

## ORDINANCE NO. 16-1007

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### **AN ORDINANCE ADOPTING AMENDMENTS TO OREGON CITY MUNICIPAL CODE CHAPTER 17.62, SITE PLAN AND DESIGN REVIEW, AND CHAPTER 17.50, ADMINISTRATION AND PROCEDURES**

**WHEREAS**, the City of Oregon City Planning Division reviews proposed development through four levels of land use review, with Type I review reserved for those decisions that involve no discretion in applying the development code; and

**WHEREAS**, Type I applications are reviewed at the staff level and typically involve one to ten days of review time; and

**WHEREAS**, the Planning Division has identified types of simple development projects that involve no exercise of discretion and could therefore be reviewed at the Type I, rather than the Type II level; and

**WHEREAS**, the Planning Division has written code amendments that allow for the Type I process for these specific types of projects, with input from the Citizen Involvement Committee, the Planning Commission, and the local development and business community; and

**WHEREAS**, the amendments will streamline and simplify the application process and reduce the time needed for review of these simple development projects; and

**WHEREAS**, the City's Comprehensive Plan anticipates the need for amendment of the design standards and procedures from time to time, in order to maintain a balance of predictability for developers and neighborhood livability for residents.

### **NOW, THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The City hereby replaces the existing Oregon City Municipal Code Chapter 17.62.035, entitled Minor Site Plan and Design Review, and replaces it with the amended Chapter 17.62.035 attached hereto as Exhibit 'A,' and Chapter 17.50.030, entitled Summary of the City's Decision-Making Processes, and replaces it with the amended Chapter 17.50.030 attached hereto as Exhibit 'B.'

**Section 2.** The Commission adopts the "Staff Report and Recommendation for Legislative File: L 16-02" that are attached hereby as Exhibit 'C' and incorporated herein to support the City's decision.

**Section 3.** Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

**Section 4.** Effectiveness. This Ordinance shall take effect 30 days from the date of adoption.

Read for the first time at a regular meeting of the City Commission held on the 3rd day of August, and the City Commission finally enacted the foregoing Ordinance this 17th day of August, 2016.



\_\_\_\_\_  
DAN HOLLADAY, Mayor

Attested to this 17th day of August 2016:



\_\_\_\_\_  
Katie Riggs, City Recorder

Approved as to legal sufficiency:



\_\_\_\_\_  
Carrie Rich  
City Attorney

Exhibits:

- Exhibit A – Amended Chapter 17.62.035
- Exhibit B – Amended Chapter 17.50.030
- Exhibit C – Staff Report and Recommendation



### Proposed Code Amendment to Chapter 17.62.035

Note: Code additions have underlines, extractions have ~~strike through~~.

#### **17.62.035 Minor Site Plan and Design Review.**

This section provides for a minor site plan and design review process. Minor Site Plan Review is a Type I or Type II decision, as described in OCMC Section 17.62.035.A, subject to administrative proceedings described in OCMC section 17.50 and may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

#### A. Type I Minor Site Plan and Design Review.

##### 1. Applicability. Type I applications involve no discretion.

The Type I process is not applicable for:

- a. Any activity which is included with or initiates actions that require Type II-IV review.
- b. Any use which is not permitted outright, unless otherwise noted.
- c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.
- d. Any proposal in which modifications are proposed under Chapter 17.62.015.

##### 2. The following projects may be processed as a Type I application.

- a. Addition or removal of up to 200 square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than 200 square feet in a 12-month period shall be processed as Type II.
- b. Addition or removal of up to 1,000 square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than 1000 square feet in a 12-month period shall be processed as Type II.
- c. Replacement of exterior building materials.
- d. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
- e. Addition or alteration of parapets or rooflines.
- f. Removal, replacement or addition of awnings, or architectural projections to existing structures.
- g. Modification of building entrances.
- h. Addition to or alteration of a legal nonconforming single or two-family dwelling.
- i. Repaving of previously approved parking lots with no change to striping.
- j. Change to parking lot circulation or layout, excluding driveway modifications.

- k. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
- l. Adoption of shared parking agreements.
- m. Changes to amount, location, or design of bicycle parking.
- n. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Section 13.12.
- o. New or changes to existing pedestrian accessways, walkways or plazas.
- p. Installation of mechanical equipment.
- q. Installation of or alterations to ADA accessibility site elements.
- r. Modification of a fence, hedge, or wall, or addition of a fence, hedge or wall at least 20 feet away from a public right-of-way.
- s. Addition of or alterations to outdoor lighting.
- t. Addition, modification, or relocation of refuse enclosure.

3. Submittal requirements. A Type I application shall include:

- a. A narrative describing the project.
- b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
- c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
- d. A completed application form.
- e. Any other information determined necessary by the Community Development Director.

BA. Generally, Type II Minor Site Plan and Design Review

1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per 17.62.035.A:

- a) Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
- b) Modification to parking lot layout and landscaping, or the addition of up to 5 parking spaces.
- c) A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
- d) Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

2B. Application. The application for the Type II minor site plan and design review shall contain the following elements:

- a) The submittal requirements of Chapter 17.50.
- b) A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035(C) below.
- c) Site plan drawings showing existing conditions/uses and proposed conditions/uses.
- d) Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
- e) Additional submittal material may be required by the Community Development Director on a case-by-case basis.

3C. Development Standards for Type II Minor Site Plan and Design Review.

1. All development shall comply with Section 17.62.050(1-7 and 8-15 and 20-22) when deemed applicable by the Community Development Director. Other sections may apply, as directed by the Community Development Director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of section 17.62.055.

Proposed DRAFT Code Amendment to Chapter 17.50.030:

Note: Code additions have underlines, extractions have ~~strike-through~~.

**17.50.030 Summary of the City's Decision-Making Processes.**

The following decision-making processes chart shall control the City's review of the indicated permits:

**Table 17.50.030  
PERMIT APPROVAL PROCESS**

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Compatibility Review	X				
Code Interpretation			X		
General Development Plan			X		
Conditional Use			X		
Detailed Development Plan <sup>1</sup>	<u>X</u>	X	X		
Extension		X			
Final Plat	X				
Geologic Hazards		X			
Historic Review			X		
Lot Line Adjustment and Abandonment	X				
Major Modification to a Prior Approval <sup>2</sup>	X	X	X	X	X
Minor Modification to a prior Approval	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
Reconsideration	X				
Revocation				X	
Site Plan and Design Review	<u>X</u>	X			
Subdivision		X			X
Variance		X	X		

<sup>1</sup> If any provision or element of the master plan requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.

<sup>2</sup> A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

Zone Change & Plan Amendment				X	
Zone Change Upon Annexation with No Discretion	X			X	
Zone Change Upon Annexation with Discretion				X	
Natural Resource Exemption	X				
Natural Resource Review		X			

- A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. . Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.
- B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission with notice to the Planning Commission, by any party with standing (i.e., applicant and any party who submitted comments during the commentperiod). The City Commission decision is the City's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.
- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record. The City Commission decision on appeal from the Historic Review Board or the Planning Commission is the City's final decision and is appealable to LUBA within twenty-one days of when it becomes final.
- D. Type IV decisions include 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 association(s) 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. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the

application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

- E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development must meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The Community Development Director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the Community Development Director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The Community Development Director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the Community Development Director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the Community Development Director and that the process be "fair." The referee applies the city's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).



### STAFF REPORT AND RECOMMENDATION

**FILE NO.:** Legislative File: L 16-02 – Adoption of Type I Site Plan Review Process

**HEARING DATES:** Planning Commission  
Monday, July 27, 2016  
7:00 p.m., City Hall - Commission Chambers  
625 Center Street, Oregon City, OR 97045

City Commission  
Wednesday, July 20th, 2016  
7:00 p.m., City Hall - Commission Chambers  
625 Center Street, Oregon City, OR 97045

**APPLICANT:** Oregon City Community Development Department  
Laura Terway, AICP, Planning Manager  
625 Center Street, Oregon City, Oregon 97045

**REVIEWER:** Kelly Reid, AICP, Assistant Planner  
Laura Terway, ACIP, Interim Planning Manager

**REQUEST:** Amendments to Oregon City Municipal Code Chapter 17.62, Site Plan and Design Review, and 17.50, Administration and Procedures, to amend the review process for certain types of development applications.

**LOCATION:** City-wide.

**RECOMMENDATION:** Staff recommends approval of the proposed amendments to OCMC 17.62 and 17.50.

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

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

*Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city*

*commission decision shall be enacted as an ordinance. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

### **Proposed Amendment**

The proposal is to amend the site plan and design review chapter of the municipal code (Chapter 17.62) to allow a streamlined review process for projects of a smaller scope. The amendments allow some types of minor site plan applications to be reviewed as a Type I process, which involves no discretion.

Site Plan and Design Review is required for exterior alterations to commercial, office, multi-family, and industrial properties to verify compliance with applicable standards in the Oregon City Municipal Code. The Planning Department has four levels at which development is reviewed; Type I, Type II, Type III, and Type IV, and at each level the amount of discretion escalates and decision-making authority changes. The Planning Department utilizes a minor site plan and design review process to review smaller commercial projects, such as building additions, storefront changes, or parking lot changes. The minor site plan and design review process is a Type II process that includes a minimum 14-day public comment period and a written staff report and notice of decision, usually taking six to twelve weeks. The notice allows public input on discretionary criteria in which the proposal is being reviewed.

The code requires site plan and design review for any new non single or two family development or development within commercial, industrial, or institutional zoning designations, which can include improvements as small as adding a window or door to a building façade, changing building materials, or a small addition on a commercial property. The level of review is the same for the addition of a new entrance door on a retail building as it would be for a new office or condominium complex. Over the past several years, projects have been reviewed at the minor site plan level which do not have discretion in the decision making process, such as:

- Addition of a transparent roll up garage door to a building on Main Street;
- Addition of 93 square feet of storage space to a gas station building at Main and 14<sup>th</sup>; and
- Storefront changes and new exterior lighting at the office building at 615 High Street,

Both staff and the development community have identified an opportunity for a more efficient review process for smaller projects that do not involve discretionary criteria. Examples include projects such as the installation of new windows and doors, changes to building materials, changes to landscaping, minor parking lot modifications, or small additions. The Planning Department has drafted code amendments that will simplify the review process and reduce the review time needed for review of these smaller development projects, which do not include any discretionary criteria. The proposed amendments contain a list of improvements that may be reviewed under a Type I process.

The amendments contain a list of projects that can be reviewed through a Type I process, along with the application materials needed. In order to maintain public notice processes and the public's ability to comment on Site Plan and Design Review applications that have greater impacts to the surrounding properties, the following types of projects are NOT proposed to be reviewed as Type I and will remain at the Type II or above level:

- Projects which that involve any discretionary criteria;
- Projects within the Natural Resource, Historic, or Geologic Hazard overlay that require Type II or higher review;
- Projects that involve conditional uses;
- Projects that involve existing legal nonconforming uses;
- Projects that trigger stormwater management requirements;
- Projects that request design modifications;

- Projects that require nonconforming upgrades; and
- Changes in use (for example, a single family home becoming a retail or office building)

The amendments also outline the application requirements for the Type I process. In addition to the code amendments, staff has prepared a Type I application packet to meet these new requirements. Customers will fill out the Type I application packet instead of preparing a traditional land use application package.

### **Planning Process and Public Involvement**

The City's consideration of this amendment update included public involvement through work sessions with the Planning Commission, the Citizen Involvement Committee, the Community Development Department Stakeholders Group, and a focus group of local business representatives. The legislative decision making process includes a project website, public hearings process, and newspaper and email noticing.

### **Public Notice**

Notice of the first evidentiary Planning Commission and City Commission public hearings for the proposal was published in the Clackamas Review on June 1, 2016.

In accordance with ORS 197.610 and OAR 660-018-000, a Post Acknowledgement Plan Amendment notice will be provided to the Oregon Department of Land Conservation and Development within 20 days of the City's final decision.

Copies of the applicable notices are provided in the Exhibits.

### **Public Comment**

Public comments provided throughout the planning process have been incorporated by Planning Staff into the document as needed.

Planning staff has received one public comment from William Gifford of the Hillendale Neighborhood Association that endorsed the proposed changes. The full email can be found in Exhibit 1.

No other public comments were received.

### **DECISION-MAKING CRITERIA:**

#### *Chapter 17.68 - ZONING CHANGES AND AMENDMENTS*

#### *17.68.010 - Initiation of the amendment.*

*A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:*

- A. A resolution request by the city commission;*
- B. An official proposal by the planning commission;*
- C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.*
- D. A Legislative request by the Planning Division.*

*All requests for amendment or change in this title shall be referred to the planning commission.*

**Finding:** The text amendment has been initiated as a Legislative request by the Planning Division.

#### *17.68.020 - Criteria.*

*The criteria for a zone change are set forth as follows:*

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

**Finding: Complies as Proposed.** The proposal amends section 17.62 and Table 17.50.030 of the municipal code to modify the land use review process for certain types of projects. Affected properties include all commercial, multifamily, industrial, or institutionally zoned properties that apply for minor site plan and design review. The Comprehensive Plan addresses design review within the Land Use Chapter, stating:

“Design Review. Site plan and design review provisions are intended to promote design integrity and neighborhood livability. New design guidelines were added to the zoning ordinance in 2001. It is expected that the guidelines will continue to be refined to strike the right balance of predictability for developers and neighborhood protection and livability. The City hopes to develop a design overlay for the Downtown.”

This proposal is consistent with the comprehensive plan’s forethought that the guidelines would be refined over time to strike a balance between predictability for developers and neighborhood protection and livability. The proposed amendments do not change any standards, they only change the process in which the planning staff reviews proposed developments against those standards.

The Type I review process involves decisions that require no exercise of discretion and these applications are reviewed at the staff level.

Chapter 17.50 of the Oregon City Municipal code states:

“Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision making process requires no notice to any party other than the applicant. The community development director’s decision is final and not appealable by any party through the normal city land use process.”

These decisions involve application of the existing development code’s clear and objective criteria. Examples of development that are processed under the Type I review process include new single family homes or duplexes, lot line adjustments, and sign permits. In most instances, planning approval takes place over the counter upon submittal of an application. However, planning staff may take about a week to review Type I applications that require further review of materials or apply code standards.

The development standards that apply to small improvements such as new windows, façade changes, and fencing are clear and objective and involve no discretionary decision making by staff. Further, the most common projects proposed for review under the minor site plan process are similar to projects that are already reviewed at a Type I level.

The proposed code amendments will simplify and reduce the review time needed for small development projects. The proposed amendments contain a list of types of improvements that would be reviewed under a Type I process. The adoption of this new process could also encourage site improvements by removing barriers to development.

With the proposed changes, costs for small development projects will be reduced, property owners will be able to obtain permits in a more timely manner, and the efficiency of the Planning Division will improve. The Planning Division estimates that at least half of all minor site plan projects would fall within the Type I category.

For all of these reasons, the proposed amendments meet the Comprehensive Plan’s intention to update site plan and design review guidelines and processes as envisioned by the City when the Comprehensive Plan was acknowledged.

The amendment also complies with the following applicable goals and policies of the Comprehensive Plan:

*Goal 1.2 Community and Comprehensive Planning*

*Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*

*Policy 1.2.1*

*Encourage citizens to participate in appropriate government functions and land-use planning.*

**Finding: Complies as Proposed.** The proposal amends section 17.62 and Table 17.50.030 of the municipal code to allow non-discretionary decisions to be made by staff. These changes would not affect the public's ability to comment and participate in discretionary decisions for Type II, III, and IV processes.

*Goal 1.4 Community Involvement*

*Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*

*Policy 1.4.1*

*Notify citizens about community involvement opportunities when they occur.*

**Finding: Complies as Proposed.** The proposed changes would not affect the public's ability to comment and participate in discretionary decisions for Type II, III, and IV processes. In order to maintain public notice processes and the public's ability to comment on Site Plan and Design Review applications that have greater impacts to the surrounding properties, the following types of projects are NOT proposed to be reviewed as Type I and will remain at the Type II or above level:

- Projects which that involve any discretionary criteria;
- Projects within the Natural Resource, Historic, or Geologic Hazard overlay that require Type II or higher review;
- Projects that involve conditional uses;
- Projects that involve existing legal nonconforming uses;
- Projects that trigger stormwater management requirements;
- Projects that request design modifications;
- Projects that require nonconforming upgrades; and
- Changes in use (for example, a single family home becoming a retail or office building)

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

**Finding: Not applicable.** No development or zone change is proposed.

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

**Finding: Not applicable.** No development or zone change is proposed.

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

**Finding:** The acknowledged Comprehensive Plan contains specific provisions regarding design review, thus, the Statewide Planning Goals do not need to be addressed.

*17.68.025 - Zoning changes for land annexed into the city.*

**Finding: Not Applicable.** No zone change for annexed land is proposed.

*17.68.030 - Public hearing.*

*A public hearing shall be held pursuant to standards set forth in Chapter 17.50.*

*A. Quasi-judicial reviews shall be subject to the requirements in Chapter 17.50.*

B. *Legislative reviews shall be subject to the requirements in Chapter 17.50.*

**Finding: Complies.** Public hearings are scheduled as required by Chapter 17.50.

*17.68.040 - Approval by the commission.*

*If the planning commission approves such request or application for an amendment, or change, it shall forward its findings and recommendation to the city commission for action thereon by that body.*

**Finding: Complies.** The Planning Commission will forward recommendations and findings to the City Commission.

*17.68.050 - Conditions.*

*In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems necessary in the public interest, in the nature of, but not limited to those listed in Section 17.56.010:*

- A. *Such conditions and restrictions shall thereafter apply to the zone change;*
- B. *Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Chapter 17.50.*

**Finding: Not Applicable.** No zone change is proposed.

*17.68.060 - Filing of an Application.*

*Applications for amendment, or change in this title shall be filed with the planning division on forms available at the planning division office. At the time of filing an application, the applicant shall pay the sum listed in the community development department fee schedule.*

**Finding: Complies as Proposed.** The Planning Division initiated this legislative amendment.

#### **RECOMMENDATION**

The Planning Commission may recommend that the City Commission adopt the proposed amendments to Chapter 17.62 and table 17.50.030 of the municipal code finding that they are consistent with the City's Comprehensive Plan.

Staff recommends approval of the proposed amendments to OCMC 17.62 and 17.50 (Exhibit 2) to the City Commission.

#### **EXHIBITS**

1. Public Comment
2. Proposed Amendments to the Oregon City Municipal Code

**From:** [Laura Terway](#)  
**To:** [Kelly Reid](#)  
**Subject:** FW: Land Use Transmittal for LE 16-02 - Text Amendment to chapter 17.62 of the Municipal Code  
**Date:** Thursday, June 16, 2016 11:31:32 AM

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**From:** Katie Durfee  
**Sent:** Monday, June 13, 2016 9:28 AM  
**To:** Katie Durfee  
**Subject:** FW: Land Use Transmittal for LE 16-02 - Text Amendment to chapter 17.62 of the Municipal Code

To the members of the Hillendale and Tower Vista Neighborhood Associations:

The City is trying to clean up some of the red tape involved in processing requests for approval of minor projects and they're asking for our input. This may look like a lot of gobbledeygook, but it's important stuff. If you're so inclined, feel free to take a peek at the proposed Code changes and let me know if you'd like your comments forwarded to the City as your Land Use Chair. Of course you can comment directly to the City as well; it's just that if you send them to me, I may be able to consolidate some things.

It's perfectly OK not to have any comments on the subject – I personally have no objections to the plan and in fact endorse the changes.

William Gifford 503.723.3456  
Land Use Chair  
Hillendale Neighborhood Association



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**Subject:** Land Use Transmittal for LE 16-02 - Text Amendment to chapter 17.62 of the Municipal Code

Good Afternoon,

This is an electronic land use transmittal from Oregon City Planning Division. The application below is referred to you for your information, study and official comments. For inclusion in the staff report, please provide written comments to the reviewing planner by June 17<sup>th</sup>, 2016.

The complete Application Materials can be downloaded from the Planning Division Website at the following web address:

<http://www.orcity.org/planning/project/le-16-02>

FILE NUMBER: LE16-02

APPLICANT: City of Oregon City Community Development Dept., 625 Center Street, Oregon City, OR 97045

PROPOSAL DESCRIPTION: The proposal from the City of Oregon City is an amendment to Chapter 17.62.035 of the Municipal Code, to revise the land use review process for certain types of land use proposals. The amendment would create a Type I review process for minor site plan proposals that meet specific criteria, in an attempt to streamline review.

LOCATION: City-wide.

CONTACT PERSON: Kelly Reid, AICP, Planner (503) 496-1540

NEIGHBORHOOD ASSN: Citizen Involvement Committee

CRITERIA: Administration and Procedures set forth in OCMC 17.50 for legislative proposals and 17.68 Zone Changes and Amendments.

PLANNING COMMISSION HEARING DATE:

On June 27, 2016 the City of Oregon City - Planning Commission will conduct a public hearing at 7:00 p.m. in the City Hall Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 to consider a legislative action.

CITY COMMISSION HEARING DATE:

On July 20, 2016 the City of Oregon City - City Commission will conduct a public hearing at 7:00 p.m. in the City Hall Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 to consider a legislative action.

Kelly Reid (Moosbrugger), AICP  
Assistant Planner, City of Oregon City  
[kreid@orc.org](mailto:kreid@orc.org)

**From:** [Derek Metson](#)  
**To:** [Kelly Reid](#); "[Jonathan Stone](#)"; [aholveck@oregoncity.org](mailto:aholveck@oregoncity.org); [kntzig001@aol.com](mailto:kntzig001@aol.com)  
**Cc:** [Eric Underwood](#)  
**Subject:** RE: TONGIHT Type I Site plan amendments at Planning Commission  
**Date:** Monday, June 27, 2016 5:16:31 PM

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Kelly,

Please forgive the late response but I have to say this is really a positive change. it will make type one reviews so much faster, easier, and more economical without reducing quality of the outcome. Thank you for taking the time to talk about it and work in some feedback, especially the five items below.

Cheers,

**Derek Metson, AIA, NCARB**  
Greenbox Architecture, LLC  
1300 John Adams Street, Suite 106  
Oregon City, Oregon 97045  
p: (503) 380-7114  
w: [www.greenboxpdx.com](http://www.greenboxpdx.com)

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**From:** Kelly Reid [mailto:[kreid@orcity.org](mailto:kreid@orcity.org)]  
**Sent:** Monday, June 27, 2016 1:20 PM  
**To:** Jonathan Stone; [aholveck@oregoncity.org](mailto:aholveck@oregoncity.org); Derek Metson; [kntzig001@aol.com](mailto:kntzig001@aol.com)  
**Cc:** Eric Underwood  
**Subject:** TONGIHT Type I Site plan amendments at Planning Commission  
**Importance:** High

Hi all,

A couple months ago we met to discuss possible changes to the land use process for small scale projects – those code amendments are being heard by the Planning Commission tonight at 7PM (the items is second on the agenda; Willamette Falls Legacy project update is first).

I did not receive any public comments on the amendments, but if you have any I can certainly share them with the Planning Commission tonight. Feel free to email and comments you would like to share.

A couple notes about the amendments:

- The amendments create a Type I process for review of certain small scale projects – façade improvements, small additions, landscaping and parking changes, etc.
- Type I applications are expected to take 1-10 days for review, rather than 2-3 months for Type II process
- Minor site plan fees are currently over \$800; the fee for Type I would be reduced to reflect the decreased cost to process the application.
- Type I applications would involve filling out an application form, but would not require preparing written code responses.
- We addressed your comments by increasing the square footage of building additions from

100 to 200 square feet.

The new version coming before the Planning Commission is attached.

Thanks,

Kelly Reid (Moosbrugger), AICP  
Assistant Planner, City of Oregon City  
[kreid@orcify.org](mailto:kreid@orcify.org)

**From:** [Kelly Reid](#)  
**To:** [Kelly Reid](#)  
**Subject:** FW: TONGIHT Type I Site plan amendments at Planning Commission  
**Date:** Monday, June 27, 2016 4:22:12 PM

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**From:** Eric Underwood  
**Sent:** Monday, June 27, 2016 1:43 PM  
**To:** Kelly Reid <kreid@orcity.org>  
**Subject:** RE: TONGIHT Type I Site plan amendments at Planning Commission

Thanks for the chance to comment, Kelly. I interpret these proposed changes as yet another exciting step in becoming a more business friendly community. Simplification and cost reduction efforts are especially important for the smaller businesses as the chances for their success are increased significantly. It's pretty much a given that successful businesses within a community typically result in a stronger and more stable economy. I support these amendments because they're just one more way we can show that Oregon City truly is open for business.

Best,  
Eric

*Eric Underwood*  
Economic Development Manager  
City of Oregon City  
625 Center Street  
P.O. Box 3040  
Oregon City, OR 97045

Ph: 503-657-0891  
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Fx: 503-657-7026  
[eunderwood@orcity.org](mailto:eunderwood@orcity.org)

## Kelly Reid

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**From:** Laura Terway  
**Sent:** Thursday, July 07, 2016 8:48 PM  
**To:** Kelly Reid  
**Subject:** FW: Clarification of Comments at Monday July 27 Planning Commission Meeting

Kelly,  
Please add the attached to the record for the Type I Site Plan. Thank you

Laura Terway, Community Development Director City of Oregon City  
503.496.1553

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From: Jonathan Stone [jon@downtownoregoncity.org]  
Sent: Friday, July 01, 2016 12:43 PM  
To: Tony Konkol; Kattie Riggs  
Cc: Roger Nickerson  
Subject: Clarification of Comments at Monday July 27 Planning Commission Meeting

Kattie and Tony, can you please make sure this is sent to Planning Commission members as well as inserted into the record for the next hearing regarding the Type 1 process update.

I attended the July 27 meeting intending to fully support the proposed code amendment (L16-02). By the time I spoke, I was confused by the implications of the proposal and suggested that downtown's design district be treated much the same way the commission was suggesting it might treat historic districts.

Reflecting on this further, I don't believe the original proposal affects the quality and type of building modifications that downtown has. The commission offered amendments that included reference to the downtown design district. Please consider this email as a request to remove downtown from the planning commission's amendment.

DOCA will instead strengthen our dialogue with property owners on subjective design related issues rather than relying on the notification process to alert us to proposals we should already be aware of. We are fully in support of this process to reduce the costs and time associated with minor building modifications.

If you have any questions, please call.

Regards,

Jonathan Stone

--

Jonathan Stone  
Executive Director

Downtown Oregon City Association  
814 Main Street  
Oregon City, OR 97045

jon@downtownoregoncity.org<mailto:jon@downtownoregoncity.org>

Office (503) 802-1640 \*\*NOTE NEW NUMBER

Direct (503) 802-1639 \*\*NOTE NEW NUMBER

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### Proposed Code Amendment to Chapter 17.62.035

Note: Code additions have underlines, extractions have ~~strike through~~.

#### **17.62.035 Minor Site Plan and Design Review.**

This section provides for a minor site plan and design review process. Minor Site Plan Review is a Type I or Type II decision, as described in OCMC Section 17.62.035.A, subject to administrative proceedings described in OCMC section 17.50 and may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

#### A. Type I Minor Site Plan and Design Review.

##### 1. Applicability. Type I applications involve no discretion.

The Type I process is not applicable for:

- a. Any activity which is included with or initiates actions that require Type II-IV review.
- b. Any use which is not permitted outright, unless otherwise noted.
- c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.
- d. Any proposal in which modifications are proposed under Chapter 17.62.015.

##### 2. The following projects may be processed as a Type I application.

- a. Addition or removal of up to 200 square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than 200 square feet in a 12-month period shall be processed as Type II.
- b. Addition or removal of up to 1,000 square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than 1000 square feet in a 12-month period shall be processed as Type II.
- c. Replacement of exterior building materials.
- d. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
- e. Addition or alteration of parapets or rooflines.
- f. Removal, replacement or addition of awnings, or architectural projections to existing structures.
- g. Modification of building entrances.
- h. Addition to or alteration of a legal nonconforming single or two-family dwelling.
- i. Repaving of previously approved parking lots with no change to striping.
- j. Change to parking lot circulation or layout, excluding driveway modifications.

- k. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
- l. Adoption of shared parking agreements.
- m. Changes to amount, location, or design of bicycle parking.
- n. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Section 13.12.
- o. New or changes to existing pedestrian accessways, walkways or plazas.
- p. Installation of mechanical equipment.
- q. Installation of or alterations to ADA accessibility site elements.
- r. Modification of a fence, hedge, or wall, or addition of a fence, hedge or wall at least 20 feet away from a public right-of-way.
- s. Addition of or alterations to outdoor lighting.
- t. Addition, modification, or relocation of refuse enclosure.

3. Submittal requirements. A Type I application shall include:

- a. A narrative describing the project.
- b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
- c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
- d. A completed application form.
- e. Any other information determined necessary by the Community Development Director.

BA. Generally. Type II Minor Site Plan and Design Review

1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per 17.62.035.A:

- a) Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
- b) Modification to parking lot layout and landscaping, or the addition of up to 5 parking spaces.
- c) A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
- d) Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

2B. Application. The application for the Type II minor site plan and design review shall contain the following elements:

- a) The submittal requirements of Chapter 17.50.
- b) A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035(C) below.
- c) Site plan drawings showing existing conditions/uses and proposed conditions/uses.
- d) Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
- e) Additional submittal material may be required by the Community Development Director on a case-by-case basis.

3C. Development Standards for Type II Minor Site Plan and Design Review.

1. All development shall comply with Section 17.62.050(1-7 and 8-15 and 20-22) when deemed applicable by the Community Development Director. Other sections may apply, as directed by the Community Development Director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of section 17.62.055.

Proposed DRAFT Code Amendment to Chapter 17.50.030:

Note: Code additions have underlines, extractions have ~~strike-through~~.

**17.50.030 Summary of the City's Decision-Making Processes.**

The following decision-making processes chart shall control the City's review of the indicated permits:

**Table 17.50.030**  
**PERMIT APPROVAL PROCESS**

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Compatibility Review	X				
Code Interpretation			X		
General Development Plan			X		
Conditional Use			X		
Detailed Development Plan <sup>1</sup>	<u>X</u>	X	X		
Extension		X			
Final Plat	X				
Geologic Hazards		X			
Historic Review			X		
Lot Line Adjustment and Abandonment	X				
Major Modification to a Prior Approval <sup>2</sup>	X	X	X	X	X
Minor Modification to a prior Approval	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
Reconsideration	X				
Revocation				X	
Site Plan and Design Review	<u>X</u>	X			
Subdivision		X			X
Variance		X	X		

<sup>1</sup> If any provision or element of the master plan requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.

<sup>2</sup> A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

Zone Change & Plan Amendment				X	
Zone Change Upon Annexation with No Discretion	X			X	
Zone Change Upon Annexation with Discretion				X	
Natural Resource Exemption	X				
Natural Resource Review		X			

- A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. . Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.
- B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission with notice to the Planning Commission, by any party with standing (i.e., applicant and any party who submitted comments during the commentperiod). The City Commission decision is the City's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.
- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record. The City Commission decision on appeal from the Historic Review Board or the Planning Commission is the City's final decision and is appealable to LUBA within twenty-one days of when it becomes final.
- D. Type IV decisions include 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 association(s) 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. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the

application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

- E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development must meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The Community Development Director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the Community Development Director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The Community Development Director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the Community Development Director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the Community Development Director and that the process be "fair." The referee applies the city's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).

DRAFT