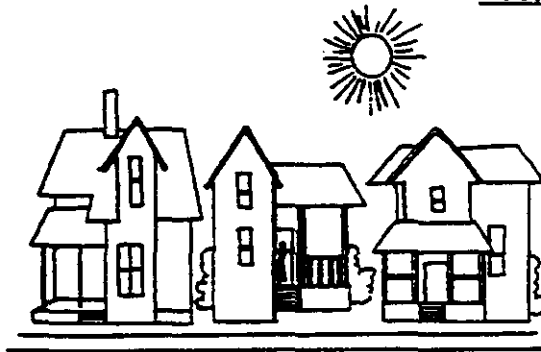
*IV-C-4) Maintain the historic facade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of adjacent buildings.*

*Avoid violating the existing setback pattern by placing new buildings in front or behind the historic facade line.*

**RECOMMENDED**

**AVOID**

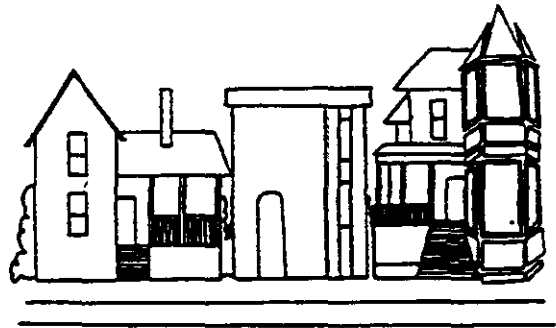
ROOF SHAPES



*IV-C-5) Relate the new roof forms of the building to those found in the area.*

*Avoid introducing roof shapes, pitches, or materials not traditionally used in the area.*

RHYTHM OF OPENINGS



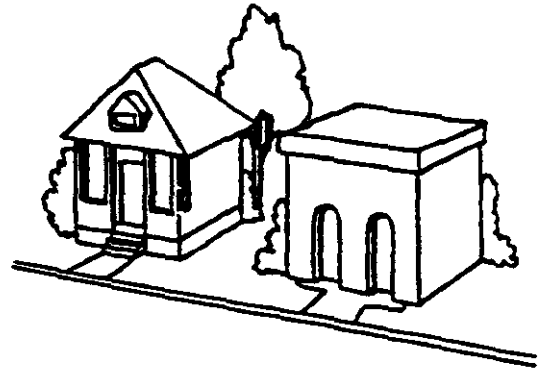
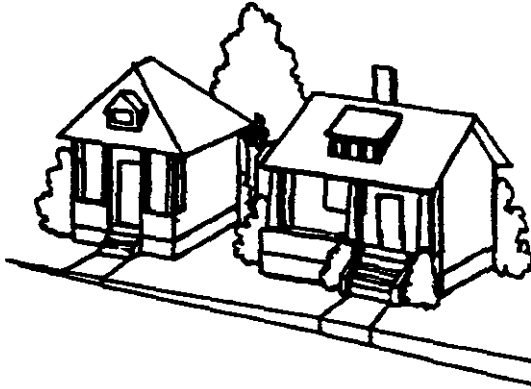
*IV-C-6) Respect the alternation of wall areas with door and window elements in the facade. Also consider the width-to-height ratio of bays in the facade.*

*Avoid introducing incompatible facade patterns that upset the rhythm of openings established by the surrounding structures.*

**RECOMMENDED**

**AVOID**

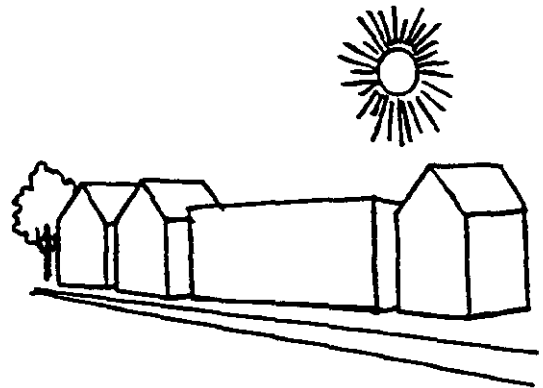
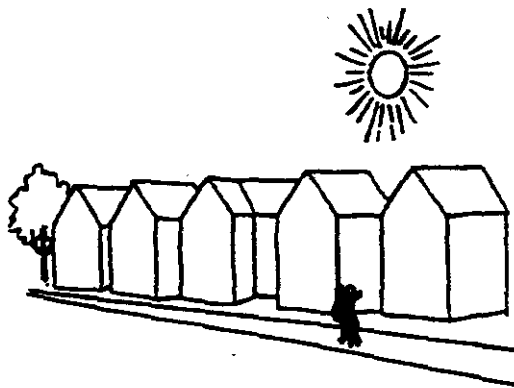
PLATFORMS



*IV-C-7) The use of a raised platform is a traditional siting characteristic of most of the older buildings in Ashland.*

*Avoid bringing the walls of buildings straight out of the ground without a sense of platform.*

DIRECTIONAL EXPRESSION



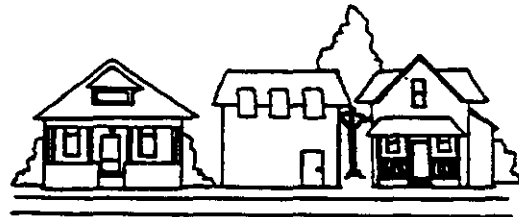
*IV-C-8) Relate the vertical, horizontal or nondirectional facade character of new buildings to the predominant directional expression of nearby buildings.*

*Avoid horizontal or vertical facade expressions unless they are compatible with the character of structures in the immediate area.*

## RECOMMENDED

## AVOID

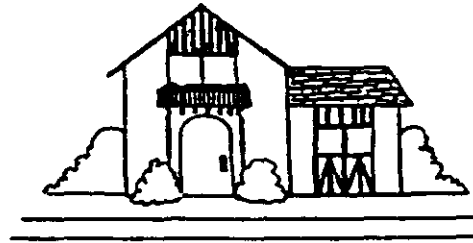
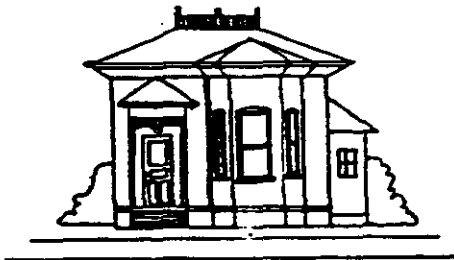
### SENSE OF ENTRY



*IV-C-9) Articulate the main entrances to the building with covered porches, porticos, and other pronounced architectural forms.*

*Avoid facades with no strong sense of entry.*

### IMITATIONS



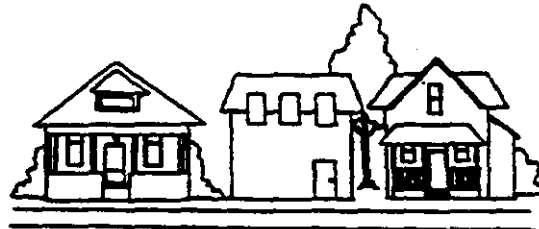
*IV-C-10) Utilize accurate restoration of, or visually compatible additions to, existing buildings. For new construction, traditional architecture that well represents our own time, yet enhances the nature and character of the historic district should be used.*

*Avoid replicating or imitating the styles, motifs, or details of older periods. Such attempts are rarely successful and, even if well done well, present a confusing picture of the true character of the historical area.*

**RECOMMENDED**

**AVOID**

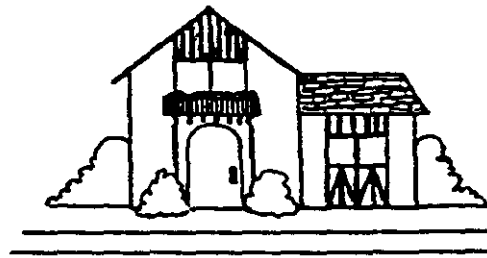
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