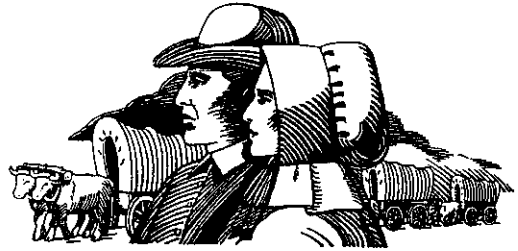


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## AGENDA

City Commission Chambers - City Hall  
November 22, 1999 at 7:00 P.M.

### PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:05 p.m. 2. **APPROVAL OF MINUTES:** November 8, 1999
- 7:10 p.m. 3. **PRESENTATION: Barry Rotrock, Superintendent of Oregon City School District**
- 7:45 p.m. 4. **PUBLIC HEARING**
- 7:50 p.m. A. **File No. PZ 97-10** *(Continued)* City of Oregon City; Amendment to the Oregon City Comprehensive Plan of the "Oregon City Downtown Community Plan" as an ancillary document; and adoption of a new Chapter (P) in the Comprehensive Plan containing policies relating to the implementation of the "Oregon City Downtown Community Plan"; Areas within the City of Oregon City including: below the Promenade and Singer Hill Bluffs, along the banks of the Willamette and Clackamas Rivers from the Willamette Falls to Gladstone; also includes areas above the Promenade and Singer Hill Bluffs along the 7th Street Corridor, and areas of Abernathy Creek extending towards Highway 213 and Interstate 205
- 8:30 p.m. B. **File No. ZC 99-11** Eldon D Schnelle; Approval by the Planning Commission of an application to change zoning following a previous annexation from "County FU-10" to City "R-8" Single Family Dwelling District; 19505 S McVey Lane; Clackamas County Map 3S-2E-08BC Tax Lot 604
- 9:00 p.m. 4. **WORKSESSION: Introduction to Draft Transportation System Plan (TSP)**
- 9:20 p.m. 5. **OLD BUSINESS**
- A. **Planning Commission Work Program**

*(Continued on other side)*

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
November 8, 1999**

**COMMISSIONERS PRESENT**

Chairperson Hewitt  
Commissioner Olson  
Commissioner Surratt  
Commissioner Carter  
Commissioner Vergun

**STAFF PRESENT**

Maggie Collins, Planning Manager  
Bob Cullison, Engineering Manager  
Sidaro Sin, Associate Planner

**COMMISSIONERS ABSENT**

Commissioner Bagent

**1. CALL TO ORDER**

**Chairperson Hewitt** called the meeting to order. He reviewed the agenda and asked if there were any corrections or additions to the minutes.

**2. APPROVAL OF MINUTES: October 25, 1999**

**Commissioner Surratt** asked for clarification on the purpose of the minutes. Are they for transcription purposes, or for content? **Maggie Collins** stated that the purpose of the minutes is not to provide literal transcription. The Code requires a clearly written summary of actions and motions.

**Chairperson Hewitt** asked for a correction on page six in the second to last paragraph. It should read, "their lawn on private property." **Commissioner Surratt** stated that she does not remember making the statement on the bottom of page eight. **Maggie Collins** stated that Staff can check the tape and clarify who made the statement.

**Commissioner Carter** moved to approve the minutes of October 25, 1999 as corrected. **Commissioner Surratt** seconded.

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

**3. PUBLIC HEARINGS**

**Chairperson Hewitt** explained the difference between quasi-judicial and legislative hearings. There are three legislative items on the agenda. A Staff report was made available for each proposal and was made available seven days prior to the hearing. The procedure for the legislative hearings includes a Staff report, a public hearing, a final summary by Staff, and then the Planning Commission may deliberate and decide whether

to Water Quality Resource Areas (WQRA), while item B.3 refers to 5,000 square feet. She asked why there is a distinction between the two figures.

**Bob Cullison** stated that recently passed legislation created the WQRA overlay. The WQRA overlay is more restrictive for impervious surfaces, while B.3 refers only to that area outside the WQRA overlay. The overlay consists of small pockets of areas around the water quality resources such as streams, rivers, and drainageways. There is the need for more stringent review within these areas.

**Commissioner Carter** identified a misspelled word on page 23. Under 15.48.020, the word "phrases" should be used rather than "phases."

**Bob Cullison** stated that Staff would like to return at a later time to discuss decreasing temperatures on large parking lot runoff. Staff will be looking at increasing the landscaping requirements for large parking lots. **Commissioner Carter** suggested looking into the idea of new hydraulic parking structures that may be appropriate for the existing land constraints.

**Commissioner Olson**, in regard to the statement on page 2 of the Staff report addendum, asked if there is a minimum size of replacement vegetation required. **Bob Cullison** stated that the addendum contains goal conformance statements only, rather than exact criteria.

**Chairperson Hewitt** asked if Staff is looking into underground drainage for large parking lots. **Bob Cullison** stated that Staff will focus on vegetated swales and shading of the lots. There are some benefits to going underground.

TESTIMONY IN FAVOR- None

TESTIMONY NEITHER PRO NOR CON

Speaker: Dan Fowler, 914 Madison St., Oregon City, OR 97045; Representing Historic Properties, LLC.

**Dan Fowler** stated that page 14 of 31 under B.4.b should read, "Clackamas River or Abernathy Creek" rather than "and Abernathy Creek" and should read, "or up to ten feet above the design flood elevation," adding the words "up to." He asked for some clarification on these points. **Bob Cullison** agreed that these changes should be made.

TESTIMONY IN OPPOSITION- None

REBUTTAL- None

**Chairperson Hewitt** closed the public hearing for this item and opened it up to comments from the Commissioners.

**Commissioner Olson** appreciated having the exact wording from the as part of the Staff report. **Commissioner Carter** stated that a septic system failure is too mild to be considered a "health hazard" and could cause a loophole in the process to allow emergency annexations. **Chairperson Hewitt** stated that septic system failure is a serious health hazard. He asked that Staff clarify what is meant as a "natural hazard" under Section 5.5. **Maggie Collins** stated that "natural hazards" are those hazards already identified by the City. The language will be changed to read "as already identified by the City."

TESTIMONY- None

NO REBUTTAL

#### DELIBERATION AMONG COMMISSIONERS

**Commissioner Vergun** asked what examples should be included as examples of natural hazards. **Chairperson Hewitt** stated that Section 5.5 should read, "Identification of natural hazards as identified by the City, (i.e. within floodplains, steep slopes, or wetlands) that might be expected to occur on the subject property." **Commissioner Vergun** pointed out under Section 5.7 the word "Any" should be changed to a lowercase "a."

**Commissioner Surratt** moved to recommend adoption of File No. ZC 98.17 with Exhibits A, B, and C and the most recent language of Exhibit C with the changes and corrections in Section 5.5 and 5.7 as previously discussed. **Commissioner Olson** seconded.

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

#### C. STAFF REPORT

File No. PZ 97-10 City of Oregon City; Amendment to the Oregon City Comprehensive Plan of the "Oregon City Downtown Community Plan" as an ancillary document; and adoption of a new Chapter (P) in the Comprehensive Plan containing policies relating to the implementation of the "Oregon City Downtown Community Plan"; Areas within the City of Oregon City including: below the Promenade and Singer Hill Bluffs, along the banks of the Willamette and Clackamas Rivers from the Willamette Falls to Gladstone; also includes areas above the Promenade and Singer Hill Bluffs along the 7<sup>th</sup> Street Corridor, and areas of Abernathy Creek extending towards Highway 213 and Interstate 205.

**Commissioner Vergun** stated that prior to being appointed to the Planning Commission, he was a member of the Steering Committee.

**Chairperson Hewitt** stated that this phase is to implement the Comprehensive Plan, which is the driving force for all other changes in the City ordinances. The adoption of the Comprehensive Plan amendment and additions, including Chapter P, is the first step leading to the second phase dealing with zoning issues.

**Joe Dills**, a consultant from Otak, then made a brief presentation of the Downtown Community Plan. The Comprehensive Plan designations and Zoning standards that apply to the downtown area have not been updated since the early 1980's. There is broad community support on this document. The document supports other efforts within the City particularly the Historic Preservation efforts. This first step is the overall vision that is to be adopted. The plan was created by the public, with the assistance of design professionals. It was a grassroots effort with the involvement of a lot of people. He then reviewed the highlights of the plan including a new historic downtown district, a mixed-use residential zone, a Clackamette Cove Master Plan district, and several others. The highest priority of the community was "Saving the Past" as a theme. Enhancing the historic downtown is a key recommendation. The map component is built around nine different districts. The use of districts and neighborhoods laid the ground work for the zone districts for Phase Two of the process. The district at the earliest stage of development is the Open Space and Recreation District. Full Comprehensive Plan text has not been developed yet for this proposed District. The future study areas are left uncolored on the map. Other studies are being conducted at this time for these areas and they will be addressed at a later date.

#### QUESTIONS OR COMMENTS FROM COMMISSIONERS

**Chairperson Hewitt** stated, in regard to page 11 of Exhibit 3, "The Oregon City Downtown Community Plan Part I", that it is not clear that the districts are "proposed." He would like to see the sentence reworded to read, "The Land Use Plan is organized around nine districts. The proposed districts for later review in Phase Two are:" In addition, the last sentence on page 11 should read, "The proposed Land Use Plans set the stage for...." There are a few places where it is not clear that the document proposes specific follow-up actions.

**Commissioner Olson** stated that the introduction states that the document is a vision and there should be no need to restate that the document is a proposal. **Commissioner Carter** commented that a guideline and a framework to work from versus actual development and zoning can be a confusing concept. **Chairperson Hewitt** stated that throughout the public participation process the public confused zoning with the Comprehensive Plan designation process.

#### TESTIMONY IN FAVOR

Speaker: Stephen Poyser, 1101 4<sup>th</sup> Street, Oregon City, OR 97045; Chairman of Oregon City Historic Review Board

Speaker: Dan Fowler, 914 Madison Street, Oregon City, OR 97045; representing himself

**Dan Fowler** stated that he applauds the public involvement effort and overall he endorses the proposal. It is difficult to look at the process and the proposals without slipping into the zoning issues. The historic district process will be a public process. The question of infill may become less of an issue. When there is an incentive for investment tax credit, it strengthens and encourages the rehab of existing structures, which creates economic value which in turn creates incentive for adequate infill. The incentive is the first step to obtaining adequate infill. Secondly, the issue of flood control is a goal in the document on page 4. From an economic standpoint there is not a conflict with Title 3. There can be adequate diking on the south side of Abernathy Creek. It will not cause flooding on Gladstone. There are misconceptions about that dike. He stated that his only concern is the concept of a zone of open space. One of the properties he owns is located within the area designated for open space. He supports the fact that it should be open space, but he would have a hard time supporting a zoning district of open space. A zoning district could take the value of the property resulting in a "taking." A land use goal of open space or an overlay goal of open space may be more beneficial than an open space zone. He supports the use of the land as open space, but he does not support an open space zone.

**Commissioner Vergun** suggested that Staff obtain legal analysis regarding "takings."

**Dan Fowler** said he has asked himself the question about how a property could move from the existing zoning to open space without it being a taking. He came to the conclusion that first, the City must leave the zoning. Secondly, they should work with the owner for the desired end use. Finally, the City should adopt a land use goal of what they hope it to achieve. This way the parties can work jointly for the goal rather than in opposition.

Speaker: Don Vedder, 126 Cherry Avenue, Oregon City, OR 97045; representing Park Place Development

**Don Vedder** specifically addressed the Plan area titled "Future Study Area". He stated that he was a part of the Steering Committee that concluded there was a need for a designation of "Future Study Area". He believes this area should be zoned General Commercial which is the logical highest and best use. On page 39 of the ancillary document there is an area described as tourist commercial, which is different from the existing Comprehensive Plan designation. What will govern if this document is adopted, but Phase Two has yet to be implemented?

**Maggie Collins** stated that the Comprehensive Plan is the binding designation. The ancillary plan will not change the Comprehensive Plan designation.

page 3, item 4, regarding spot zoning that will be addressed in Phase 2. She stated for the record, Tosco did not request a Historic Downtown District Zoning.

**Dan Fowler** suggested that the features on page 37 should be what is identified on the map rather than being specific on the land.

**Steve Poyser** noted that the property owned by Tosco Marketing Company is not located within the proposed Downtown Historic District. In addition, the creation of a historic district would be a democratic process.

**Maggie Collins** entered an additional letter into the record, titled Exhibit C, written by Longstar Northwest Inc. She passed copies of the Exhibit out to the Commissioners.

REBUTTAL- None

#### DELIBERATION AMONG COMMISSIONERS

**Commissioner Surratt** stated that she is in favor of working with the County. She asked if it is possible to recommend a map change when they make their recommendation to the City Commission.

**Maggie Collins** stated that there are two sets of recommendations. First, a list of strong suggestions that must be readdressed in Phase Two. Secondly, changes to the map or other suggestions that the City Commission must do at this stage.

**Commissioner Surratt** suggested that "Draft" or "Proposal" should be clearly identified in the title block of the map.

**Chairperson Hewitt** stated that the City should not set itself up for a taking. He suggested changing some open space property to "Future Study Area."

**Commissioner Carter** stated that there is nothing in the goals or objectives that address open space and recreational space. She suggested changing the language on the map to indicate, "Proposed Open Space Areas." She hopes that common sense and logic will prevail in this process to encourage the vision to grow, enhance, beautify, and economically strengthen the community.

**Commissioner Vergun** agreed that by adding the language of "Proposed Open Space" to the maps, it would simplify and clarify the maps, and would alleviate concerns.

**Commissioner Surratt** stated that the title of the map should read, "Oregon City Downtown Community Proposed Plan Map."

**Chairperson Hewitt** stated that it is the Comprehensive Plan that will drive the Zoning. He stated that there is no way to change open space to anything but open space.

Commission can be made with as many changes as the Planning Commission thinks appropriate.

**Chairperson Hewitt** stated that the statement by the Steering Committee should be stricken from the document. The document should be as loose as possible but still be able to give general direction.

**Commissioner Olson** stated that the words of the Seering Committee should remain in the document to go to the City Commission because it is what they endorse.

**Chairperson Hewitt** stated that the City Commission expects the document that the Planning Commission recommends to them to be what the Planning Commission endorses. All necessary changes should be made to the document before it is presented to the City Commission.

**Maggie Collins** added that the Steering Committee took other issues besides economic value for individual property into account. She urged the Commission to look at the goals and objectives of this Plan in a fair-minded and general way.

**Commissioner Vergun** moved that this item be continued until the next regularly scheduled meeting and that the public hearing be reopened at that time. **Carter** seconded.

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

**Chairperson Hewitt** suggested that the Planning Commission Work Program be postponed until their Worksession meeting on Wednesday.

The meeting was adjourned.

---

**Gary Hewitt, Planning Commission  
Chairperson**

---

**Maggie Collins, Planning Manager**

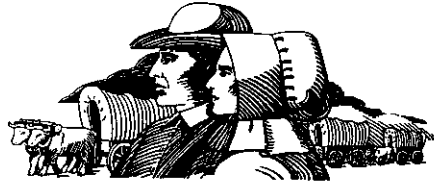


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## Memorandum

November 22, 1999

**To:** Planning Commission

**From:** Sidaro Sin, Associate Planner *us*

**RE:** Summary of November 8, 1999, Planning Commission public hearing on the Oregon City Downtown Community Plan, PZ 97-10

On November 8, 1999, the Planning Commission held a public hearing on the Oregon City Downtown Community Plan (PZ 97-10). Due to additional public testimony and unresolved issues, the Commission voted to continue the discussion and the public hearing on the Downtown Community Plan until its next regularly scheduled meeting.

This memorandum summarizes the following items:

- I) Clarification of the Plan;
- II) Written testimony submitted on 11/8/99;
- III) Issues raised during the public hearing; and
- IV) Proposed changes to the Plan as recommended by the Planning Commission.

### **I) CLARIFICATION OF THE PLAN**

Staff would note the following clarifications about this project.

Adoption of the Downtown Community Plan Document and Chapter P Policies. This action constitutes a directional guide for further detailed study and recommendations. The attached ordinance (Attachment 1) of adoption specifies that "The goals, policies and land use designations in the Oregon City Downtown Community Plan and Chapter P of the Oregon City Comprehensive Plan shall take effect on the date future ordinances implementing the Oregon City Downtown Community Plan and Chapter P of the Oregon City Comprehensive Plan are enacted."

For each of the groups formed in Phase II of this project, the appropriate sections of the Community Plan and the relevant policies of Chapter P will be used as starting points. In addition, directions and concerns that have emerged from this public hearing process will be included.

Phase II Conclusions and Recommendations. Subsequent recommendations for changed zoning, new Plan Map designations, overlay districts, design guidelines and the like will form the package of implementing measures for this project. For example, staff expects to work closely with the working group that is assigned the "Future Study Area" to come

- 2) Existing Nonconforming Use: Because the Plan contemplates rezoning the property located at 16381 Main Street, from M-2, Heavy Industrial to MUC, Mixed Use Commercial, Mr. Van Brocklin would like confirmation from the City that the existing Lone Star use will be allowed to continue.

**Staff's response:** In response to item #1 above, the item before the Planning Commission is a request to adopt the Downtown Community Plan as an ancillary document to the Comprehensive Plan. This request does not involve rezoning or a new designation for any property within the study area, nor does it involve any site specific development proposal for review. The Plan is simply a blueprint for what participants in the plan development envisioned for the area.

Mr. Van Brocklin requests that a specific analysis be provided that shows the Plan's compliance with the Flood Management Overlay District. This request would better be served and addressed on an individual basis, property by property, as site specific development proposals are made to the City within the Flood Management Overlay District. Within any land use district, the burden of proof to develop to City standards on that property is born by the developer.

In response to item #2, the Oregon City Municipal Code (OCMC) Chapter 17.58 addresses nonconforming uses, structures and lots. Specifically, Sections 17.58.020 And 17.58.040 allows for the continued use of existing nonconforming uses if the nonconforming use is not discontinued for a period of more than one year.

In the case of the Lone Star concrete plant use, if the subject property were rezoned to MUC, Mixed Use Commercial, the concrete plant would be considered an existing nonconforming use and would be allowed to continue, so long as that concrete plant use was not discontinued for a period of more than one year. If active and continuous use operations of the concrete plant are not carried as a nonconforming use for a period of one year, the building, other structures or tract of land where such nonconforming use previously existed would be required to be occupied and used only for a conforming use allowed in the Mixed Use Commercial District.

### **III) ISSUED RAISED AT THE PUBLIC HEARING**

#### **1) Open Space/Recreation Designation:**

There was significant opposition to the County's property off of Abernethy being zoned Open Space/Recreation. Based on discussions that staff has had with the County, it appears that the County would be receptive to a recommendation that Maggie Collins (Planning Manager) offered, which was to add an explanatory policy to proposed Chapter P (Attachment 5), which could be used as a guideline.

The policy could read:

“The Land Use Plan is organized around nine districts. The **proposed districts for later review in Phase II** are:...”

“The **proposed** Land Use ~~Plan~~ **Plans** set the stage for...”

**Staff’s recommendation:** Adding, “PROPOSED” to the front cover of the Downtown Community Plan. In addition, on the bottom of the cover page staff recommends adding “No change in use, zoning, or plan designation will result from the adoption of the Downtown Community Plan as an ancillary document to the Comprehensive Plan.”

- 2) In order to clarify and make certain that people understand that the plan has not yet been adopted, add “Proposed” to all the maps.

**Staff’s recommendation:** In addition to the above recommendation, all references to “Regional Center” should be taken out of both the text and maps.

- 3) Page 18. In an effort to resolve the Open Space/Recreation designation discretion, the second sentence should read as follows:

~~“The steering committee has expressed the desire to convert the Clackamas County offices on Abernethy Road to open space~~ **The areas marked in green on the proposed map should incorporate as much open space as is practical, but in no way does the color limit affected property owners from exercising their development rights under the existing plan map and zoning district designations.”**

The third sentence should read as follows:

“Open space is ~~also found~~ **encouraged** in the Clackamette Cove Area, Clackamette Park, and the waterfront.”

- Attachments:
- 1) Proposed Ordinance for the Oregon City Downtown Community Plan (PZ 97-10)
  - 2) Letter from Jack Parker, Park Place Development, Inc. (Exhibit Letter A)
  - 3) Letter from the Oregon City Chamber of Commerce (Exhibit Letter B)
  - 4) Letter from Robert Van Brocklin, Stoel Rives, LLP (Exhibit Letter C)
  - 5) Revised proposed Chapter P, City of Oregon City Downtown Community Plan
  - 6) Facsimile from Steve Poyser regarding the definition of “Certified Historic District”

Downtown Community Plan and Chapter P of the Oregon City Comprehensive Plan are enacted.

Read for the first time at a regular meeting of the City Commission held on the \_\_\_\_ day of \_\_\_\_\_, 1999, and the foregoing ordinance was finally enacted by the Commission on this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
John F. Williams, Jr. Mayor

\_\_\_\_\_  
Douglas L. Neeley Commissioner

\_\_\_\_\_  
Daniel W. Holladay Commissioner

\_\_\_\_\_  
John F., Lynch, Jr. Commissioner

\_\_\_\_\_  
Edward Allick Commissioner

Comprising the City Commission  
of Oregon City, Oregon

# FINAL POSITION

Adopted by  
The Oregon City Chamber of Commerce  
Board of Directors, August 5, 1999

CITY OF OREGON CITY  
PLANNING COMMISSION

## MEMORANDUM

HEARING DATE: 11/18/99

CASE FILE: #297-10

EXHIBIT LETTER: B

DATE: June 28, 1999

TO: Oregon City Chamber of Commerce Board of Directors

FROM: Government and Public Affairs Committee

RE: Recommendations regarding the Oregon City  
Downtown Community Plan

**BACKGROUND:** Over the past two months, your Government and Public Affairs Committee has been researching and discussing the proposed Downtown Community Plan, formerly known as the Regional Center Plan. The committee held a number of meetings, talked with both regional and City staff members and some of the committees members even participated in the public process during the development of the plan.

On June 28, at a regular meeting of the Committee, the following set of recommendations were approved for transmittal to the Board for action.

**INTRODUCTION TO RECOMMENDATIONS:** Consistent with the philosophy of the Chamber of Commerce, to take positions of importance to both the business community and the citizens of Oregon City, the Chamber of Commerce now offers recommendations regarding the Oregon City Downtown Community Plan. With a commitment to consider the needs and desires of both the business and resident sectors of our community, the Chamber of Commerce offers the following set of recommendations for the Downtown Plan.

### RECOMMENDATIONS:

1. The Oregon City Chamber of Commerce strongly supports the Downtown Community Plan as developed by citizens and businesses through a long, intensive and

ATTCH. #3

Page Three

9. Involve citizens, business and property owners in a task force to identify solutions to the flooding problem in the north end of the downtown community. This action will significantly enhance the economic vitality of this critical section of our community.

10. Revitalize the existing transportation system, including the trolley and the new parking lots in the core area, so that it becomes a healthy alternative mode of transportation and reduces traffic congestion, enhances access to our investment in the new parking lots and encourages improved visibility for our many historic treasures.

11. Adopt both a philosophy and strategies that focus and involve all citizens on livability today and long into the future, and one that manages growth. Constant revitalization and proper management of growth will ensure the establishment of a healthy community for many generations to come. Just as past generations have created a positive community for us to enjoy, we must now work hard to create a livable community for future generations to enjoy.

It is the intent of the Oregon City Chamber of Commerce to work with the business community, citizens and local government leaders in a positive and collaborative effort that significantly enhances the livability of our fine community. As such, the Chamber of Commerce stands ready to support and work with our local government leaders in revitalizing our community.

Oregon City Planning Commission  
November 8, 1999  
Page 2

intended to become more pedestrian oriented, with connections to Clackamette Cove. The housing component would include average residential density of 30 units per net acre.

As shown on the 100-year floodplain map which is part of the City's Comprehensive Plan, the Lone Star property and properties adjacent thereto are all within the 100-year flood boundary. According to the Comprehensive Plan, the 100-year floodplain area "should be managed to protect" the "natural function" as well as "protect the lives and properties of those individuals currently living within and along floodplain boundaries." The Comprehensive Plan goes on to provide that "new development and construction within the 100 year floodplain should be restricted to uses which do not endanger life or property in the event of a flood." In addition, Oregon City Zoning Code Chapter 17.42, Flood Management Overlay District, provides that all development in the floodplain conform to specified cut and fill standards.

We find no discussion in the draft Downtown Community Plan which analyzes whether those area's in the Plan's boundary which are also within the floodplain can meet those standards. We also note that areas within the Downtown Community Plan boundary which are within the flood hazard zone are identified as "extremely hazardous area[s] due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential." Accordingly, the Zoning Code includes provisions which provide that encroachments, including fill, new construction, substantial improvements and other development are prohibited unless certification by a registered engineer or architect is provided demonstrating that such encroachments will not result in an increase in flood levels during the occurrence of base flood discharge. We find no discussion in the Downtown Community Plan documents about whether the development envisioned within the flood hazard area can meet these requirements. We therefore conclude that the City must withdraw the current proposal until such analysis is done and a reliable basis for initiating the zone changes contemplated to follow adoption of the Downtown Community Plan are provided.

We are concerned about the affect the proposed Downtown Community Plan and subsequent zone changes will have on existing industrial businesses in the area, including Lone Star's operations. The Flood Management Overlay District provides that all uses prohibited in the base zone are prohibited in the Flood Management Overlay District. Because rezoning the property on which Lone Star operates from Heavy Industrial to MUC with a Residential Housing Overlay District will convert our client's use to a nonconforming use, we require confirmation that the Zoning Code's nonconforming use provisions will allow continuation of Lone Star's use notwithstanding the prohibitions of the base zone and the Flood Management Overlay District.

P.

# City of Oregon City Downtown Community Plan

ATTCH. # 5



# **OREGON CITY DOWNTOWN COMMUNITY PLAN**

## **GOAL**

The Downtown Community Plan policies on land use, transportation, and urban design are intended to:

1. Allow and promote compact development to encourage efficient use of land, promote non-auto trips, and protect air quality;
2. Transition to more intensive use of land with infill and redevelopment, relaxed requirements for off-street parking, and phased infrastructure and urban design improvements;
3. Create specific policies and implementing zones to reflect the unique character of different districts such as the Historic Downtown, North Downtown and the Clackamette Cove;
4. Incorporate design standards and guidelines that reflect the unique historic character of Oregon City and promote and urban character; and
5. Improve circulation and connections for all modes of transportation.

Downtown Community Plan policies are set forth below. The general policies apply to all areas within the Downtown Community Plan boundary. The specific policies that will be adopted at a later date apply only to certain geographic areas within the Downtown Community Plan boundary.

## **Policies**

1. Mixed use developments, a broader range of housing types, and more intense residential and non-residential developments shall be permitted and encouraged within the Downtown Community Plan boundary.
2. Overall residential density targets and employment intensity targets shall be established for the Downtown Community Plan area and implemented with minimum residential densities and minimum floor area ratios through the adoption of specific zoning districts.
3. To retain the existing scale of buildings, height limits shall be established in the Zoning Code to maintain the Masonic Building as the tallest building in Oregon City, with a step down in building heights along McLoughlin Boulevard.
4. Design/site plan review shall be required for all new development within the Downtown Community Plan boundary.

November 15, 1999

1999 NOV 15 AM 9:36

TO: Sidaro Sin, Associate Planner, City of Oregon City

CITY OF OREGON CITY

FROM: Steve Poyser, Chair, Oregon City Historic Review Board

RE: Definition of a "certified historic district"

Essentially, there are two ways to create a historic district. The first is to request that an area be designated as a federally-registered historic district that is to be listed in the National Register of Historic Places. This is a fairly common practice, and Oregon City already has one such National Historic District—Canemah.

The other way is to create a local historic district and request that it be certified by the federal government. According to the Instructions contained within the **Historic Preservation Certification Application**, published by the Department of the Interior, National Park Service:

*A registered historic district is any district listed in the National Register or any district which is designated under a state or local statute which has been certified by the Secretary of the Interior as containing criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of significance to the district; and which is certified by the Secretary as meeting substantially all of the requirements for the listing of districts in the National Register.*

The primary difference between the two lies in who does the initial designation. In the first instance, the federal government examines the information contained within the application and determines whether or not the district merits designation and, therefore, inclusion within the National Register of Historic Places. In the second instance, the designation is made on the state or local level using essentially the same criteria as that of the federal government. The state or local government would then apply to the federal government for certification. This is handled through the State Historic Preservation Office in Salem.

I am also including the following information to help clarify how the federal government perceives *historical significance*.

### **The Secretary of the Interior's Standards for Evaluating Significance Within Registered Historic Districts**

The following Standards govern whether buildings within a historic district contribute to the significance of the district. Owners of buildings that meet these Standards may apply for the 20% rehabilitation tax credit. Buildings within historic districts that meet these Standards cannot qualify for the 10% credit.

1. A building contributing to the historic significance of a district is one which by location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.
2. A building not contributing to the historic significance of a district is one which does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.

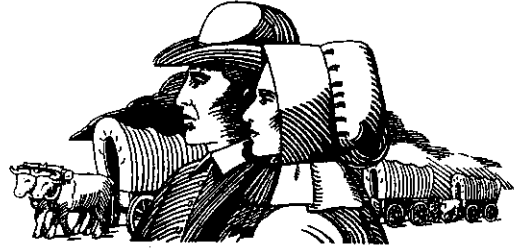
ATTN. # 6

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### Staff Report November 22, 1999

**FILE NO:** ZC 99-11

**HEARING DATE:** November 22, 1999  
7:00 p.m., City Hall  
320 Warner Milne Road  
Oregon City, OR 97045

**APPLICANT/  
PROPERTY OWNER:** Eldon Schnelle  
S. McVey Lane  
Oregon City, OR 97045

**REQUEST:** Zone change following a previous annexation to convert zoning from County "FU-10" to City "R-8".

**RECOMMENDATION:** **Approval of the proposed zone change**

**LOCATION:** 19501 S. McVey Lane (Adjacent to Gaffney Lane Elementary School), Map 3-2E-8BC, Tax Lot 400, Clackamas County.

**REVIEWER:** Tom Bouillion, Associate Planner

**VICINITY MAP:** See Exhibit 1

Southwest: The property to the southwest contains Deer Meadows Subdivision with single family residences on 8,000 square foot lots, is located in the City and is zoned "R-8"-Single Family Residential. The City Comprehensive Plan Designation is Low Density Residential.

Northwest: The property to the northwest contains a single family residence located on more than 4 acres, is located in the City and is zoned "R-8"-Single Family Residential. The City Comprehensive Plan Designation is Low Density Residential.

6. Transmittals on the proposal were sent to various City departments, affected agencies and the Gaffney Lane Neighborhood Association. Comments were received on this proposal from the City Engineering Department, Tualatin Valley Fire & Rescue, Oregon City School District 62 and Gaffney Lane Neighborhood Association (Exhibits 4a-4c & 5).
7. The subject parcel contains an existing single family residence. The parcel slopes gently to the south and consists primarily of a lawn and landscaping. There are no inventoried natural hazards or resources.
8. The subject parcel can be served by urban services or services can be made available. There is an 8-inch sewer line and an 8-inch water line in Moccasin Way and Ashley Drive that can serve the site. There is currently no existing storm drainage system for the site, and storm water detention may be required as condition of approval for future development.

## **DECISION-MAKING CRITERIA**

Applicable criteria include:

### **1. *OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES:***

**Citizen Involvement Goal**

**Housing Goal**

**Growth and Urbanization Goal**

**Growth and Urbanization Policy 1**

**Growth and Urbanization Policy 2**

**Growth and Urbanization Policy 6**

**Natural Resources Goal**

**Natural Hazards Goal**

### **2. *OREGON CITY MUNICIPAL CODE SECTION***

**Chapter 17.06.050(A) and (C)**

**Zoning of annexed areas**

**Chapter 17.50.030**

**Administration and Procedures**

additional lot for residential use. Therefore, the proposal is in conformance with this policy.

**Growth and Urbanization Policy 2.** This site can be served by urban services or services can be made available. There is an 8-inch sewer line and an 8-inch water line in Moccasin Way and Ashley Drive that can serve the site. There is currently no existing storm drainage system for the site, and storm water detention may be required as condition of approval for future development.

**Staff's finding:** The City of Oregon City is able to provide a full range of public services to accommodate urban development on the site. Therefore, the proposal is in conformance with this policy.

**Growth and Urbanization Policy 6.** The proposed zone change has been processed under all notification requirements set forth in OCMC 17.50 Administration and Procedures. The public hearing will provide an opportunity for comment and testimony from interested parties.

**Staff's finding:** The proposal is in conformance with Policy 6 of the Growth and Urbanization section of the Comprehensive Plan. The zone change was found to be consistent with the applicable Goals and Policies as stated above and is compatible with the general land use pattern in the area established by the Comprehensive Plan.

**Natural Resources Goal.** The parcel slopes gently to the south and consists primarily of a lawn and landscaping. There are no inventoried natural hazards or resources.

**Staff's finding:** Based on the City's currently adopted Title 3 water resource map, there are no identified natural resources on this site.

**Natural Hazards Goal.** The parcel slopes gently to the south and consists primarily of a lawn and landscaping. There are no inventoried natural hazards or resources.

**Staff's finding:** Based upon the State of Oregon Department of Geology and Mineral Industries (DOGAMI) map, there are no identified natural hazards on this site.

***17.06.050(C) Lands designated low-density residential may receive a designation consistent with Table 17.06.050. The hearings body shall review the proposed zoning designations and consider the following factors:***

- 1. Any applicable comprehensive plan goals and policies of the dual interest area agreement;***

**Staff's finding:** The R-8 designation requested by the applicant is consistent with Table 17.06.050. The Dual Interest Area Agreement (UGMA) specifies that the City shall be the primary provider of urban services and facilities in the Urban Growth Boundary. City water and sanitary sewer are currently available to the site. Stormwater facilities are not currently available to this site, but these improvements would be required prior to development. Additionally, future development will also conform to standards for storm water discharge, grading and erosion control, sewage discharge and buffering requirements.

Applicable Comprehensive Plan Goals and Policies are discussed above, under the Analysis of Comprehensive Plan Goals and Policies heading.

**In summary, staff concludes that the proposal is in compliance with the Comprehensive Plan Goals and Policies.**

- 2. Lotting patterns in the immediate surrounding area;***

**Staff's finding:** The lotting pattern in the immediate surrounding area is consistent with the R-8 designation requested by the applicant. An R-8 lotting pattern exists in the currently developed Deer Meadows Subdivision to the southwest. To the northwest of the site is a larger (4+ acre) property that was recently zoned R-8 and could easily be divided into 8,000 square foot lots. To the northwest of the parcel is Gaffney Lane Elementary School on more than 5 acres with an R-10 zoning designation. However, the zoning designation of the School is not important in this evaluation since it is a non-residential use. To the southwest parcel is an approximately 20,000 square foot property containing a single-family residence in the County. Based on this analysis, staff concludes that the proposed zone change is consistent with the development pattern established in the surrounding area.

- 3. Character of the surrounding area. If the land is constrained by steep slopes or other natural features (wetlands, vegetation, etc.), R-10 shall be designated.***

**Staff's finding:** The parcel slopes gently to the south and consists primarily of a lawn and landscaping. There are no inventoried natural hazards or resources.

Based on the above analysis, staff concludes the subject parcel is not constrained by natural features that would require the R-10 designation.

**SUMMARY OF STAFF'S FINDINGS FOR OCMC 17.50.030: Based on the above analysis, staff finds that the request is consistent with Section 17.50.030 of the Oregon City Municipal Code.**

**CONCLUSION**

Based on the analysis presented in this report, staff concludes the following:

1. The proposal is consistent with the applicable goals and policies of the Oregon City Comprehensive Plan;
2. The proposal satisfies the requirements of the Oregon City Municipal Code 17.06.050; and
3. The proposal satisfies the requirements of the Oregon City Municipal Code 17.50.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **RECOMMEND APPROVAL** of the zone change from Clackamas County FU-10, Future Urbanizable 10-acre minimum to City of Oregon City R-8, Single- Family Dwelling District for the subject 19,198 square foot parcel (Assessor's Map 3S-2E-8BC, Tax Lot 400).

**EXHIBITS**

1. Vicinity/Zoning Map
2. Applicant Narrative
3. Metropolitan Boundary Commission Proposal No. 3745 Final Order
4. Agency/Department Comments
  - a. City Engineering Dept.
  - b. Tualatin Valley Fire & Rescue
  - c. Oregon City School District 62 (no comment-on file)
5. Gaffney Lane Neighborhood Association (no comment-on file)

## **BACKGROUND**

The subject property was annexed into the City from Clackamas County by the Metropolitan Boundary Commission (Boundary Change Proposal No. 3745) on June 30, 1997 (Exhibit 3).

The property owner now wishes to change the zone from Clackamas County FU-10, Future Urbanizable 10-acre minimum to City of Oregon City R-8, Single-Family Dwelling District. The 19,198 square foot parcel involved in this request is located near the end of McVey Lane, to the southwest of Gaffney Lane Elementary School. The property owner in the future intends to partition the parcel based upon an R-8 zoning designation, which could yield one additional building lot. In comparison, an R-10 zoning designation would allow no further partitioning of the property.

The site contains no inventoried hazards or natural resources.

## **BASIC FACTS**

1. The subject parcel is located within the Portland Metropolitan Urban Growth Boundary.
2. The 19,198 square foot subject parcel is located near the end of McVey Lane, to the southwest of Gaffney Lane Elementary School and is shown on the Clackamas County Tax Assessor's Map 3-2E-8BC as Tax Lot 400.
3. At the time of annexation, the subject parcel carried the Clackamas County Low-Density Residential Comprehensive Plan designation. The current City Comprehensive Plan designation is "LR"-Low Density Residential.
4. The existing zoning on the subject parcel is Clackamas County "FU-10"-Future Urbanizable 10-acre minimum. The applicant has requested Oregon City "R-8"-Single-Family Residential zoning. The property owner in the future intends to partition the parcel based upon an R-8 zoning designation, which could yield one additional building lot. In comparison, an R-10 zoning designation would allow no further partitioning of the property.
5. The surrounding land uses are:

Northeast: The property to the northeast contains Gaffney Lane Elementary School, is located within the City and is zoned "R-10"-Single Family Residential. The City Comprehensive Plan Designation is "QP"-Public/Quasi-Public.

Southeast: The property to the southeast contains a single family residence on less than half an acre, is located in Clackamas County and is zoned "FU-10"-Future Urbanizable. The property is located within the Urban Growth Boundary. The City Comprehensive Plan designation is "LR"-Low Density Residential.



## 2. *OREGON CITY MUNICIPAL CODE SECTION*

Chapter 17.06.050(A) and (C)      **Zoning of annexed areas**  
Chapter 17.50.030                      **Administration and Procedures**

### ANALYSIS

#### 1. *COMPREHENSIVE PLAN GOALS AND POLICIES*

**Citizen Involvement Goal.** The public hearing was advertised and notice was provided as prescribed by law to be heard by the Planning Commission on November 22, 1999. The public hearing will provide an opportunity for comment and testimony from interested parties.

**Staff's finding:** The proposal is in conformance with the Citizen Involvement Goal of the Comprehensive Plan.

**Housing Goal.** The City encourages planning, development and preservation of a variety of housing types at a range of prices and rents. Adjacent properties located within the City limits have been zoned and developed for "R-10" and "R-8" uses. Developing at an "R-8" density encourages an adequate transition and compatibility of lot sizes between properties inside and properties outside the Urban Growth Boundary.

The strong population growth in Oregon City (7% increase over the last three years), coupled with a limited supply of residential land within the Urban Growth Boundary (UGB) necessitates an option to annex and rezone property from County to City densities. Through this proposed zone change, this property addresses the need to provide for additional housing opportunities.

**Staff's finding:** The proposal is in conformance with the Housing Goal of the Comprehensive Plan.

**Growth and Urbanization Goal.** The City encourages the preservation and enhancement of the natural and developed character of Oregon City and its urban growth area. The subject property slopes to the southeast with grades less than ten percent except for one bank across the middle of the property. Neither the City Engineering, City Public Works nor the City Building Departments indicated any concern related to the slope of the site (exhibits 3a & 3d). The site contains no other inventoried hazards or natural resources.

**Staff's finding:** Through the subdivision design and building permit review process, the applicant will preserve and enhance the natural and developed character of Oregon City. Therefore, this proposal is in conformance with the Growth and Urbanization Goal of the Comprehensive Plan.

**SUMMARY OF STAFF'S FINDINGS FOR THE APPLICABLE COMPREHENSIVE PLAN GOALS AND POLICIES:** Based on the above analysis, staff finds that there is sufficient evidence to conclude that the proposed zone change from Clackamas County FU-10 to City of Oregon City R-8 satisfies the applicable goals and policies of the Oregon City Comprehensive Plan.

**2. APPLICABLE OREGON CITY MUNICIPAL CODE (OCMC) CRITERIA**

***Chapter 17.06.050 Zoning of annexed areas***

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

*The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.050.*

***City Land Use Classifications***

<b><i>Residential</i></b>	<b><i>City Zone</i></b>
<b><i>Low Density Residential</i></b>	<b><i>R-10, R-8, R-6</i></b>

**Staff's finding:** According to the Clackamas County-Oregon City Area Land Use Plan, the subject parcel is designated for low density residential. The City Comprehensive Plan also designates the parcel as "LR"-low density residential. In general, low density residential areas are those planned for up to six units per gross acre, resulting in parcels that are approximately 7,260 square feet in size. As proposed, the applicant is requesting a low density zoning of R-8, which would require single-family dwelling lots to be a minimum of 8,000 square feet in size. Single-family development at an R-8 density could yield a maximum of 2 single-family dwellings units for this property. In comparison, if the property were zoned R-10, no additional lots could be created.

***17.06.050(A) A public hearing shall be held by both the planning commission and city commission in accordance with the procedures outlined in 17.68.***

**Staff's finding:** A public hearing before the Planning Commission is scheduled to be held on November 22, 1999. Pursuant to 17.68.030, a public hearing shall be held pursuant to the standards set forth in Chapter 17.50. According to 17.50.110(D) Type IV Decisions, the Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed to the City Commission in accordance with Section 17.50.190. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the City Commission. City Commission decision is final step on a Type IV application. Appeals of City Commission decisions go to LUBA.

**SUMMARY OF STAFF'S FINDINGS FOR OCMC 17.06.50: Based on the above analysis, staff finds that there is sufficient evidence to conclude that the proposed zone change from Clackamas Count FU-10 to City of Oregon City R-8 satisfies OCMC 17.06.050.**

***Chapter 17.50 Administration and Procedures***

***Table 17.50.030***

***Permit Approval Process***

***Zone change upon annexation with discretion - Type IV Approval Process***

***17.50.030(D) Type IV includes only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission hearing is published and mailed to the applicant, recognized neighborhood associations and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed.***

**Staff's finding:** The proposed zone change is being processed as a Type IV permit. Pursuant to the requirements of 17.50.030, notice of the application and Planning Commission hearing has been published and mailed to the applicant, recognized neighborhood associations and property owners within three hundred feet. Notice was mailed to property owners and the Gaffney Lane Neighborhood Association on October 12, 1999 and published in the Clackamas County Review on October 27, 1999.



**LEGAL DESCRIPTION**

**ANNEXATION TO**

City of Oregon City

Part of the Samuel Vance Donation Land Claim in Section 8, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning on the southeasterly line of Lot 25, Block 1, HILLENDALE, a recorded plat, said point being South 442.4 feet and West 731.6 feet and South 22°30' West 1394.04 feet from the North one-quarter corner of said Section; thence South 22°30' West along the southeasterly line of said plat, 286.5 feet to a point in the northeasterly line of MT. PLEASANT HEIGHTS, a recorded plat; thence South 46°48' East along said northeasterly line, 713.9 feet to a point in the southerly extension of the northwesterly line of MAUREEN'S ADDITION, a recorded plat; thence North 43°12' East along said northwesterly line and the southerly extension thereof, 268 feet to a point on the southwesterly line of DEL'S ADDITION, a recorded plat; thence North 46°48' West along said southwesterly line and the northerly extension thereof, 815.2 feet to the Point of Beginning.

INCLUDING Lot 3, MAUREEN'S ADDITION, a recorded plat.

## **ANALYSIS AND FINDINGS**

### **PROVISION OF PUBLIC SERVICES:**

#### **WATER.**

1. The City water system in Gaffney Lane and Ashley Road is sufficiently sized to handle the density proposed for this zone change. There is a 14-inch water main in Gaffney Lane and an 8-inch water main in Ashley Drive. When this property is developed the owner will be responsible for extending the water services to their lot and obtaining any easements.

#### **SANITARY SEWER.**

2. There are no sanitary sewer facilities that front this site. However the nearest gravity sanitary sewer mains are in Ashley Drive and in the Gaffney Grade School yard. Both of these sanitary sewers are 8-inches and sufficiently sized to handle the density proposed for this zone change. To connect to these sewers will require an easement.

#### **STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.**

3. There is no existing storm drainage system for the site. Applicant will be required to provide storm improvements at the time of development to ensure adjacent properties will not be flooded.

#### **DEDICATIONS AND EASEMENTS.**

4. In order to connect to the utilities nearest the site, easements will be required. The exact location and width will be determined during the design review process.

#### **STREETS.**

5. Some additional Right Of Way may be required on Gaffney Lane.
6. Access to the site is through a 30-foot wide access easement (McVey Lane) shared by three parcels.

**CITY OF OREGON CITY - PLANNING DIVISION**  
**PO Box 351 - 320 Warner Milne Road - Oregon City, OR 97045**  
**Phone: (503) 657-0891 Fax: (503) 657-7892**

**TRANSMITTAL**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> BUILDING OFFICIAL     | <input checked="" type="checkbox"/> CICC                                  |
| <input checked="" type="checkbox"/> ENGINEER MANAGER      | <input checked="" type="checkbox"/> NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR |
| <input checked="" type="checkbox"/> FIRE CHIEF            | <input checked="" type="checkbox"/> N.A. LAND USE CHAIR                   |
| <input checked="" type="checkbox"/> PUBLIC WORKS DIRECTOR | <input type="checkbox"/> CLACKAMAS COUNTY - Joe Merek                     |
| <input checked="" type="checkbox"/> TECHNICAL SERVICES    | <input type="checkbox"/> CLACKAMAS COUNTY - Bill Spears                   |
| <input type="checkbox"/> ODOT - Sonya Kazen               | <input checked="" type="checkbox"/> SCHOOL DIST 62                        |
| <input type="checkbox"/> ODOT - Gary Hunt                 | <input checked="" type="checkbox"/> TRI-MET                               |
| <input type="checkbox"/> TRAFFIC ENGINEERS                | <input type="checkbox"/> GEOTECH REPORT - NANCY K.                        |
| <input type="checkbox"/> JOHN REPLINGER @ DEA             | <input type="checkbox"/> DLCD/BRENDA BERNARDS @ METRO                     |
| <input type="checkbox"/> JAY TOLL                         | <input checked="" type="checkbox"/> OREGON CITY POSTMASTER                |
|   | <input checked="" type="checkbox"/> PARKS                                 |

RETURN COMMENTS TO:

COMMENTS DUE BY: **October 12, 1999**

PLANNING PERMIT TECHNICIAN  
 Planning Department

HEARING DATE: November 22, 1999  
 HEARING BODY: Staff Review:    PC:    X    CC:   

REFERENCE TO

FILE # & TYPE:  
 APPLICANT:  
 REQUEST:

ZC 99-11  
 Eldon Schnelle  
 Zone change following annexation from County FU-10 to  
 City "R-10" Single Family Dwelling District  
 19501 S McVey Lane

LOCATION:

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

☐ The proposal does not  
 conflict with our interests.

☐ The proposal conflicts with our interests for  
 the reasons stated below.

☐ The proposal would not conflict our  
 interests if the changes noted below  
 are included.

☐ The following items are missing and are  
 needed for completeness and review:

Signed  
 Title

  
 Superintendent

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

**EXHIBIT**

4c.

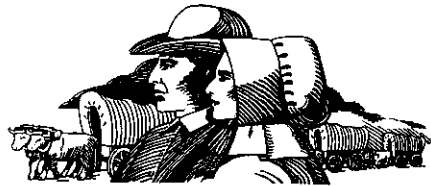
ZC 99-11

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## Memorandum

November 22, 1999

**To:** Planning Commission  
**From:** Sidaro Sin, Associate Planner *SS*  
**RE:** Proposed Amendment to PUD Ordinance

On November 10, 1999, the Planning Commission held a work session on the Planning Commission's work program goals and objectives. By the end of the work session, the Commission had created a mission statement.

The mission statement is attached with the goals and objectives as requested.

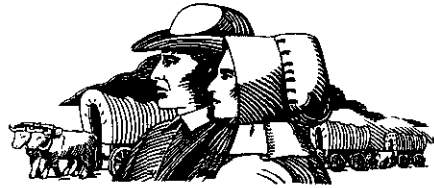


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## Memorandum

November 22, 1999

**To:** Planning Commission  
**From:** Sidaro Sin, Associate Planner *SS*  
Barbara Shields, Senior Planner  
**RE:** Proposed Amendment to PUD Ordinance

On November 10, 1999, the Planning Commission held a work session on the proposed amendments to the PUD ordinance. The attached PUD ordinance incorporates comments and changes from previous work sessions.

A line through the text indicates removal of existing text. Words in bold indicate new proposed language.

**This is presented for your review and comments. Proposed graphic illustrations will be made available at a later date.**

accomplished through the PUD process by preserving existing natural features and amenities, **or by creating new neighborhood amenities, such as pocket or regional parks and open spaces that serve neighborhoods or on-site open spaces that meet the needs of the development's future residents.** ~~In exchange, the city will extend residential density transfers and bonuses to increase the density on developable portions of the property; and~~

C. To protect and enhance public safety on sites ~~developable areas~~ with natural or other hazards and development constraints through the clustering of development on those portions of a site that are suitable for development. ~~This can be accomplished through the PUD process by preserving existing natural features and hazard areas and obtaining density transfers and bonuses to increase the density on developable portions of the property. The exact amount of density transfers and bonuses allowed is ultimately a discretionary decision by the city, and the applicant bears the ultimate burden of justifying the total density requested based on the mix of amenities and design features reflected in the PUD plan.~~

D. **To provide flexibility** ~~The PUD process specifically anticipates that for dimensional requirements of underlying zones or overlay districts may be adjusted to better achieve these purposes. It also anticipates that certain city development standards, including those governing street right of way and pavement widths, may be reduced to the minimum necessary to ensure adequate service levels of public safety. By incorporating these policy objectives into a PUD design, an applicant may be allowed greater density or smaller lot sizes than otherwise be possible under the code without a PUD. (Ord. 97-1024 §1(part), 1997)~~

17.64.020 Definitions. The following definitions and conventions shall apply in the application of this chapter:

“Decision maker” means the city representative vested with the authority under this title to render a particular decision or make a particular determination. Depending upon the context and stage in the local appeal process, decision maker may be the planning manager, the planning commission or the city commission.

“Gross Area” means the total area of the subject property including unbuildable portions such as wetlands, natural features, slopes, street rights-of-way and the like.

“Gross density” shall be expressed as the number of residential units per acre of gross area.

“Net developable area” means the area of the subject property that is developable and is equal to the gross area minus all portions that are undevelopable due to wetlands, natural features, steep slopes, **open spaces**, or street rights-of-way. Unless the applicant shows otherwise, street rights-of-way will be assumed to occupy twenty percent of the property's gross area.

“Net density” shall be expressed as the number of residential lots per acre of net developable area.

~~“Zero lot line”~~ **“Common Wall”** development means a development design where buildings, driveways, or other structures are built on **the common** property line with no setback. This development type includes single structures, consisting of two or more separate dwelling units, that are physically connected and the property line runs through the structure, between the two dwelling units. This development type also includes residential developments where the side yard or driveway of one house is located against the property line and the house of the adjacent lot is located on the other side of the property line with little or no setback. (Ord. 97-1024 §1 (part), 1997)

roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwellings.

**“Neighborhood Commercial”** means a small scale commercial area with uses designed to serve a convenience need for residents in the surrounding low density neighborhood. ~~commercial area of approximately fifty thousand square feet (50,000 sq. ft.), often located on an arterial or collector street, providing convenience goods and services for residents of the surrounding area.~~

*Comment: The neighborhood business area usually serves residents within ¼ mile walking distance and five minutes driving time. The stores include food, drugs, hardware, clothing, and sundries; services include barber and beauty parlors, cleaners, daycares and so on.*

**\*Note:** The new definitions were taken from *the New Illustrated Book of Development Definitions*.

17.64.030 Applicant's option. A development proposal may be processed as a PUD at the applicant's option, and is offered as an alternative process for residential development, provided that ~~The PUD process is an alternative for development that can not be accomplished using other available zoning or land division processes.~~ A development proposal may be processed as a PUD at the applicant's option so long as ~~at least fifty percent of the gross area bears a residential plan designation, at least fifty percent of the net developable area is proposed for residential uses, and the development proposes~~ at least eighty percent of the gross density allowed by the underlying zone. If the property bears a PUD overlay designation, the property may be developed only in accordance with this chapter. PUD overlay designations will be legislatively applied by the city to residentially zoned land with natural features, physical characteristics, topography, development constraints, or other unique or special circumstances that warrant preservation or other wise constrain development of the property. (Ord. 97-1024 §1 (part), 1997)

17.64.040 Permitted uses and basic PUD requirements. This section provides the uses allowed in a PUD as well as the basic elements required of all PUDs.

A. Uses permitted Outright. Notwithstanding the use provisions of the underlying zone, the following uses and their accessory uses are allowed outright as part of the PUD:

1. Detached single-family dwellings and duplexes on individual lots or grouped in clusters;
2. Attached single-family dwellings and multiple family dwellings, such as townhouses, condominiums and apartments;
3. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts;
4. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools;
5. Common public and private open space;
6. Hiking and/or riding trails;
7. Accessory structures and uses permitted in the existing underlying zone.
8. ~~In all developments, the perimeter of the development shall meet the underlying zone's setbacks.~~-(moved this item under “C)

otherwise allowed, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit for city review and approval all proposed deed restrictions or other legal instruments used to reserve open space and maintenance ~~agreements used to ensure the continued maintenance~~ of open space and any related landscaping and facilities.

E. Timely Provision of Public Services and Facilities. As part of the preliminary PUD plan, the applicant shall demonstrate, or provide a suitable guarantee of, adequate capacity in each of the following public services or facilities to serve the proposed PUD:

1. Water;
2. Sanitary Sewer;
3. Storm sewer and storm water detention and drainage facilities;
4. Traffic system and transportation infrastructure, including streets, roads,

transit, pedestrian and bicycle facilities.

F. If the applicant elects to guarantee that any particular public service or facility will have adequate capacity, the required capacity must exist prior to issuance of building permits. The decision maker may require the applicant to provide special or oversized sewer or water lines, roads, streets or other service facilities if necessary to meet standards in the city's facility master plans or to allow for the orderly and efficient provision of public facilities and services. If oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and fund availability.

G. Relationship to the Natural and Physical Environment. Streets, buildings and other site elements shall be designed and located to preserve the maximum number of significant trees (i.e., those trees ~~eight six~~ inches or ~~more~~ greater in diameter, ~~measured~~ four feet from the ground), significant natural resources, jurisdictional wetlands, and natural drainage ~~to the maximum extent practicable~~ (i.e. Natural Features). **These identified natural features shall not be disturbed after submittal of a complete land use application, or until a final decision is rendered on the application.** Development shall be designed, constructed and maintained in accordance with the unstable soils and hillside constraint overlay district and ~~water resources overlay district~~ **the water quality resources areas overlay district** where applicable. (Ord. 97-1024 §1 (part), 1997)

H. **Mixed Use.** To ensure development within a PUD contains the correct blend of mixed uses, no more than 80%, but at least 50%, of the total net developable area shall consist of single family residential development. If the subject property is less than 10 acres, 20% of the net developable area shall consist of residential uses other than single family dwellings. If the subject property is 10 acres or more, 20% of the net developable area shall consist of residential uses other than single family dwellings and shall contain commercial uses. If common wall units are proposed, a 13,000 square foot lot is required for four (4) common wall units and, 7,000 square feet lots is required for two (2) common wall units. In no cases, shall single family residential lots be smaller than 5,000 square feet. *(Note to the Commissioners: At the 11/10/99 work session, it was indicated that if a single family lot went below 6,500 sq. ft. and the gross area of the site was at least 10 acres, then the applicant would be required to provide for some commercial use. As a point of clarification, the proposed language currently states that, if the gross area is 10 acres or more, the applicant is required to provide for commercial uses. Is there redundancy if we require it for single family lots under 6,500 sq. ft. that are 10 acres or more?)* **To promote mixed uses, no more than 80% of the total net developable area shall take the form of a single family residential**

~~F. Mixed Use Development. The decision maker may allow a residential density bonus of up to ten percent of the underlying zone's net density for a development proposal that serves up to fifteen percent of the net developable area for neighborhood commercial office uses. This bonus applies to uses mixes within the same development or within a single structure, e.g., ground floor retail with residences on the upper floors.~~

~~G. Maximum Possible Density Bonus. The total amount of density bonuses shall not exceed by more than thirty percent the gross density allowed by the underlying zone. (Ord. 97-1024 §1 (part), 1997)~~

17.64.060 Initiation of a PUD -- Review process.

A. PUD projects may be initiated only by the record owner of the property or an agent with the property owner's written authorization. Where there is more than one owner, application requires a signed authorization by all parties having a record interest in the subject property.

B. The City shall provide the opportunity for concurrent processing of the PUD and any other related permits, land use and limited land use approvals required for development of the subject property.

C. The review process for PUDs is set forth in detail in the sections of this chapter. In general, the process involves three stages:

1. A preapplication conference;
2. A preliminary PUD plan, reviewed through a Type III process, including a public hearing before the planning commission with a right to ~~an on-the-record appeal to the City Commission~~ **appeal to the city commission based on the record**;
3. A final PUD plan, consisting of a plan that conforms with the preliminary plan, and all conditions and requirements imposed by the planning commission during the preliminary plan approval process. The final PUD plan receives a Type I administrative review without a hearing so long as there are no material deviations from the approved preliminary PUD plan. (Ord. 97-1024 §1 (part), 1997)

17.64.070 Preapplication Conference. Before the City will accept an application for preliminary PUD plan approval, the applicant must attend a preapplication conference with the planning manager pursuant to Section 17.50.030, and pay the required fee. The planning manager will see to it that all affected city departments are represented at the preapplication conference. The purpose of the preapplication conference is to allow the applicant to explain in as much detail as possible, the development proposal, and to obtain comments and guidance from city staff sufficient to guide the applicant's preparation of the preliminary PUD plan. (Ord.97-1024 §1 (part), 1997)

17.64.080 Preliminary PUD plan application

A. At any time following a preapplication conference, an applicant may apply for preliminary PUD plan approval. The applicant's submission must provide a complete description of existing conditions, the proposed PUD and an explanation of how the application meets all applicable ~~approval standards~~ **purposes, requirements, and criteria**. The following sections describe the specific submission requirements for a preliminary PUD plan, which include plan drawings, a narrative statement and certain tabular information.

B. The City's review and decision making process for preliminary PUD plans is

requirements in Chapter 17.47. (Ord. 97-1024 § (part), 1997)

**F. Vicinity Map. The applicant shall submit a vicinity map showing the relationship of the subject property to significant features within 100 feet of the site, such as the existing street network, utilities, topography, and natural features.**

17.64.100 Preliminary PUD plan – Narrative statement. In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

A. PUD Description. A detailed description of the proposed development, including a description of any phasing, proposed uses, number and type of residential units, nonresidential uses, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any home owner's association, and each instance where the proposed PUD will vary from some dimensional or other requirement of the underlying zoning district.

B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities will be adequate to serve the proposed development by the time construction begins:

1. Water;
2. Sanitary sewer;
3. Storm sewer and storm water detention and drainage facilities;
4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities.

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before the issuance of occupancy permits. This description may include a provision for oversizing of any of these public facilities and services and a proposal for a mechanism to reimburse, or provide system development charge (SDC) credit to, the applicant for the cost of oversizing.

C. Approval Criteria and Justification for Adjustments. The applicant shall explain how the proposed PUD is consistent with the **Oregon City Comprehensive Plan, and purposes and requirements** of this chapter set forth in Sections 17.64.010 and 17.64.040. For each of the instances where the applicant proposes an adjustment from some applicable dimensional or other requirement of an underlying or overlay zoning district, the applicant shall explain in detail the need for the adjustment and how the adjustment advances or better achieves the **purposes and requirements** of this chapter, than would compliance with the dimensional or other requirements.

D. Geologic Hazards. For property subject to Chapter 17.44, the applicant shall submit a report prepared by a qualified professional engineer, certified in geology or geotechnical engineering, describing how the proposed PUD is feasible and meets the applicable requirements of Chapter 17.44.

E. Water **Quality Resources Areas Overlay District**. For property subject to Chapter 17.49, the applicant shall submit a report prepared by a qualified professional describing the location and quality of any water resource subject to regulation under Chapter 17.49. This report shall also explain in detail how the proposed PUD is feasible and meets the applicable requirements of Chapter 17.49.

F. Historic, Archeological, Geological and Scenic Resources and Significant Trees. The applicant shall submit a report, prepared by a qualified professional, regarding any known

17.64.130 Preliminary PUD plan decision – Duration and extensions. The decision maker may deny, approve or approve with conditions the preliminary PUD plan. The decision maker may impose any conditions necessary to ensure compliance with the approval criteria. An approval is valid for a period of twelve months from the date of decision. If within twelve months of the date of preliminary PUD plan approval, the applicant has not applied for final PUD plan approval, the preliminary PUD plan approval shall be void. However, the applicant may apply to the planning manager for up to two extensions of up to six months each (total maximum extension on a preliminary PUD plan approval is twelve months beyond the original twelve months). The planning manager shall ~~grant~~ **consider granting** such timely requests. (Ord. 97-1024 § 1 (part), 1997)

17.64.140 Design review. PUDs shall comply with the site plan and design review requirements in Chapter 17.62 of this title. Single-family detached homes are exempt from this requirement. An applicant may seek concurrent review of the preliminary PUD plan and design review, in which case the applicant shall submit a landscaping plan, architectural drawings and a materials board as provided in Section 17.62.040(B) – (D) in addition to the submittal requirements for the preliminary PUD plan. (Ord. 97-1024 § 1 (part), 1997)

17.64.150 Final PUD plan. The applicant must apply for final PUD plan approval within twelve months following approval of the preliminary PUD plan, **unless an extension of the preliminary PUD plan approval is granted by the planning manager.** Review of the final PUD plan is processed as a Type I decision by the planning manager so long as the final PUD plan does not propose any material deviations from the approved preliminary PUD plan. The planning manager shall approve a final PUD plan that is consistent with the approved preliminary PUD plan, including any conditions attached thereto.

A. If the planning manager determines that the final PUD plan submitted by the applicant materially deviates from the approved preliminary PUD plan, review of the final PUD plan shall be referred to the planning commission for a public hearing and a determination of consistency with the preliminary PUD plan approval standards. In that event, the planning commission may limit the hearing to issues directly affected by the element that was the material deviation. All other aspects of the preliminary PUD plan not directly affected by the material deviation shall not be addressed.

B. As used in this section, “material deviation” includes any of the following deviations from the preliminary PUD plan:

1. An increase in the total number of dwelling units by ten percent or more from the amount approved by the preliminary PUD plan;
2. An increase in the number of multiple family dwellings by more than ten percent from the amount approved in the preliminary PUD plan;
3. A change in the square footage of commercial use in the development by more than ten percent from the amount approved in the preliminary PUD plan;
4. A reduction in the amount of landscaping, open space of land reserved for a protected feature by more than ten percent from what was approved in the preliminary PUD plan;
5. An increase in the amount of impervious surface on hillsides or unstable soils subject to regulation under Chapter 17.44 by more than ten percent from the amount approved in the preliminary PUD plan;

an approved preliminary PUD plan. Changes that are not material deviations shall be reviewed and decided upon administratively by the planning manager, and the planning manager shall provide notice of the decision in the same manner as described in Section ~~17.64.150(E)~~ **17.50.090(A)** and appeals of this decision shall follow the procedure described in ~~that~~ Section **17.50.190**. (Ord. 97-1024 § 1 (part), 1997)

~~17.64.180~~ Performance bond or security. In approving any PUD, the decision maker may require adequate financial guarantees of compliance with any aspect of the final PUD plan as authorized in Section ~~17.50.320~~ **17.50.140** of this title. (Ord. 97-1024 § 1 (part), 1997)

~~17.64.190~~ Expiration of final PUD plan approval. Approval of a final PUD plan is valid for a period of twelve months from the date of decision. If within twelve months of the date of final PUD plan approval, the applicant has not ~~made~~ **completed** substantial construction on the PUD, the final PUD plan approval shall be void. However, the applicant may apply to the planning manager for up to two extensions of up to six months each (total maximum extension of a final PUD plan approval is twelve months beyond the original twelve months). The planning manager shall ~~grant~~ **consider granting** such timely requests. (Ord. 97-1024 § 1 (part), 1997)