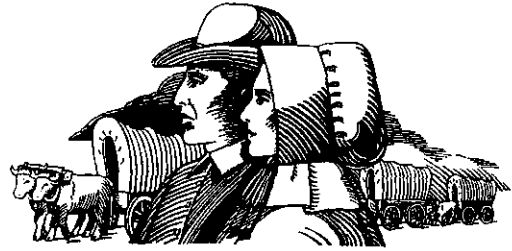


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## AGENDA

**City Commission Chambers - City Hall  
October 11, 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:** September 13, 1999
- 7:10 p.m. 3. **PUBLIC HEARING**
- 7:15 p.m. A. **File No. ZC 99-08** City of Oregon City; Legislative Amendment to the Oregon City Municipal Code Chapter 17.16 "RD-4 Two Family Dwelling District" to 1) Include single-family attached dwellings in Section 17.16.020, and 2) Add a New Section 17.16.060, 'Single Family Attached Dwellings'; All "RD-4 Two Family Dwelling District" properties within Oregon City limits
- 8:30 p.m. 4. **OLD BUSINESS**  
A. **Planning Commission Work Program – Revised Draft**  
(Under Separate Cover)
- 8:45 p.m. 5. **NEW BUSINESS**  
A. **Comments by Commissioners**
- 9:00 p.m. 6. **ADJOURN**

NOTE: HEARING TIME 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  
September 13, 1999**

**COMMISSIONERS PRESENT**

Chairperson Hewitt  
Commissioner Carter  
Commissioner Olson  
Commissioner Surratt  
Commissioner Vergun

**STAFF PRESENT**

Maggie Collins, Interim Planning Mgr.  
Marnie Allen, City Attorney  
Paul Espe, Associate Planner  
Tom Bouillon, Associate Planner  
Sidaro Sin, Associate Planner  
Deanna Nguyen, Hearings Reporter

**COMMISSIONERS ABSENT**

Commissioner Bagent  
Commissioner Vernon

**1. CALL TO ORDER**

**Chairperson Hewitt** called the meeting to order. He then reviewed the land use hearings procedure and process. One legislative hearing and one quasi-judicial hearing are scheduled. He then went over the process of hearings, time limits, and pointed out the procedures on the posted chart.

**2. APPROVAL OF MINUTES: August 9, 1999**

**Commissioner Surratt** moved to approve the minutes of August 9, 1999 as presented. **Commissioner Olson** seconded. **MOTION CARRIED 5-0.**

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

**3. NEW BUSINESS – None.**

**4. PUBLIC HEARINGS**

***STAFF REPORT***

**File No. CU 99-04** City of Oregon City; Conditional Use Permit for 6 acre expansion of Mountain View Cemetery to allow additional burial spaces; Zoned "R-10 Single Family Dwelling District"; At terminus of Hillendale Street, Closest intersection is Alden Street; Clackamas County Maps 3S-2E-05 BA Tax Lot 2800, 2900, 3000 & 3S-2E-05 BD Tax Lot 100

*TESTIMONY IN OPPOSITON* – None.

*REBUTTAL* – None.

*DELIBERATION AMONG COMMISSIONERS*

**Chairperson Hewitt** asked if there were any other comments on the proposed Conditions of Approval. There were none. **Commissioner Vergun** moved that the Commission adopt the findings in **File Number CU 99-04** as submitted by staff in its entirety, with the exception of deleting the paragraph related to permit expiration. **Commissioner Olson** seconded. **MOTION CARRIED 5-0.**

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

*STAFF REPORT*

**File No. ZC 99-06** City of Oregon City; Amendment to Oregon City Municipal Code Section 17.37 to 1) include government facilities as an allowed use to the M-1 (CI) Campus Industrial District; and 2) to increase the height limit for M-1 (CI) zoned property in the area bounded by Leland Road, Warner-Milne Road, and Molalla Avenue to 85 feet; All M-1 (CI) Campus Industrial District property within the City limits.

**Chairperson Hewitt** cited Chapter 17.68.010 where it states all requests for amendment or change in this title shall be referred to the Planning Commission. He stated this is a legislative review and not a quasi-judicial review.

**Tom Bouillon** stated that this request was continued from the hearing on August 23, 1999, where the Commission asked for more information on certain topics. These topics are addressed in the attached Staff report. He stated that the difference between 17.37.030 and 17.37.020 of the Oregon City Municipal code are the proposed number of employees. In addition, the dimensional standards section of M-1 (CI) regulation are proposed to include a new dimensional standard where the maximum building height will not exceed 85 feet only in the area commonly known as the Red Soils area. **Mr.**

**Bouillon** added to the record the following exhibits: a letter from Debra Watkins of the Hillendale Neighborhood Association dated September 13, 1999, exhibit B; the addendum to the staff report dated September 13, 1999, exhibit C; the typical office section drawing, exhibit D; the typical courtroom section, exhibit E; a letter from Jim Joyce dated August 26, 1999, exhibit F. He added the Staff's recommendations of approval of the amendments that the language to allow government facilities as outright permitted uses of properties zoned M-1 (CI), based on consistency with development trends in M-1 (CI) property generally.

*CORRESPONDENCE RECEIVED BY STAFF* – None.

*QUESTIONS FROM COMMISSIONERS*

*TESTIMONY IN FAVOR*

Speaking: Dan Holladay, 1223 Monroe Street, Oregon City, OR, 97045;  
Representing self

**Dan Holladay** commented that he is a City Commissioner, and added he is attending on his own behalf. He stated that he works in the fire protection industry every day. He added that expanding the footprint of any building takes away from useable space for the structure. With the limited amount of commercial/industrial space available, it makes sense to build up rather than out. Moving the County buildings out of downtown and consolidating their facilities will make them more efficient to use, and add to the historical value and opportunities downtown.

*QUESTIONS OR COMMENTS FROM COMMISSIONERS*

**Commissioner Vergun** stated that the Commission would have the ability to make conditions where needed on building heights when reviewing a proposed site plan. **Commissioner Surratt** questioned the possibility of 5 or 6 stories in an 85-foot building. **Dan Holladay** stated that the difference between high rise and low rise is at 5 stories. Five stories at 85 feet is a standard. **Commissioner Carter** asked if the height expansion is site-specific only to the Red Soils district. **Dan Holladay** stated is site-specific to acreage that the County owns in the Red Soils area. **Tom Bouillon** clarified that on Map one, the west half is owned by Clackamas County and the east half is owned mostly by different light industrial parks and users. In the August 23, 1999 Staff report, there is a detailed list of all the M-1 (CI) uses in that area.

**Chairperson Hewitt** stated that the Commission would not handle the design review process, Site Design Review is no longer a conditional use process; and the Commission as a group would have no say in this design review process. **Marnie Allen** added that Staff would evaluate a site-specific application with the criteria in the Code for Site Design Review. If there were an appeal to Staff's decision it would go to City Commission. **Commissioner Cater** asked there would be a public for Site Design Review. **Maggie Collins** stated that it would be a Type 2 review process and adjacent property owners would be notified by mail. **Marnie Allen** added that they would be able to reply by mail, which makes it a written form of public participation.

Speaking: Steve Rhodes, 906 Main Street, Oregon City, OR, 97045; Representing  
Clackamas County

**Steve Rhodes** stated that he is a County Administrator for Clackamas County. He explained the need for certainty when going to the voters and the cost difference in 3 or 4 stories. He cited a situation of passing a bond without certainty and it cost the County about a half a million dollars. His other point is the need to build what the County needs at the lowest cost to the taxpayers. Allowing increased height will leave more open space on the site. He clarified that the proposed site plan will be more efficient and save the taxpayer dollars.

Speaking: Brian Cosgrove, Interim Community Development Director, City of Oregon City

**Brian Cosgrove** stated his understanding of the concerns that design review process may limit public review. He would like to ensure that new County buildings would be a political project and would require the County to get help from the neighborhood, and the City Commission along with the Planning Commission. If that doesn't happen there can be an appeal, which would be a very public process. There would be plenty of time for anyone to address the City Commission at some point. He stated how unique this application to consolidate government facilities is. There really wouldn't be another issue of this kind. The other areas where it would be possible already have their footprints laid out. **Commissioner Carter** asked if site number 1 is the last buildable property area in the Red Soils. **Brian Cosgrove** agreed that the rest of the Red Soils area is already built out.

#### *QUESTIONS OR COMMISSIONERS FROM COMMISSIONERS*

**Chairperson Hewitt** asked what it would cost for a neighborhood association to appeal to the City Commission if they don't like the design review outcome. **Brian Cosgrove** replied zero. **Chairperson Hewitt** asked what it would cost for a citizen to appeal to City Commission. **Brian Cosgrove** replied \$750.00. **Chairperson Hewitt** stated that if a citizen or a member of a neighborhood association wanted to appeal he or she could go to the neighborhood association and do it for free. **Brian Cosgrove** agreed.

*REBUTTAL* – None.

#### *DELIBERATION AMONG COMMISSIONERS*

**Chairperson Hewitt** closed the public hearing, and opened it to discussion by the Commission. He pointed out Chapter 17.37 M-1 (CI) to reiterate that the discussion is about government facilities. Keeping the current dimensional standard not to exceed 40 feet, the only change would be very site specific within the given roads and only within the Red Soils District. If the Commissioners follow Commissioner Vergun, perhaps a separate dimensional standard will be proposed.

**Commissioner Carter** stated that the 85-foot height increase seems very straightforward, although she would prefer not to do the variance, because it is more complicated and it's hard to meet all variance criteria. She would like to see this proposal move forward, with increasing the setbacks to coincide with the upward footage.

**Commissioner Vergun** stated that his concerns were alleviated, as far as, the public being involved and other 85-foot structures on the land. He stated that a height expansion precedent would not be set for other (CI) areas because the Commission is explicitly saying it will not. He stated that the variance is not a good idea because of the difficulty in implementing it and the burden of proof would be difficult.

**Commissioner Surratt** suggested that "a maximum for governmental facilities including courthouse, shall not exceed 85 feet" be added to the amendment. **Chairperson Hewitt**

## **5. WORKSHOP: PLANNING COMMISSION TRAINING**

**Maggie Collins** started the planning training meeting with a set of flow charts on how applications and process are done, Type One through Four, and legislative applications.

**Maggie Collins** stated public involvement is important but needs to be balanced with rights of the applicant, and there is encouragement for the applicant to meet with the affected neighborhood association, but this is not required. **Chairperson Hewitt** stated that as a Commission they should encourage communication by asking applicants if they have talked with the neighborhood association in their area.

**Maggie Collins** went over the larger details of a Type 1 process: not many are done, planning manager has minor power, the decisions are final and there is no leeway, they are very specific, Commission does not deal with them, and they are not appealable. If someone wanted to appeal, they would go to civil court.

**Maggie Collins** stated that with a Type 2 process there is a small outside notice, and it's mostly staff decision. Subdivisions and non-residential buildings are examples of a Type 2. The Commission comes in when there is a variance request, then staff takes both the subdivision and variance to the Commission. She stated her preference to bring just the variance before the Commission. **Commissioner Olson** asked what would make it so that both subdivision and a variance would be brought to the Commission at the same time. **Maggie Collins** replied that usually they are concurrent applications, as requested by the applicant.

**Chairperson Hewitt** stated he would like to focus on the variance and the criteria, make a decision and pass it back to whomever is working on it. He would like to understand just enough of a subdivision to make a decision on a variance. He stated that it is not expedient for the applicant to come before the Commission on subdivisions, for example, rather than Staff. **Maggie Collins** stated that applicants might be confused as to their ability to submit both a subdivision application and go to a variance hearing. She stated that it is possible and that the applicant doesn't lose anything on his or her 120 days.

**Commissioner Carter** stated that it would be great to make developers use pie-shaped lots for tree plantings to enhance the neighborhood. **Chairperson Hewitt** stated that if the request is a straight subdivision there is nothing they can do if it meets the lot size requirement. **Commissioner Carter** asked if the suggestion could be made to use these areas for open space or trees. **Paul Espe** stated that with these Type 2 subdivisions Staff does not have discretion.

**Maggie Collins** moved on to review Type 3 processes. She stated that mostly the quasi-judicial process is used, where the Planning Commission makes the decision. The Planning Commission provides a forum, and the Commission's job is to listen to people's opinions, but to make a decision based on criteria. She stated that the appeal process is similar to Type 2. **Chairperson Hewitt** stated that the 120-day clock is from the time the application is taken in to a possible appeal of a decision by the City Commission. **Tom**

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
September 27, 1999**

**COMMISSIONERS PRESENT**

Vice Chairperson Vergun  
Commissioner Olson  
Commissioner Surratt  
Commissioner Carter

**STAFF PRESENT**

Maggie Collins, Interim Planning Manager  
Bill Kabieseman, City Attorney  
Tom Bouillon, Associate Planner  
Deanna Nguyen, Hearings Reporter

**COMMISSIONERS ABSENT**

Chairperson Hewitt  
Commissioner Bagent

**1. CALL TO ORDER**

**Vice Chairperson Vergun** called the meeting to order. He then reviewed the land use hearings procedure and process. There was one land use application hearing scheduled. He then went over the process of hearings, time limits, pointed out the posted procedures, and reviewed the meeting agenda.

**2. APPROVAL OF MINUTES: August 23, 1999**

**Commissioner Carter** moved to approve the minutes of August 23, 1999 as presented. **Commissioner Surratt** seconded. **MOTION CARRIED 4-0.**

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

**3. PUBLIC HEARINGS**

*STAFF REPORT*

**File No. CU 99-05** US West & MCA Architects; Conditional Use Permit and Site Plan Design Review to allow 4710 SF addition to current building to allow for additional telephone switching equipment; Zoned RC-4 McLoughlin Conditional Dwelling District with Historic Overlay; 222 High Street; Clackamas County Map 2S-2E-31AC Tax Lots 13200 and 13300

**Tom Bouillon** stated the applicant's request for a 4710 SF addition to the current building. The conditional use review looks at appropriateness of the site use and effects to surrounding areas. He added that landscaping would also be reviewed as a separate file. The existence of landscaping, availability of services, amenities, and history of the

become noisier and he agrees that is the case with the current equipment. Part of the problem is that the condensing units are set in a corner with two hard surfaces that reflect sound, and that sound is reflected off the back walls and directed to the southeast and northeast. Methods to fix the problem are putting new condensing units in that would be quieter, adding perforated metal on hard surfaces to absorb sound, and installing acoustic baffles or a solid wall to help reduce sound level. He explained that when there's a radio with sound at 30 decibels and you add another radio on a different station at 30 decibels, the level of sound does not double but only increases by 3 decibels. Then when you have a radio with sound at 30 decibels and turn it up twice as loud, the increase would only be 10 decibels. He stated that with the proposed changes, the noise decrease would be 12 to 14 decibels, cutting the sound level more than half.

**Art Derosia** then addressed the landscaping issue. The first factor of this problem was that water rates in Oregon City caused the building mechanic to turn off the irrigation system, and at this point it has been turned back on. Second, some plants died due to lack of water and US West is in the process of having someone fix that problem. The new landscaping plans also include ground covers that require less maintenance for the southwest side of the building and also add trees along High Street for a better appearance.

#### *QUESTIONS FROM THE COMMISSION*

**Commissioner Surratt** asked if they would be replacing, or replacing and adding units. **Art Derosia** stated that two units would be replaced.

**Commissioner Olson** asked if the expansion was to add space for equipment of other companies, and would there be regular landscaping on the site. **Art Derosia** stated it was to add space for equipment and that he could not speak for US West as far as the landscaping issue, although he has brought it to the company's attention. **Commissioner Olson** then asked if there would be enough parking on the site that trucks would no longer park on the street. **Art Derosia** answered the complaint is coming from residences on Center Street. That parking lot along with its entrance will be taken out and the only access will be from High Street. With the updated equipment US West has added there will be fewer people needed at the building.

**Commissioner Carter** then expressed her disappointment with US West allowing its building to go into disrepair. **Art Derosia** agreed and stated that he would relay those sentiments to the proper authorities at US West.

#### *TESTIMONY IN OPPOSITION*

Speaking: Ray Hintz, 300 Center Street, Oregon City, Oregon 97045; Representing self.

**Ray Hintz** stated he lives kitty-corner to the building, where he hears the motor running day and night and has not witnessed anyone addressing the problems to help reduce noise



upgrade its facility and to take measures that will enhance the neighborhood at the same time the neighborhood is trying to encourage enhancement.

Speaking: Fred Webster, PO Box 1200, Oregon City, Oregon 97045; Representing self.

**Fred Webster** states that Oregon City does not have a noise ordinance as far as decibel levels. He then read highlights from Exhibit A stating that a leading cause of neighborhood dissatisfaction is noise and over 200 complaints were investigated last summer. From Exhibit C he highlighted that of the 28 million Americans with full or partial hearing loss, one third are able to blame noise for their condition. Exhibit D states the noise ordinance of the City of Portland, based on the Federal, State, and County decibel levels. He then read the ordinance under 18.01.010 on land use zones. The land use DBA limit for residential is 55, commercial is 60, and industrial is 65. **Mr. Webster** then played an audio type displaying the different decibel levels from the existing compressor. At the highest level he recorded the compressor received a reading of 84 to 86 decibels using the C scale. He then explained the difference between C and A scale.

*QUESTIONS FROM THE COMMISSION* – None.

Speaking: Kathy Hogan, 19721 S Central Pt. Road, Oregon City, Oregon 97045; Representing self.

**Kathy Hogan** stated that she would like to give her five minutes of testimony to Fred Webster. **Vice Chairperson Vergun** replied that with no objections from the Commission, that would be fine.

Speaking: Fred Webster, PO Box 1200, Oregon City, Oregon 97045; Representing self.

**Fred Webster** stated that would not mind seeing the whole building moved out of the area. He then pointed out the City of Portland noise ordinance and added Paul VanOrdin would be happy to help the City of Oregon City draft a similar ordinance. Mr. VanOrdin would also like to inform US West of the tax advantages of up to 50 percent on pollution control including the engineering. **Mr. Webster** added he would like the noise levels set at 45 decibels overnight and 50/55 decibels during the day.

*QUESTIONS FROM THE COMMISSION* – None.

*REBUTTAL*

Speaking: Art Derosia, MCA Architects, 30 NW 1<sup>st</sup> Avenue, Portland, OR; Representing the Applicant.

**Art Derosia** states that MCA Architects has no ownership over the building and was only brought in to do the addition. His firm wants to ensure a good product with the addition.

**Commissioner Olson** stated that she is in favor of the conditions such as adding specific decibel levels and a review in one year. She feels that the neighborhood is in support of the addition and that it would help bring the standards up for everybody.

**Vice Chairman Vergun** asked if they were to review when would it be done and what would be the scope of the review. **Commissioner Olson** stated it should be all conditions. **Commissioner Carter** added it should be done one year from certificate of occupancy issuance.

**Commissioner Olson** moved to approve **File No. CU 99-05** subject to the conclusion recommendation set forth, but changed as follows: No. 1, change from existing Staff Report to read applicant shall comply with the conditions of approval contained in the Site Plan and Design Review File; No. 2, with the understanding the conditions would be specifically spelled out; No. 3, conditions be listed out specifically including the decibel level shall not exceed 50 DBA; and add No. 4, a review be done one year after issuance of Certificate of Occupancy. **Tom Bouillon** reviewed the conditions for clarity. **Bill Kabieseman** stated for the record the Conditions of Approval from the Historical Review Board.

**Commissioner Surratt** seconded. **MOTION CARRIED 4-0.**

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

#### *STAFF REPORT*

**File No. SP 99-09** US West & MCA Architects; Conditional Use Permit and Site Plan Design Review to allow 4710 SF addition to current building to allow for additional telephone switching equipment; Zoned RC-4 McLoughlin Conditional Dwelling District with Historic Overlay; 222 High Street; Clackamas County Map 2S-2E-31AC Tax Lots 13200 and 13300

**Tom Bouillon** stated that he would not dwell on some of the background materials they had already reviewed in the conditional use permit hearing. He displayed Exhibit 2F to represent the exterior appearance of the structure once finished. Site Plan and Design Reviews are typically not brought before the Commission, although in this case the two requests have been bundled together. The building was constructed in 1973, and the proposed addition would consider the modern design of the building, which would be compatible to the original brick and 17 foot height of the structure. The Historical Review Board did review the design of the proposed addition of the structure on August 27, 1999, and found it to be compatible with the neighborhood. Another item is the landscaping; the minimum requirement is 15 percent of the site, and with the proposed addition it will more than double that minimum. Several landscape areas have not been maintained, for example, large areas of bare dirt and tree roots exposed on High and Center Streets. In addition there is a lack of screening from the parking lot that would be required under the current Site Plan and Design Review requirements. They have also

*QUESTIONS FROM THE COMMISSION*

**Commissioner Carter** asked how more parking for trucks would be provided if spaces would be reduced by one. **Art Derosia** stated that there are enough parking spaces currently, but some of the US West employees are parking on the street rather than on the lot. US West requires truck drivers to back into angled spaces and he feels some of the employees are being lazy. He will inform US West that the trucks need to be parked on site and to enforce this policy. **Commissioner Surratt** asks if the lot has been designed so that they need to back in. **Art Derosia** replied yes and explained where these spaces are situated on the site.

*TESTIMONY NEITHER PRO NOR CON*

Speaking: Fred Webster, PO Box 1200, Oregon City, Oregon 97045; Representing self.

**Fred Webster** requested the Commission to consider Exhibit D, which is the City of Portland Noise Control Ordinance, and adopt it or suggest it to the City Council so that Oregon City may have a similar one. He also stated his understanding of the law that requires you to maintain sidewalks outside your personal property. The telephone company has let the damaged sidewalk sit for at least 15 years. It is really a safety concern and someone could have an accident. **Mr. Webster** would like to see this repaired and maintained.

*QUESTIONS FROM THE COMMISSION – None.*

Speaking: Denyse McGriff, 815 Washington Street, Oregon City, Oregon 97045; Representing McLoughlin Neighborhood Association, PO Box 1027, Oregon City, Oregon 97045.

**Denyse McGriff** suggested that Standard A7 be revised because the sidewalk has not been repaired. With Standard A11 she would like to request street trees be installed. She is concerned with Condition No. 12, specifically, that a required 6 foot screening buffer be added, although there is a security issue among adjacent residents about homeless people behind the buffer. She is also concerned with the level of specifically about what type of landscaping will be added.

*QUESTIONS FROM THE COMMISSION*

**Commissioner Surratt** asked for a description of street trees. **Denyse McGriff** replied that they are planted in the sidewalk, on the site plan she only sees them on the property. **Commissioner Olson** asked if the street trees on either side of the property are connected with the next block. **Ms. McGriff** stated that street trees are planted intermittently in the surrounding neighborhood.

developed a new number 16 as follows, "The applicant shall repair all sidewalks to City standards. The applicant shall work with the City to repair the street and sidewalk prior to occupancy. If City sidewalk standards are not met as a result of City street failure applicant will be excused from compliance until the street is repaired."

**Vice Chairperson Vergun** asked if Condition number 11 should have included the specific types of trees that would be added. **Maggie Collins** suggested the addition read, "the tree species shall be compatible with the general tree canopy in the Historic District area." The revised landscape plan addition should be part of Conditions 12, 13, and 14. In Condition number 15 she suggested, "all trees and plantings shall be maintain by the property owner in a healthy manner throughout the life of the project."

**Commissioner Olson** moved to accept **File No. SP 99-09**, with the Condition of Approval as follows: No. 5, "construction vehicles shall not block or hinder access to private residence in area", No. 12,13, and 14, "the tree species shall be compatible with the general tree canopy in the Historic District area", No. 15, "all trees and plantings shall be maintained by the property owner in a healthy manner throughout the life of the project", No. 16, "The applicant shall repair all sidewalks to City standards. The applicant shall work with the City to repair the street and sidewalk prior to occupancy. If City sidewalk standards are not met as a result of City street failure applicant will be excused from compliance till the street is repaired." and No. 17, "all parking for employees and customer shall be onsite."

Commissioner Surratt seconded. **MOTION CARRIED 4-0.**

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

#### **4. WORKSHOP: PLANNED UNIT DEVELOPMENT**

After conferring with the Commission members, **Maggie Collins** stated that the Planned Unit Development Workshop would be rescheduled for Wednesday, October 13, 1999.

#### **5. OLD BUSINESS**

**Maggie Collins** passed out a memo from Sidaro Sin for the Commission to look over that pertained to the rescheduled PUD Workshop.

#### **6. NEW BUSINESS**

**Commissioner Olson** requested that the minutes of this meeting be available before the next meeting, and if a motion needed to be made. **Maggie Collins** stated it would be taken as a request and that it was in process of being done.

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## Staff Report

October 11, 1999

**FILE NO:** ZC 99-08

**HEARING DATE:** October 11, 1999

**LOCATION:** City Hall  
320 Warner Milne Road  
Oregon City, OR 97045  
7:00 pm

**APPLICANT:** City of Oregon City  
PO Box 351  
Oregon City, OR 97045

**REQUEST:** Amend the Oregon City Municipal Code Chapter 17.16 to (1) include single –family attached dwelling in Section 17.16.020; and (2) add a new section 17.16.060, Single Family Attached Dwellings.

**LOCATION:** All RD-4 Two-Family Dwelling District property within the City limits.

**REVIEWER:** Maggie Collins, Interim Planning Manager  
Barbara Shields, Senior Planner  
Guy Sperb, Building Official

**VICINITY MAP:** See Exhibit 1

New Section 17.16.060 consists of the following elements:

- Definition of Single-Family Attached Dwelling 17.16.060(A);
- Requirements for Single-Family Attached Dwelling 17.16.060 (B)(1);
- Requirements for Maintenance Easement 17.16.060 (B)(2);
- Requirements for Conversion of Existing Duplexes 17.16.060 (B)(3).

Staff has developed two alternatives for Section 17.16.060 for the Planning Commission to consider (Exhibit 4). The alternatives differ in the minimum lot size and the average width requirements for single-family attached dwellings.

- Alternative 1 requires the minimum lot area to be at least fifty-three hundred square feet and the average width to be at least fifty-three feet.
- Alternative 2 requires the minimum lot area to be at least four thousand square feet and the average width to be at least forty feet.

## **BASIC FACTS**

1. The proposed language change affects a total of approximately 222 acres located within the City Limits, and zoned RD-4 Two-Family Dwelling District. The affected properties are shown on the vicinity map (Exhibit 1).
2. This request is initiated by the City Commission of Oregon City, as provided by OCMC 17.68.010(A) and OCMC 17.50.060.
3. This request is a Type IV Legislative Amendment. Transmittals on the proposed amendments were sent to various City Departments, affected agencies, the Community Involvement Committee Chair, all neighborhood associations in Oregon City, Metro, ODOT, DLCD, Tri-Met, and Clackamas County. In addition, notice was sent to all property owners within 300 feet of all RD-4 property, as well to all owners of RD-4 property in the City.
4. Written comments were received from:
  - Oregon City Building Official, who has no conflict with this proposal.
  - Public Works Manager, who has no conflict with this proposal.
  - Shelly Alway of Gaffney Lane Neighborhood Association, who states that her organization has no conflict with this proposal.

## **Density Analysis.**

Currently, and using existing minimum lot sizes, four single-family units may be developed on 24,000 square feet (Exhibit 6). Two duplexes (four dwelling units) may be developed on 16,000 square feet. The proposed Alternative 1, described above, would allow four single family attached units on 21,200 square feet. The proposed Alternative 2 would allow four single family attached units on 16,000 square feet.

Section OCMC 17.06.070 indicates that the maximum gross density in the RD-4 zone is 10.8 units per acre. Proposed Alternative 1 would allow a maximum gross density of 8.2 units per acre. Proposed Alternative 2 would allow 10.8 units per acre (Exhibit 8).

In summary, neither alternative would **exceed the maximum density** that is currently allowed in the RD-4 zone.

## **I. APPLICABLE OREGON CITY MUNICIPAL CODE (OCMC) CRITERIA**

This proposed amendment is reviewed below for compliance with pertinent Comprehensive Plan Goals and Policies and Municipal Code sections.

### **Chapter 17.50.060 Application requirements**

**Staff's finding:** This proposed text amendment was initiated by the City Commission at its July 21, 1999 meeting. A permit application was filed on a form provided by the City, along with documentation sufficient to demonstrate compliance with all applicable criteria. Therefore, this proposed text amendment complies with OCMC Chapter 17.50.060.

### **17.50.170 Legislative hearing process**

**Staff's finding:** This proposed text amendment is scheduled and has been noticed as a public hearing item before the Planning Commission on October 11, 1999. The Department of Land Conservation and Development (DLCD) was notified as required by ORS 197.610-197.625. The planning manager's report will be made available at least seven days prior to the hearing. All remaining requirements of the legislative hearing process will be followed. Therefore, this proposed text amendment complies or can comply with OCMC Chapter 17.50.170

### **17.16.010. RD-4 Two-Family Dwelling District Designated.**

**Staff's finding:** The proposed amendment would not affect the type of residential uses allowed in this zone. Single family houses are allowed in the RD-4 District. Therefore, the proposed amendment satisfies requirement

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed text amendment, shown as **Exhibit 3**, to the City Commission for its consideration:

1. Addition of single family attached dwellings to **Section 17.16.020(C)** RD-4 Two-Family District, Uses Permitted Outright (Exhibit );
2. Addition of **Section 17.16.060** Single Family Attached Dwellings, including the following elements:
  - **17.16.060(A)** Definition of Single-Family Attached Dwelling 17.16.060(A).
  - **Alternative 2 for 17.16.060 (B)(1)** Requirements for Single-Family;  
This alternative would allow for a 4,000 square feet minimum lot size with at least 40 feet width for single-family attached dwellings.
  - **17.16.060(B)(2)** Requirements for Maintenance Easement;
  - **17.16.060(B)(3)** Requirements for Conversion of Existing Duplexes

Alternatively, the Planning Commission may want to consider proposed Alternative 1 language for Section 17.60.060(B)(1) discussed in this report. Alternative 1 would require at a minimum a 5,300 square feet lot with a 53 feet width for single-family attached houses. In either case, staff finds that the proposed text amendments are supported by Comprehensive Plan goals and policies and are not detrimental to the public interest.

## EXHIBITS

1. Vicinity Map
2. Excerpt from City Commission Meeting of July 21, 1999
3. Proposed Amended Language
4. R-D Two-Family Dwelling District, Residential Dwelling Options
5. Chapter 17.16, RD-4 Two-Family Dwelling District
6. RD-4 Two-Family Dwelling District, Density Comparisons
7. Section 17.06.070



Holladay said the reason he did not offer a second was because he hesitates to limit the opportunity for the Planning Commission to make those recommendations. Neeley responded the motion did not do so. Holladay had a concern with law enforcement; that the County law enforcement facilities that they are planning in the zone do not fit corporate headquarters, which is where he has a problem. Lynch asked if Holladay wanted to open it up to a jail expansion without requiring the County to go through the conditional use permit process.

Neeley offered the same motion, second by Holladay.

Roll call: Neeley, Aye; Lynch, Nay; Holladay, Aye; Williams, Aye. MOTION CARRIED.

Commission Report No. 99-146, RD-4 (Two-Family Dwelling District) - Text Amendment, was presented. The report noted that at its June 16, 1999 meeting, the City Commission received oral testimony by Phil Gentemann of Centurion Homes requesting an amendment to the RD-4 District (Two-Family Dwelling) to allow for single-family attached (zero lot line/common wall) units. In testimony before the Commission, Mr. Gentemann stated that, should the amendment take place he could build a higher quality product, which would be owner-occupied, as opposed to building straight duplexes for renters (paraphrased).

The Commission directed staff to prepare a report outlining the various issues involved with the proposed amendment. This report does not include a recommendation, but rather it outlines the process for amending the Code and provides the Commission with four options to consider regarding Mr. Gentemann's request.

The process for initiating textual amendments to the zoning code can be found in Chapter 17.68 (Zone Changes and Amendments). The City Commission, Planning Commission or an applicant can all initiate amendments to the zoning code. The City Commission initiates amendments by a simple resolution, or an applicant can initiate an amendment by filing the appropriate land use applications, and associated fees, with the planning department.

The criteria for a zone change is set forth in OCMC 17.68.020. The proposed text amendment to the RD-4 District by Mr. Gentemann does appear to meet all four of the listed criteria. The question for the Commission is whether it wishes to expedite this request, direct staff to study it further, recommend that the applicant initiate the request or simply do nothing.

Option 1: If the Commission desires to expedite this request, staff will immediately begin the amendment process by preparing the necessary information for the Planning Commission public hearing. There is a 45-day notice to DLCD which would need to be done prior to the public hearing. The Commission would not hear the Planning Commission recommendation on the proposed amendment until late-October or early-November 1999.

Option 2: If the Commission desires to move ahead with the text amendment, but feels more time is needed for staff to research the implications of such an amendment, staff is prepared to do a more thorough examination of the issues. Over the course of the next nine months, the City will be going through the process of identifying how it will meet Metro's requirements regarding density. The zero lot line issue will be examined as one of the options available to the City for increasing density should the City need to make adjustments to its code.

Option 3: The City Commission may recommend to the applicant that he initiate the zone change by filing the appropriate land use application forms and paying the associated fees. This would put the onus of demonstrating how the proposed amendment meets the criteria outlined in OCMC 17.68.02 on the applicant and not on the City.

**CHAPTER 17.16**  
**RD-4 TWO-FAMILY DWELLING DISTRICT**  
(Proposed amended language in **bold**)

17.16.020. PERMITTED USES:

Uses permitted in the "RD-4" District are:

- A. Two-family dwellings (duplexes);
- B. Single-family dwellings;
- C. Single-family attached dwellings, subject to OCMC 17.16.060 requirements;**
- ~~C. D.~~ Publicly owned parks, playgrounds, play fields and community or neighborhood centers;
- ~~D. E.~~ Home occupations;
- ~~E. F.~~ Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);
- ~~F. G.~~ Accessory uses and buildings
- ~~G. H.~~ Family day care provider, subject to the provisions of Salem 17.54.050
- ~~H. J.~~ Manufactured dwelling parks, if designated MR/MDP, and subject to the provisions of Chapter 17.66
- ~~J. I~~ Site-built manufactured homes.

17.16.060. **SINGLE-FAMILY ATTACHED DWELLINGS.**

**A. Dwelling, Single-Family Attached (Zero Lot Line).**

**Single-family attached dwellings (zero lot line) mean two attached single-family dwelling units located on separated lots at a common property line with no setbacks from the common lot line.**

maintenance purposes of structure and yard, but in no case shall it be less than 5 feet in width.

**3. Conversion of existing duplexes**

Any conversion of an existing duplex unit into two commonwall single family units shall be reviewed for compliance with the requirements in Section OCMC 17.16.60(B) and the State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat.

**CHAPTER 17.16**  
**"RD-4" TWO-FAMILY DWELLING DISTRICT**

**SECTIONS:**

- 17.16.010    Designated
- 17.16.020    Permitted uses
- 17.16.030    Conditional Uses
- 17.16.040    Dimensional Standards
- 17.16.050    Lots of Record

**17.16.010    DESIGNATED:**

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

**17.16.020    PERMITTED USES:**

Uses permitted in the "RD-4" District are:

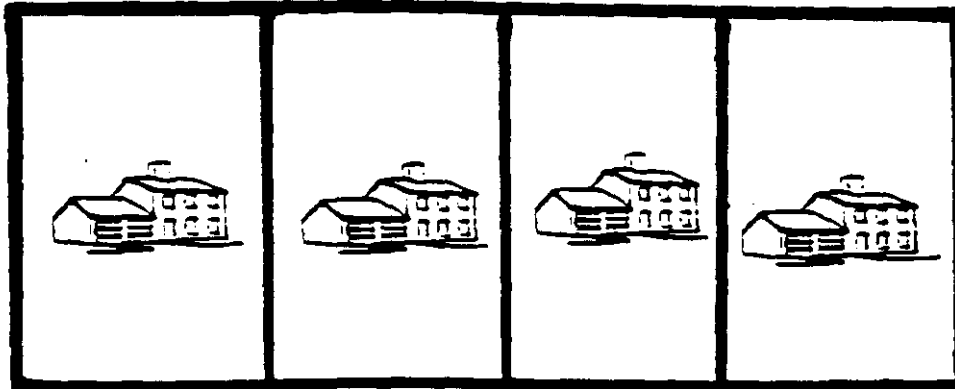
- A.    Two-family dwellings (duplexes);
- B.    Single-family dwellings;
- C.    Publicly owned parks, playgrounds, playfields and community or neighborhood centers;
- D.    Home occupations;
- E.    Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);
- F.    Temporary real estate offices in model homes, located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- G.    Accessory uses and buildings;
- H.    Family day care provider, subject to the provisions of Section 17.54.050;
- I.    Manufactured dwelling parks, if designated MR/MDP, and subject to the provisions of Chapter 17.66;

**EXHIBIT**

5

# "RD-4" TWO-FAMILY DWELLING DISTRICT DENSITY COMPARISONS

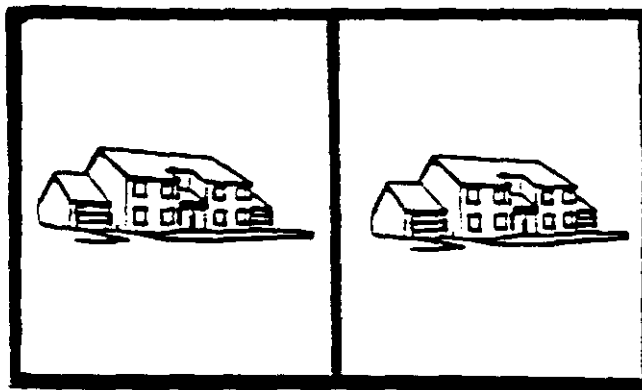
20 ft



MIN. LOT SIZE 6,000 SQ FT

4 UNITS 24,000 SQ FT

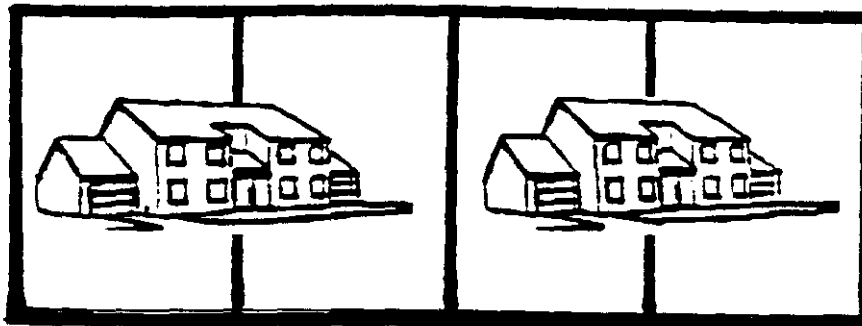
SINGLE-FAMILY DETACHED RESIDENTIAL UNITS



MIN. LOT SIZE 8,000 SQ FT

4 UNITS 16,000 SQ FT

DUPLEX RESIDENTIAL UNITS

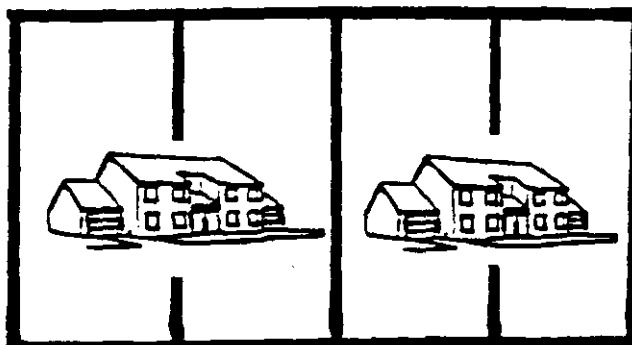


ALTERNATIVE 1

MIN. LOT SIZE 5,300 SQ FT

4 UNITS 21,200 SQ FT

PROPOSED SINGLE-FAMILY ATTACHED UNITS



ALTERNATIVE 2

MIN. LOT SIZE 4,000 SQ FT

4 UNITS 16,000 SQ FT

PROPOSED SINGLE-FAMILY ATTACHED UNITS.


EXHIBIT

	Maximum dwelling units per acre (number)	Minimum lot area (square feet)	Maximum height (feet)	Minimum front yard (feet)	Minimum interior side yard (feet)	Minimum corner side yard (feet)	Minimum rear yard (feet)
Single-family R-10	4.4	10,000	35	25	10/8	20	20
Single-family R-8	5.5	8,000	35	20	9/7	20	20
Single-family R-6	7.3	6,000	35	20	9/5	15	20
Single-family R-6/MH	6.4	6,800	20	15	7/5	15	10
McLoughlin conditional RC-4	10.9	6,000*	35	15	9/5	15	10
Two-family RD-4	10.9	SF6,000 DUB,000	35	15	9/7	20	15
Multi-family RA-2	19.8	SF6,000 DUB,000 HF10,000	45	15	10	20	10
Limited office conditional LOC	10.9	*	25	15	10	15	10
Limited office LO	19.8	*	35	15	10	15	10
Neighborhood commercial HC	7.3	*	25	15	10	15	10
Historic commercial HC	7.3	*	25	15	10	10	10
Limited commercial LC	7.3*	*	35	10	0	10	10
General commercial C	19.8	*	35	10	0	10	10
Central business CBD	19.8	*	75	0	0	0	0
Light industrial M-1	0	---	40	10	0	10	10
Heavy industrial M-2	0	---	75	10	0	10	10

\*See district description for further information

**Oregon City Community  
Development Department  
Planning Division**

## **Memo**

**To:** Oregon City Planning Commission  
**From:**  Maggie Collins, Interim Planning Manager  
**CC:** Planning Division Staff  
**Date:** 10/07/99  
**Re:** Planning Commission Work Program Review

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This memo has two attachments:

- (1) The Planning Commission 1999 Goals and Objectives; and
- (2) A draft revised Planning Commission Work Program.

You will find (2) considerably condensed if you compare it with the Work Program dated March 15, 1999 that we distributed to you about a month ago.

Here are some of the reasons for the changes in the Work Program:

- (A) Deletion of some of the Planning Division administrative tasks previously included.

See Nos. 7(F), 8, 8(G) and 9 of 3/15/99 document.

- (B) Elimination of duplicative entries. For example, the zoning changes anticipated for the Downtown Community Plan were listed separately from the adoption of the Downtown Community Plan. These are recombined inasmuch as Planning will treat the Downtown Community Plan as one project track, including both Plan adoption and subsequent zone change adoptions.

See Nos. 8(A), 8(B), 8(C), and 8(D) of 3/15/99 document.

- (C) Up for reconsideration as Planning Staff assignments.

See Nos. 8(F), 8(I), and 8(J) of 3/15/99 document.

1999 PLANNING COMMISSION WORK PROGRAM  
GOALS AND OBJECTIVES<sup>1</sup>

*GOAL I: PROMOTE ACTIVE CITIZEN INVOLVEMENT*

*OBJECTIVE:* Explore ways to enhance public understanding of land use review process.

*ACTION/TASKS:*

1. Participate in steering committees for long-range projects.
2. Work with staff to create a One-Stop Shop for the public.
3. Increase public participation in legislative review items by reaching out to the public through informal contacts, encouraging participation.

*GOAL II: SUPPORT THE CITY COMMISSION VISION FOR THE COMMUNITY*

*OBJECTIVE:* Develop Inter-Commission Coordination.

*ACTION/TASKS:*

1. Create regular joint meetings with the City Commission.
2. Develop a process for referring broader concerns.
3. Participate in Vision Process to provide framework for Comprehensive Plan Update.

*GOAL III: ENHANCE AND PROTECT THE CITY'S NATURAL RESOURCE BASE*

*OBJECTIVE:* Establish mechanisms to maintain, enhance, and restore the City's natural resources.

*ACTION/TASKS:*

1. Implement new Wetlands Inventory and Water Resource requirements.
2. Establish measurable standards for compliance.
3. Review and comment on Stormwater Management Design Manual, with considerations on detention design, erosion, control, and basin plan implementation.

*GOAL IV: ENHANCE LIVABILITY THROUGH DESIRED URBAN DESIGN AND ENFORCEMENT*

*OBJECTIVE:* Develop performance standards for design elements.

*ACTION/TASKS:*

1. Update the Sign Ordinance.
2. Integrate desired design guidelines into the Regional Center/City Center Plan.
3. Integrate desired design guidelines into the Transportation System Plan street standards.
4. Update Code Enforcement implementation.
5. Promote mixed-use developments with design elements that promote livability.

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<sup>1</sup> Based on comments made by the Planning Commission at their workshops on December 14, 1998 and February 8, 1999.



## Planning Commission Work Program Project Schedule

(Revised October, 1999)

Project	Status	Planning or City Staff Assigned	Projected Completion
<b>1. Future Vision for Oregon City</b>  PC Priority #4(Tie) –12/98 Work Session	<b>Initiated.</b> A Steering Committee and consultant services have been engaged. Start-up of process is September 30, 1999.	None. Mary Palmer is lead staff for this Citywide project.	Begin in fall 1999. May take 9 to 18 months to complete depending on scope of work.  Initiated: 12/98 PC Work Session
<b>2. Improve Coordination with Citizen Involvement</b>  PC Priority #3(Tie) –12/98 Work Session	<b>Completed.</b> (1) Flow charts showing opportunities for citizen participation in different land use types; (2) Revised public notices; and (3) Establishment of procedures for routing application information to affected neighborhood associations.		PC Initiated: 12/98 Work Session
<b>3. Inter-Commission Coordination</b>  PC Priority #3(Tie) –12/98 Work Session	<b>On Hold as Project.</b> Joint meetings of the City Commission and Planning Commission are presently occurring on items of interest to both bodies.	Bryan Cosgrove, Interim Community Development Department Director	City Commission work program integration and acceptance is next step.  Initiated: 12/98 PC Work Session
<b>4. Code Enforcement Action</b>  PC Priority #2 –12/98 Work Session	<b>Completed.</b> Code Enforcement Hearings Officer established; manual available on enforcement action procedures.		City Ordinance No. 99-1004.  Initiated: 12/98 PC Work Session
<b>5. Planning Commission Involvement in Long Range Planning</b>  PC Priority #4(Tie) –12/98 Work Session	<b>Project Needs Administrative Direction.</b> Staff has begun processing Citywide projects through the Planning Commission, developing a set of "ancillary documents" (such as the Park & Recreation Plan).	Brian Nakamura, City Manager and Bryan Cosgrove, Interim Community Development Department Director	Initiated: 12/98 PC Work Session
<b>6. Check-off Forms for Applicants</b>  PC Priority #3(Tie) –12/98 Work Session	<b>Completed.</b>		Staff Initiated: Fall 1998 Initiated: 12/98 PC Work Session
<b>7. One-Stop Shop for Applicants</b>  PC Priority #1 – 12/98 Work Session	<b>Initial Implementation Set for Entire Community Development Department.</b> Department has one CAD station set up; computer mapping and database needs and requirements are being researched.	Bryan Cosgrove, Interim Community Development Department Director; Jessica Schriever, GIS Coordinator; Bob Cullison, Engineering Division Manager	Initiated: 12/98 PC Work Session

<b>Project</b>	<b>Status</b>	<b>Planning or City Staff Assigned</b>	<b>Projected Completion</b>
13. <b>Sign Code Review and Update</b>	<b>Project on Hold.</b> Steering Committee has met a few times.	Tom Bouillion, Associate Planner	Initiated: Summer 1998
14. <b>Revision of Planned Unit Development Requirements</b>	<b>Draft Ready for Public Review</b>	Sidaro Sin, Associate Planner, Barbara Shields, Senior Planner	Adoption in December, 1999.  Initiated: Winter/ Spring 1999
15. <b>Stormwater Management Design Manual</b>	<b>In Hearing Process.</b>	Nancy Kraushaar, Senior Engineer, Bob Cullison, Engineering Manager	Adoption in November, 1999.
16. <b>Chapter 17.40 – Historic Overlay District</b>	<b>Almost Done.</b> Revised language being drafted and reviewed by Historic Review Board	Paul Espe, Associate Planner	No date set.  Initiated: Spring 1998
17. <b>Parks and Recreation Master Plan</b>	<b>Completed.</b>	Jim Rowe, Parks Department	Adopted as Ancillary Document to the Comprehensive Plan, September, 1999.  Initiated: Summer 1998 by City Commission
18. <b>Citizen Participation, Update of Chapter B of the Comprehensive Plan</b>	<b>Still in Working Draft Stage.</b> The neighborhood association representatives on the Citizen Involvement Committee are meeting regularly.	Mary Palmer, Public Involvement Coordinator	No date set.  Initiated: Spring 1998