



# CITY OF OREGON CITY PLANNING COMMISSION AGENDA

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Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City  
Monday, March 28, 2022 at 7:00 PM

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This meeting is in-person hybrid via Zoom; please contact [ocplanning@orccity.org](mailto:ocplanning@orccity.org) for the meeting link.

## CALL TO ORDER

## PUBLIC COMMENT

*Citizens are allowed up to 3 minutes to present information relevant to the Planning Commission but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the Chair/City Staff. The Commission does not generally engage in dialog with those making comments but may refer the issue to the City Staff. Complaints shall first be addressed at the department level prior to addressing the Commission.*

## PUBLIC HEARING

- [1.](#) GLUA 22-0002/LEG 22-00001 Housing Choices Code Update

## COMMUNICATIONS

## ADJOURNMENT

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### PUBLIC COMMENT GUIDELINES

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*Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.*

*As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.*

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### ADA NOTICE

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*The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.*

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***Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.***

***Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at [www.orcity.org](http://www.orcity.org) and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WPMC at 503-650-0275 for a programming schedule.***



# CITY OF OREGON CITY

## Staff Report

625 Center Street  
Oregon City, OR 97045  
503-657-0891

Item #1.

**To:** Planning Commission **Agenda Date:** 3/28/2022  
**From:** Christina Robertson-Gardiner, Senior Planner

### SUBJECT:

GLUA 22-0002/LEG 22-00001 Housing Choices Code Update

### STAFF RECOMMENDATION:

Continue the file to the April 11, 2022 Planning Commission Hearing. Planning Commissioners are encouraged to listen to public comment, ask questions and provide policy direction on identified policy questions.

### EXECUTIVE SUMMARY:

The Housing Choices Code Update (House Bill 2001) proposes amendments to Title 16 (Land Divisions) and Title 17 (Zoning) of the Oregon City Municipal Code in order to permit a greater range of middle housing types including duplexes, triplexes, quadplexes, townhouses and cottage clusters in residential zones where single-family detached residential units are permitted. The proposed code updates build on policy and code updates adopted in 2019 with the Equitable Housing Policy project to encourage a greater range of housing types throughout the city, in order to bring the City's code into full compliance with recently adopted state legislation for middle housing (House Bill 2001 enacted in 2019) and middle housing land divisions (Senate Bill 458 enacted in 2021) by the state's June 30, 2022 effective deadline.

The code amendments were developed to meet the minimum compliance standards. The Planning Commission or City Commission could choose to implement code that goes beyond the minimum compliance standards if they choose- but would need to provide that direction to staff through the hearings process. The staff report and redline code will be updated over the course of the hearings to reflect Planning Commission and City Commission direction on the policy questions found in the staff report and code summary document (Exhibit C). The minimum compliance option has been included in the draft redlines as the default approach.

### BACKGROUND:

The City of Oregon City is continuing work to expand housing choices for all members of the community with zoning code updates to increase flexibility for middle housing types. These housing types tend to be smaller scale and less expensive than detached single-family dwellings and provide needed variety to accommodate Oregon City's diversity of households. They are called middle housing because they fall somewhere between single-family homes and larger apartments. [House Bill 2001](#), passed by the State Legislature in 2019, calls for cities to allow a range of middle

housing types, including duplexes, triplexes, quadplexes, townhouses, and cottage clusters in single-family neighborhoods.

The Housing Choices Code Update <https://bit.ly/OCHB2001> will help restore a greater variety of housing types that were historically incorporated into residential neighborhoods but have been outlawed for more than half a century. While detached single-family homes on one lot will remain the predominant housing type in Oregon City, code updates will create more opportunities for different types of housing to be accessible for a wider range of households.

Middle housing standards must comply with new Oregon Administrative Rules (OARs) and/or Model Code standards that implement HB 2001. The OARs set minimum requirements for all middle housing types, and the Model Code offers best practices for cities to adopt or adapt that generally go a step beyond the minimum compliance standards.

Key issues where there is flexibility to craft provisions in the space between Oregon Revised Statutes (OARs) and Model Code standards that best respond to Oregon City's needs are highlighted in the code summary memo to focus discussion on key decision points (Exhibit C). While the broad aspects of middle housing regulations with the greatest impact on development are set by state regulations, namely provisions around which middle housing uses to permit, where to permit them, and the dimensional and density standards that apply, these outstanding policy issues do provide some additional flexibility for the City to guide middle housing development and where desired, enhance development feasibility.

If the Planning and City Commissions determine that additional analysis or outreach is needed before direction can be given on some policy questions not required for the June 30, 2022 deadline, staff recommends that after the 1<sup>st</sup> package is adopted in June 2022, GLUA 22-0002/LEG-22-0001 be continued to a date certain October Planning Commission hearing to review a 2<sup>nd</sup> package of amendments that address policy questions that are advanced by the City and allow staff the ability to respond to any technical revisions needed in response to implementation of the initial package.

### **CC&Rs (Covenants, Conditions, and Restrictions)**

While HB 2001 does prohibit the creation of new CC&Rs that conflict with HB 2001, it does not affect existing CC&Rs. To find out if a specific property has CC&Rs, contact the Homeowner's Association (if applicable) or a title company or conduct a search through Clackamas County Deeds & Records. Title reports, produced when purchasing property, should disclose any CC&Rs. Realtors are required to disclose existing CC&Rs before properties are sold. The City of Oregon City does not enforce CC&Rs or other such private agreements.

### **OPTIONS:**

- 1) Continuation of the GLUA 22-0002/LEG 22-00001 to the April 11, 2022 Planning Commission Hearing (Recommended)
- 2) Recommend approval of GLUA 22-0002/LEG 22-00001 to the City Commission





**REPORT DATE:** March 18, 2022

**FILE NO.:** Legislative File: GLUA 22-0002/LEG-22-0001

**APPLICANT:** City of Oregon City – Planning Division  
698 Warner Parrott Rd, Oregon City, Oregon 97045

**CONSULTANTS:** 3J Consulting: Steve Faust, Principal  
JET Planning: Elizabeth Decker, Principal

**REVIEWERS:** Christina Robertson-Gardiner, AICP, Senior Planner  
Aquilla Hurd-Ravich, AICP, Community Development Director  
Carrie Richter, Asst. City Attorney

**REQUEST:** Amend Title 16 and 17 of the Oregon City Municipal Code to Implement the Goals and Policies of State House Bill 2001 and Senate Bill 458 regarding Middle Housing.

**LOCATION:** City Wide

**RECOMMENDATION:** **Adoption of the proposed amendments.** See last page for full recommendation.

*17.50.170 - Legislative hearing process.*

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

*B. Planning Commission Review.*

*1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The 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.*

*2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.*

*3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission*

*recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.*

*C. City Commission Review.*

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

*2. Notice of Final Decision. Not later than five days following the city commission final decision, the 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) 722-3789.

## **EXECUTIVE SUMMARY:**

The Housing Choices Code Update (House Bill 2001) proposes amendments to Title 16 (Land Divisions) and Title 17 (Zoning) of the Oregon City Municipal Code in order to permit a greater range of middle housing types including duplexes, triplexes, quadplexes, townhouses and cottage clusters in residential zones where single-family detached residential units are permitted. The proposed code updates build on policy and code updates adopted in 2019 with the Equitable Housing Policy project to encourage a greater range of housing types throughout the city, in order to bring the City's code into full compliance with recently adopted state legislation for middle housing (House Bill 2001 enacted in 2019) and middle housing land divisions (Senate Bill 458 enacted in 2021) by the state's June 30, 2022 effective deadline.

The code updates incorporate guidance from public outreach in Fall 2021 through Spring 2022, four Planning Commission work sessions and hearings and three City Commission work sessions and hearings, as well as engagement with the Citizen Involvement Committee and Historic Review Board.

### **CC&Rs (Covenants, Conditions, and Restrictions)**

While HB 2001 does prohibit the creation of new CC&Rs that conflict with HB 2001, it does not affect existing CC&Rs. To find out if a specific property has CC&Rs, contact the Homeowner's Association (if applicable) or a title company or conduct a search through Clackamas County Deeds & Records. Title reports, produced when purchasing property, should disclose any CC&Rs. Realtors are required to disclose existing CC&Rs before properties are sold. The City of Oregon City does not enforce CC&Rs or other such private agreements.

## **I. INTRODUCTION**

### **PROPOSAL**

The Housing Choices Code Update includes updates to Titles 16 and 17 of the City's code to permit middle housing types (duplexes, triplexes, quadplexes, townhouses and cottage clusters) in full compliance with HB 2001 requirements, and to permit middle housing land divisions to create fee-simple ownership

opportunities of individual housing units resulting from middle housing developments. The proposed updates build upon earlier policy work developed in the 2019 Equitable Housing Policy project and were written to maintain existing policy direction while meeting the specifics of state requirements in HB 2001 and SB 458.

Middle housing standards must comply with new Oregon Administrative Rules (OARs) and/or Model Code standards that implement HB 2001. The OARs set minimum requirements for all middle housing types, and the Model Code offers best practices for cities to adopt or adapt that generally go a step beyond the minimum compliance standards.

The following code amendments were developed to meet the minimum compliance standards. The Planning Commission or City Commission could choose to implement code that goes beyond the minimum compliance standards if they choose- but would need to provide that direction to staff through the hearings process.

Key updates in this package include:

- **Terms:** Updating duplex, triplex, quadplex, townhouse and cottage cluster definitions and using them consistently throughout Titles 16 and 17.
- **Low density zones (R-10, R-8, R-6):** Expanding permitted middle housing types beyond corner duplexes and cluster housing to include all duplexes, triplexes, quadplexes, townhouses and cottages clusters; revising existing and introducing new dimensional and density standards in order to permit middle housing at the same scale as single-family detached residential units.
- **Medium density zones (R-5, R-3.5):** Because the full range of middle housing types are already permitted, only minor changes to dimensional and density standards are proposed to accommodate middle housing.
- **High-density zones (R-2):** Only minor changes to terms are proposed for consistency; middle housing types will continue to be permitted in this zone but it is not subject to HB 2001.
- **Design standards for middle housing:** Applying the same single-family detached residential design standards to duplexes; revising design standards specific to triplexes and quadplexes, townhouses and cottage clusters to incorporate elements of the single-family detached residential standards and state Model Code elements.
- **Parking requirements:** Reducing off-street parking minimums to one space per unit for cottage clusters; parking ratios and requirements for other middle housing types already comply with the maximum of one off-street space per unit allowed by HB 2001.
- **Access and driveway standards:** Maintaining provisions for one driveway per residential lot developed with either single-family detached or middle housing units; minimal revisions to allowed driveway widths for each residential type.
- **Procedures:** Expanding administrative reviews (Type I) for middle housing on a single lot to apply to triplexes, quadplexes and cottage clusters in addition to single-family detached, duplexes and townhouses.
- **Land divisions:** Creating a new middle housing land division procedure to allow expedited division of an individual lot developed with a middle housing project (such as dividing a quadplex into four separate, small fee-simple lots provided they are served with separate utilities). Note: The existing subdivision process will continue to be required for large developments to create individual lots that could then be developed with middle housing.

- **Goal-protected areas:** Maintaining existing protections for historic areas, natural resource areas, and geohazard areas to apply to any middle housing proposed. While middle housing types will not be prohibited within these areas, the development and design standards for each overlay will apply to middle housing and may effectively limit middle housing. The Historic Review Board will be concurrently working on guidance about the application of existing design standards to any proposed middle housing development.

### Code Summary Memo

Key issues where there is flexibility to craft provisions in the space between OARs and Model Code standards that best respond to Oregon City's needs are highlighted in the code summary memo to focus discussion around key decision points (Exhibit c). While the broad aspects of middle housing regulations with the greatest impact on development are set by state regulations, namely provisions around which middle housing uses to permit, where to permit them, and the dimensional and density standards that apply, these outstanding policy issues do provide some additional flexibility for the City to guide middle housing development and where desired, enhance development feasibility.

For each of these issues, this memo identifies a 'compliance' option that minimizes code and policy changes to the extent needed to meet the state minimum compliance standards, followed by alternative policy option(s) if policy makers wish to further expand middle housing development permissions. **For each identified issue, policy makers may elect to confirm the compliance option, choose to include the alternative policy option(s) in this round of code updates, or choose to continue to explore the alternative policy option(s) in future code updates,** separate from initial code update package needed to meet the June 30, 2022 deadline.

If the Planning and City Commissions determines that additional analysis or outreach is needed before direction can be given on the following policy questions, staff recommends that after the 1<sup>st</sup> package is adopted in June 2022, GLUA 22-0002/LEG-22-0001 be continued to a date certain October Planning Commission hearing to review a 2<sup>nd</sup> package of amendments that address policy questions that are advanced by the City and allow staff the ability to respond to any technical revisions needed in response to implementation of the initial package.

The staff report and redline code will be updated over the course of the hearings to reflect Planning Commission and City Commission direction on the following policy questions. The compliance option has been included in the draft redlines as the default approach.

Policy	Compliance Option	Alternate Option
<b>Middle Housing in Geohazard Areas</b>	Maintain existing 2 units per acre limitation	Permit some middle housing- same footprint as single-family
<b>Townhouse Maximum Density</b>	Set townhouse maximum densities to the lowest density option allowed for each zone	Permit higher density standards in some or all zones.
<b>Duplex, Triplex and Quadplex Configurations</b>	Continue to require duplex, triplex and quadplex units to be attached.	Permit some or all duplex, triplex and quadplex units be detached.
<b>Duplex Lot Coverage in Medium Density Zones</b>	Maintain maximum building lot coverage for duplexes equal to that allowed for single-family detached dwellings in each zone (50-55%)	Increase maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU (60-65%).
<b>Lot Coverage in Low Density Zones</b>	Set maximum building lot coverage for middle housing types in low density zones equal to the allowed lot coverage for single-family detached dwellings.	Increase maximum building lot coverage for specific middle housing types in rough proportion to increased numbers of units. Specifically, consider increasing duplex lot coverage to 45%, triplex and quadplex lot coverage to 45-50% or more, and/or townhouse lot coverage to 70%.
<b>Cottage Cluster On-Street Parking Credits</b>	Maintain the minimum requirement of one off-street parking space per cottage with no reductions for available on-street parking spaces.	Make cottage cluster developments eligible to use on-street parking credits to count toward the minimum off-street parking requirements, similar to other residential and commercial development
<b>Garage Options for Cottage Clusters</b>	Maintain existing option for 600-SF (shared) detached parking garages/structures and option for small attached garages that count towards total gross floor area as two options for garage parking with cottage clusters.	Explicitly permit up to 200-400-SF detached garages for individual cottages exempt from gross floor area limitations, clarifying that 600-SF structures must be shared in common parking areas; and/or exempt up to 200-SF attached garages for individual cottages from the gross floor area limitations

**Future Policy Questions**

<b>Multiple ADUs per Lot</b>	Consider the future role for ADUs and how ADU standards compare to plex standards. Consider whether to permit multiple ADUs per lot for greater parity with new provisions for plexes, which could be written to require one attached and one detached unit, or in any combination.
<b>High Density Zone Development Standards</b>	With the introduction of middle housing at greater densities in the low and medium densities zone, there could be a broader discussion about the purpose and standards for the high-density R-2 zone
<b>Lot Averaging for Subdivisions</b>	Consider whether and how lot averaging should apply to middle housing options beyond duplexes, and whether lot averaging remains a useful tool for new developments along with middle housing opportunities.
<b>Land Use Affordability Incentives</b>	More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements, both to improve feasibility of those projects and to explicitly encourage affordable housing development.
<b>Allow non-conforming single-family units in Commercial Districts to convert to duplexes</b>	Over the years the city has seen single-family residential and duplexes as separate uses that have different impacts. HB 2001 further blurs this distinction. Should the city begin to allow owners of houses in Commercial zones be allowed to change the use to a duplex within the existing footprint- or even allow a modest increase?

**II. SUMMARY OF PUBLIC OUTREACH**

The amendments are subject to the Type IV legislative process, which requires public notification and public hearings before the Planning Commission and City Council. This process has been established by the City and determined to be consistent with the City's acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all recognized as opportunities for citizen participation.

An extensive and significant public outreach process occurred during the development code amendment process that included:

- [Project website](#) created Summer 2021, with background information, public process timeline, and ways to connect with staff
- Land use Measure 56 Postcard sent to all owners and residents within the UGB listing project and March 28, 2022 hearings date.
- Survey #1 October 2021 sent via utility bill insert Survey #2- December 2021/January 2022 sent via mailing list/social media/e-newsletter. Survey #1 which focused on general questions garnered 162 responses, and Survey #2 focusing specifically on policy options had 83 responses.
- Focus groups in January 2022 with market-rate housing developers, nonprofit housing developers, and City staff engaged in development review to understand current issues with middle housing code provisions, and future middle housing development opportunities and concerns.
- January Development Stakeholder Group Presentation
- Trail News E-Newsletter – monthly updates October to March

- Fall 2021, Winter 2021/2022 Trail News
- City social media posts (October-March)
- Project e-blasts updates (October-March) 141 people on mailing list

The Planning Commission and City Commission reviewed the zoning and code amendments for the Middle Housing Code Updates over multiple meetings from the first quarter of 2021 through the end of March of 2022. Comments and direction, as well as public comments, were tracked throughout the hearings, and topics were added to future meetings if new items were identified or had not been resolved. The following meetings were held to discuss the proposed legislative amendments:

**May 11, 2021, City Commission Worksession**

*Presentation-* Ethan Stuckmayer, Senior Planner of Housing Programs, Department of Land Conservation and Development

**September 7, 2021 City Commission Worksession -**

*Presentation-* Christina Robertson-Gardiner, Senior Planner, Initial project approach

**October 4, 2021 Citizen Involvement Committee**

*Presentation-* Christina Robertson-Gardiner, Senior Planner, Project introduction

**October 26, 2021 Historic Review Board**

*Presentation-* Christina Robertson-Gardiner, Senior Planner, Project introduction/historic guidelines

**February 22, 2022 Historic Review Board \* Revised date**

*Presentation-* Design Guidelines for Middle Housing in Historic Overlay District

**February 28, 2022 Planning Commission Work Session**

*General Business:* Project timeline

**March 7, 2022 Citizen Involvement Committee- Update \* Revised date**

*Presentation-* Christina Robertson-Gardiner, Senior Planner, Project update

**March 8, 2022 City Commission Work Session- \* Revised date**

*Presentation-* Housing tools beyond Land Use

**March 14, 2022 Planning Commission Work Session**

*General Business:* Review of proposal

Public Hearings: March 28, 2022 – June 1, 2022.

**IIa Public Comment**

A public comment matrix is attached to the staff report (Exhibit b) and will be updated to reflect public comments added into the records through the hearings process.

**III. DECISION-MAKING CRITERIA:**

The remainder of this report details compliance of the proposed code amendments with the applicable state, regional and local requirements.

### III.A DECISION-MAKING CRITERIA - CONTINUED:

#### **CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS**

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

*A text amendment to the comprehensive plan, or an amendment to the zoning code or 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; or*
- D. A Legislative request by the planning division.*

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

**Response:** This Legislative request is for amendments to the Oregon City Municipal Code and was initiated by the Planning Division.

##### **17.68.015 - Procedures.**

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

**Response:** Compliance with the procedures set forth in OCMC 17.50 are discussed after the findings for OCMC 17.68 – Zoning Changes and Amendments.

##### **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.*

**Response:** Consistency with the Oregon City Comprehensive Plan (OCCP) Goals and Policies follow starting on a subsequent page of this report.

- 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.*

**Response:** The capacity of the respective public facilities and services to support the proposal is addressed below and is also discussed in the findings for Statewide Planning Goal 11.

*Water, Sewer, & Storm Drainage*



Goal 11 requires the City to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.

Oregon City's wastewater collection and treatment, water distribution, and stormwater management facilities and services are governed by the following ancillary documents:

- City of Oregon City Sanitary Sewer Master Plan (2014)
- City of Oregon City Stormwater Master Plan (2020)
- City of Oregon City Water Master Plan (2021)

The above documents, together with Oregon City's Transportation System Plan from 2013 (TSP), are the City's acknowledged public facilities and transportation system plans that inform infrastructure investments (i.e., water, stormwater, wastewater, transportation, and electricity) in Oregon City. The TSP is addressed under the Goal 12 findings below. No changes to the PFSP are proposed in conjunction with the code update project, and the code update project is otherwise consistent with Goal 11 as explained below.

In June 2021, a technical memorandum by Wallis Engineering (exhibit f) was created to determine the impact of increasing housing density within certain residential zones on the water supply and distribution system, the sanitary sewer collections system, and the stormwater system. Wastewater treatment is provided by the Tri-City Sewer District and potable water supply is provided by the South Fork Water Board; both of which were not assessed in this memorandum. The memo recommended that the City actively monitor growth and metric changes as a result of HB 2001 to determine if the assumptions made in the various infrastructure Master Plans and this memorandum are significantly flawed.

The public facility plan requirements in OAR 660-011-0020(2) include public facility projects to support the development of middle housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of middle housing allowances by a Large City, the Large City must work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where middle housing is allowed is appropriately designed and sized to serve middle housing. The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services. HB 2001 states, "The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures." Further, middle housing other than duplexes will be required to have "sufficient infrastructure" to serve the development, detailed as infrastructure meeting adopted levels of service, in proposed OCMC 17.16.080. New public facilities and services will be designed to serve anticipated residential development, including middle housing. The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained for the middle housing code updates.

### *Transportation*

Impacts to the transportation system are addressed under (C) below.

### *Schools, Police & Fire Protection*

Impacts to police, fire protection, and schools are not anticipated by these code amendments related to middle housing.

*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.*

**Response:** The impacts of the proposal on the transportation system were reviewed by Kevin Chewuk and Alex Correa, transportation engineer at DKS Associates. Please refer to the DKS analysis and memorandum dated March 17, 2022 (exhibit e) The memorandum provides an assessment of the transportation implications of the proposed code updates.

Even though HB 2001 does not require cities to show compliance with the Transportation Planning Rule (TPR), Oregon City chose to pursue additional analysis, through this memo, to ensure that their adopted plans are sufficient and can account for the potential increase in units in the Low and Medium Density Dwelling Districts.

The memo summary provides an overview of the analysis. The assumed increase in residential trips resulting from a middle housing shift is not expected to have a significant effect on the transportation system in Oregon City. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. This middle housing shift will occur gradually over time and will be dispersed throughout the UGB, so no intersection will experience all the added trips. The findings of the 2035 TSP will not change because of the middle housing shift and there is no anticipated need to add projects to the TSP as a result. Middle housing built on lots created through the land use process will continue to be analyzed as part of development review and a proposal's Transportation Impact Analysis (TIA).

Pursuant to ORS 660-046-0030 regarding Middle Housing in Medium and Large Cities, when a local government amends its comprehensive plan or land use regulations to allow middle housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility as otherwise required by the Transportation Planning Rule (TPR), at OAR 660-012-0060. However, the memo assesses potential impacts related to permitting middle housing throughout the city including potential for greater trip generation associated with middle housing compared to the single-family detached development densities assumed in previous transportation planning.

The memo concludes that the assumed increase in residential trips is not expected to have a significant effect on intersections in the UGB. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. These trips are distributed throughout the UGB, so no intersection will experience all the added trips and will not have a significant effect on the transportation system. The findings of the 2035 TSP will not change because of the middle housing shift, including the established citywide circulation needs. New

subdivisions will continue to be analyzed as part of development review to establish localized needs (e.g., safe access, connectivity).

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

**Response:** Responses to the applicable statewide planning goals are addressed in Section III.C. of this report.

#### **CHAPTER 17.50 ADMINISTRATION AND PROCEDURES**

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

**Finding: Complies as Proposed.** The proposed Legislative application is being reviewed pursuant to the Type IV process.

##### *17.50.050 - Pre-application conference*

**Finding: Complies as Proposed.** A pre-application conference, File #PA-22-013, was held on March 17, 2022 to discuss the proposed Housing Choices Code Updates in accordance with the requirements of OCMC 17.50.050.

##### *17.50.055 Neighborhood Association Meeting*

**Finding: Complies as Proposed.** This is a citywide application; no specific neighborhood association was identified and is not required with the code that is currently in effect. As required for Legislative files, the project was presented to the Citizen Involvement Committee on October 4<sup>th</sup>, 2021, and March 7<sup>th</sup>, 2022. A full list of public engagement efforts related to the subject amendments are discussed in Section II.E. of this report and in findings for Statewide Planning Goal 1.

##### *17.50.060 Application Requirements.*

**Finding: Complies as Proposed.** All application materials required are submitted with this narrative.

##### *17.50.070 Completeness Review and 120-day Rule.*

**Finding: Complies as Proposed.** This is a Legislative Decision, there is no 120-day deadline for making a final city decision.

##### *17.50.080 Complete Application--Required Information.*

**Finding: Complies as Proposed.** All application materials required are submitted with this narrative.

*17.50.090 Public Notices.*

**Finding: Complies as Proposed.** A Measure 56 Notice was sent to all property owners within the City and general Land Use Notice was sent to all residents within the urban growth boundary. The Land Use Notice was posted on the Oregon City website and in a general circulation newspaper. Staff provided an email transmittal of the application and notice to affected agencies, and to all Neighborhood Associations requesting comment.

*17.50.100 Notice Posting Requirements.*

**Finding: Complies as Proposed.** No signs were posted as there was not a limited number of affected properties for this proposed Legislative amendment.

**III.b. OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES**

**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.*

**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.*

**Response: The proposal is consistent with these Goals and Policies.** The project provided numerous opportunities for citizen involvement, including engagement with the Citizen Involvement Committee, the Development Stakeholder Group, the Historic Review Board, and various stakeholder groups. Multiple informational resources were provided to the general public and interested members of the public through the project website, e-blasts, social media and other tools. Two online surveys were circulated via utility bill inserts and mailing lists, social media, and via e-newsletters; results helped to inform the code policy development. Additionally, a Measure 56 postcard was sent to all property owners and residents within the City's urban growth boundary. Meetings were held with the City Commission and Planning Commission and citizens were notified of these meetings via the above-mentioned means. See full summary in Section II.E.

**2.1 Efficient Use of Land**

*Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently, and that land is developed following principles of sustainable development.*

*Policy 2.1.1*

*Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.*

### Policy 2.1.2

*Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.*

**Response:** The middle housing code updates will expand the number and type of middle housing uses in zones previously used principally for detached single-unit dwellings and make development of middle housing more feasible through broadening permitted housing types, particularly in the low-density zones (R-10, R-8, R-6). In doing so, a significant amount of land previously restricted to lower density, detached single-unit dwellings within the UGB will be available for middle housing development at higher residential densities that can utilize existing infrastructure. An increased number of dwelling units within these existing residential areas effectively conserves rural resource lands outside of the UGB and improves the efficiency of public services and facilities by concentrating development opportunities where residential development already exists.

### Goal 5.3 Historic Resources

*Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City*

*Policy 5.3.7 Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.*

*Policy 5.3.8 Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.*

### Goal 5.4 Natural Resources

*Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.*

**Response:** The existing protections for historic areas, natural resource areas, and geohazard areas that are found within the relevant sections of the Oregon City Municipal Code will remain in place, and will apply to any middle housing proposed. The Historic Review Board will be concurrently working on guidance about the application of existing design standards to any proposed middle housing development.

### Goal 6.1 Air Quality

*Promote the conservation, protection and improvement of the quality of the air in Oregon City.*

**Response:** The proposed amendments will not affect any codes or policies that implement Goal 6.

*Policy 6.1.1 Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*

**Response:** The Housing Choices Code Updates will have the net effect of increasing the density of land within the urban growth boundary, specifically in low density zones that currently permit single-family detached residential and limited middle housing options. These amendments will promote land-use patterns that are denser than what is currently permitted. An increased number of dwelling units within these existing residential areas rather than developing new residential areas can reduce the need for distance travel.

### **Goal 7.1 Natural Hazards**

*Protect life and reduce property loss from the destruction associated with natural hazards.*

#### **Policy 7.1.1**

*Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.*

*Policy 7.1.8 Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.*

**Response:** Geohazard areas are an identified Goal 7 resource under state land use system. Per OAR 660-046-0010(3)(c), cities may apply protective measures within Goal 7 areas including, but not limited to, restrictions on use, density, and occupancy by limiting middle housing types, in order to reduce risk to people and property from natural hazards.

The City's existing Geological Hazards Overlay District (OCMC 17.49) generally limits residential development to two dwelling units per acre and individual residential uses are limited by maximum grading and disturbance volumes.

In the Geologic Hazard Overlay District, the development of middle housing at densities that exceed the maximum density allowed for detached single-unit dwellings would increase the number of people exposed to a hazard. For that reason, development of middle housing in the Geologic Hazard Overlay District will be subject to regulations limiting density where there are slopes between 25-35% or located within historic landslide areas to two dwelling units per acre, whether that be two single-family detached dwellings, one duplex, or any other residential development type permitted in the underlying zoning district. This standard will permit residential development without increasing the number of people exposed to landslide hazards, thereby limiting loss of life and damage to property from natural hazards through the regulation of development in these areas.

### **Goal 10.1 Diverse Housing Opportunities**

*Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

**Response** The Equitable Housing Policy code updates, which predated the proposed Housing Choices Code Updates to comply with HB 2001, allowed for a broad range of housing options collectively referred to as "middle housing." Middle housing was defined in those amendments as a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing choices at a variety of scales across a variety of neighborhoods, encouraging a more diverse housing stock in residential zones that are currently dominated by single-family residential homes. Adding to the work that

was previously done through the Equitable Housing Policy code updates, the Housing Choices Code Updates proposed herein continue to guide the planning and development of a variety of housing types and lot sizes in accordance with this goal.

*Policy 10.1.1*

*Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.*

**Response:** The middle housing code updates provide opportunities to expand upon the range of development types across more of the city while continuing to permit (or maintaining) the existing residential housing stock.

*Policy 10.1.3*

*Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

*Policy 10.1.4*

*Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.*

**Response:** The proposed code amendments, driven by HB 2001, provides Oregonians with more housing choices, especially those that are attainably priced. The “middle housing” addressed by HB 2001 includes duplexes, triplexes, quadplexes, townhouses and cottage clusters. These housing types meet the housing needs of many younger people, older people, and low-income households who cannot afford or do not need a large single-family detached house, and reduce environmental impacts associated with large houses. Many of these housing types were historically permitted and built throughout the state prior to World War II, and can still be found in many older neighborhoods. HB 2001 re-legalizes these housing types, which have not been built in many cities for over 70 years due in part to restrictive zoning codes.

*Policy 10.1.5*

*Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.*

**Response:** Middle housing is intended to expand upon, not replace, earlier state and local efforts to permit accessory dwelling units (ADUs) in all residential areas and other efforts to support greater variety of housing options. Minor revisions to ADU standards are proposed in OCMC 17.20.010.D to remove off-street parking requirements as required by HB 2001 (codified as ORS 197.312(5)(B)(b)) to enhance development feasibility.

**Policy 10.1.6**

*Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)*

**Response:** The Oregon City Municipal Code does not differentiate between manufactured housing and other housing types on individual lots and the proposed code amendments do not propose to change this; an individual manufactured house is permitted on any lot where a single-family detached residential unit is permitted.

The code amendments do allow for some additional options for manufacture housing. Cluster housing could potentially be built using park model manufactured homes if designed to meet the cluster housing standards. Allowance of some detached middle housing, could also provide additional opportunities for siting manufactured home if pursued by the Planning and City Commissions.

**Policy 10.1.7**

*Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.*

**Response:** The proposed code amendments further support livable neighborhoods by broadening the permitted housing types beyond duplex and cluster housing in low density zones. This would entail the inclusion of dimensional and density standards that permit middle housing at the same scale as single-family detached homes. The Housing Choices Code Updates also include development standards related to the design of middle housing, providing standards specific to each middle housing type generally to address the allowed design components in a clear and objective manner consistent with the requirements of HB 2001.

**Goal 10.2 Supply of Affordable Housing**

*Provide and maintain an adequate supply of affordable housing.*

**Policy 10.2.2**

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

**Policy 10.2.3**

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

**Policy 10.2.4**

*Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).*

**Response:** (From Comprehensive Plan, P. 77):

*In 2001, Metro adopted amendments to Title 7 of the Urban Growth Management Functional Plan to implement the Regional Affordable Housing Strategy (2000), which identifies measures to provide*



*adequate affordable housing in the Metro region. The amendments require local jurisdictions to consider adopting a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as one that requires no more than 30 percent of household income for people earning 50 percent of the median household income in their jurisdiction. By that definition, an affordable housing unit in Oregon City in 2000 would cost \$570 per month or less. The 2002 housing inventory and analysis showed that the number of lower-cost units in Oregon City was inadequate to meet both the current (2002) and projected housing needs of the city's lower-income residents. Title 7 tools and strategies have been adopted as Goal 10.2 and Policies 10.2.1 through 10.2.4.*

Housing affordability is a significant issue in Oregon City as it is across the region, with 50% of Oregon City renter households and 28% of homeowner households identified as “cost-burdened” because more than 30% of household income is spent on housing, according to the 2021 Housing Needs Analysis. While middle housing is not explicitly affordable housing, it can increase the number and variety of new housing options that ease scarcity and costs across the housing spectrum, particularly if it can support creation of smaller dwelling units more in line with needs and incomes of small households.

### **Goal 11.1 Provision of Public Facilities**

*Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

*Policy 11.1.2 Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.*

**Response:** The public facility plan requirements in OAR 660-011-0020(2) include public facility projects to support the development of middle housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of middle housing allowances by a Large City, the Large City must work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where middle housing is allowed is appropriately designed and sized to serve middle housing. The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services. HB 2001 states, “The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures.” New public facilities and services will be designed to serve anticipated residential development, including middle housing. The amendments will not result in the need to adjust or amend existing policies or projects in the City’s adopted facility plans. Therefore, compliance with Goal 11.1 and Policy 11.1.2. is maintained for the middle housing code updates.

### **Goal 11.2 Wastewater**

*Seek the most efficient and economic means available for constructing, operating, and maintaining the City’s wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.*

*Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing Urban Growth Boundary. Plan strategically for future expansion areas*

### **Goal 11.3 Water Distribution**

*Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.*

*Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing Urban Growth Boundary and plan strategically for future expansion areas.*

*Policy 11.3.3 Maintain adequate reservoir capacity to provide all equalization, operational, emergency, and fire flow storage required for the City's distribution system*

### **Goal 11.4 Stormwater Management**

*Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat*

*Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing Urban Growth Boundary and plan strategically for future expansion areas.*

**Response:** The City has performed due diligence by contracting with Wallis Engineering to determine the impact of increasing housing density within certain residential zones on water supply and distribution, sanitary sewer collections systems, and the stormwater system. Generally, the June 2021 memo recommended that the City actively monitor growth and metric changes as a result of HB 2001 to determine if the assumptions made in the various infrastructure Master Plans and this memorandum need to be updated.

### **Goal 12.1 Land Use-Transportation Connection**

*Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.*

**Response:** The proposed code amendments implement this vision to balance land use and transportation goals; the proposal is supported by a transportation memo prepared by DKS that concludes that development associated with the proposal can be served by the planned City-wide transportation system as discussed in the finding for Goal 12.6 and related policies below.

### **Goal 12.6 Capacity**

*Develop and maintain a transportation system that has enough capacity to meet users' needs.*

*Policy 12.6.1 Provide a transportation system that serves existing and projected travel demand.*

*Policy 12.6.2 Identify transportation system improvements that mitigate existing and projected areas of congestion.*

*Policy 12.6.3 Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.*

*Policy 12.6.4 Identify and prioritize improved connectivity throughout the city street system*

**Response:** The impacts of the proposal on the transportation system were reviewed by a transportation consultant, DKS Please refer to the DKS analysis and memorandum which is attached to this narrative (exhibit e). The memorandum provides an assessment of the transportation implications of the project proposal.

Pursuant to ORS 660-046-0030 regarding Middle Housing in Medium and Large Cities, when a local government amends its comprehensive plan or land use regulations to allow middle housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility as otherwise required by the Transportation Planning Rule (TPR), at OAR 660-012-0060. However, the memo assesses potential impacts related to permitting middle housing throughout the city including potential for greater trip generation associated with middle housing compared to the single-family detached development densities assumed in previous transportation planning.

The memo concludes that the assumed increase in residential trips shown in the attached report is not expected to have a significant effect on intersections in the UGB. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. These trips are distributed throughout the UGB, so no intersection will experience all the added trips and will not have a significant effect on the transportation system. The findings of the 2035 TSP will not change because of the middle housing shift, including the established citywide circulation needs. New subdivisions will continue to be analyzed as part of development review to establish localized needs (e.g., safe access, connectivity).

**Goal 14.1 Urban Growth Boundary**

*Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.*

*Policy 14.1.1 The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.*

**Goal 14.2 Orderly Redevelopment of Existing City Areas**

*Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.*

*Policy 14.2.2 Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.*

**Response:** The Housing Choices Code Updates reduce the need to develop land within the UGB by encouraging the redevelopment of underdeveloped areas within existing city limits by expanding upon the opportunity to develop at higher densities within lower density zones. All areas slated to be impacted by these code amendments are currently served by public facilities already or are planned to be served by future public facilities prior to any development. The Housing Choices Code Updates may allow a modest increase in the number of dwelling units that could be constructed within the UGB because a greater number of units will be permitted on lots that were previously restricted to detached single-unit dwellings.

### **III.c. OREGON STATEWIDE PLANNING GOALS**

#### ***Statewide Planning Goal 1 – Citizen Involvement:***

***This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.***

**Response:** Requirements under Goal 1 are met by adherence to the applicable goals and policies of Section 1 of the Oregon City Comprehensive Plan and the citizen involvement processes required by the Oregon City Municipal Code, Chapter 17.50 – Administration and Procedures. A Summary of Public Outreach in accordance with Goal 1 can be found within Section II.E. of this report.

The amendments are subject to the Type IV legislative process, which requires public notification and public hearings before the Planning Commission and City Council. This process has been established by the City and determined to be consistent with the City's acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all recognized as opportunities for citizen participation. Additionally, Measure 56 notice required by ORS 227.186 was mailed to affected property owners. Goal 1 is met.

#### ***Statewide Planning Goal 2 – Land Use Planning:***

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

**Response:** This goal outlines the land use planning process and policy framework, and is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. The Oregon City Comprehensive Plan and Oregon City Municipal Code have been acknowledged by DLCD as being consistent with the statewide planning goals. The City has followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan elements and Oregon City Municipal Code as a basis for all decision and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.

The amendments will be adopted by the City Commission after a public hearing. Multiple opportunities have been provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Statewide Planning Goal 2 Guideline E states:

“Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.”

While the Statewide Planning Goal Guidelines are not mandatory provisions, the code updates are consistent with the direction provided in Guideline E, because the middle housing code update will help to increase the diversity of housing opportunities which would help to meet Oregon City's housing needs. These amendments originate from the HB 2001 and Oregon City is justified in providing the aforementioned necessary changes to the Oregon City Municipal Code. This is consistent with Goal 2.

### ***Statewide Planning Goals 3 & 4: Agricultural Lands and Forest Lands***

**Response:** These statewide planning goals relate to agricultural and forest lands in Oregon and are not applicable to these amendments. These amendments pertain to lands within City limits that is zoned for urban development. By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB, and therefore, those goals are not applicable.

### ***Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas***

**Response:** The City is currently in compliance with the Statewide Planning Goal 5. The amendments do not alter the City's acknowledged Goal 5 inventories or land use programs. No changes will occur directly to current natural resource or historic protections (OCMC 17.49, Natural Resource Overlay District, and OCMC 17.40, Historic Overlay District) because of these amendments; therefore, the amendments are in compliance with Goal 5. In areas subject to the Historic Overlay District, middle housing types permitted in the underlying zoning districts will be permitted consistent with OAR 660-046-0010(3)(B) and will require review and compliance with Historic Overlay District provisions.

The Historic Review Board is currently pursuing amendments to the Design Guidelines to New Construction to provide additional clarity for property owners, neighbors, and the city on appropriate design approaches to middle housing in historic districts and Landmarks. OCMC 17.40 Historic Overlay District and the existing Design Guidelines for New Construction currently provide sufficient legal authority for the Historic Review Board to review middle housing in Historic Overlay Districts. Revisions to the guidelines can occur after June 30, 2022 and are not dependent on the HB 2001 deadline.

### ***Statewide Planning Goal 6: Air, Water, and Land Resources Quality***

**Response:** Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing. The City is currently in compliance with Statewide Planning Goal 6. The amendments do not alter the City's acknowledged land use programs regarding water quality and flood management protections. As a result, the updates comply with Goal 6.

### ***Statewide Planning Goal 7 – Areas Subject to Natural Hazards***

**Response:** Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:

- (A) Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and

(B) Other hazard areas identified in an adopted comprehensive plan or development code, provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:

- (i) Increasing the number of people exposed to a hazard;
- (ii) Increasing risk of damage to property, built, or natural infrastructure; and
- (iii) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.

The City is currently in compliance with Goal 7 for geologic hazard areas by maintaining current development limitations and review requirements. Per OAR 660-046-0010(3)(c), cities may apply protective measures within Goal 7 areas including, but not limited to, restrictions on use, density, and occupancy by limiting middle housing types, in order to reduce risk to people and property from natural hazards.

The City's existing Geological Hazards Overlay District (OCMC 17.49) generally limits residential development to two dwelling units per acre and individual residential uses are limited by maximum grading and disturbance volumes.

In the Geologic Hazard Overlay District, the development of middle housing at densities that exceed the maximum density allowed for detached single-unit dwellings would increase the number of people exposed to a hazard. For that reason, development of middle housing in the Geologic Hazard Overlay District will be subject to regulations limiting density where there are slopes between 25-35% to two dwelling units per acre, whether that be two single-family detached dwellings, one duplex, or any other residential development type permitted in the underlying zoning district. This standard will permit residential development without increasing the likelihood of or the number of people exposed to landslide hazards, thereby limiting loss of life and damage to property from natural hazards through the regulation of development in these areas.

The amendments do not alter the City's acknowledged land use programs regarding potential landslide areas (OCMC 17.44 – US-Geologic Hazards) and flood protection (OCMC 17.42 – Flood Management Overlay District).

### ***Statewide Planning Goal 8 – Recreational Needs***

**Response:** The provision of recreation services within Oregon City is the responsibility of the Oregon City Parks and Recreation Department. This goal is not applicable as the Housing Choices Code Updates have no effect on the availability of or access to recreational opportunities as planned in the City's Parks and Recreation Master Plan; therefore, the updates are in compliance with Goal 8.

### ***Statewide Planning Goal 9: Economic Development***

**Response:** This goal is not applicable as the Housing Choices Code Updates have no direct effect on economic development and economic growth; the updates apply only within residentially zoned areas.

## ***Statewide Planning Goal 10: Housing***

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

**Response:** Goal 10 requires that jurisdictions inventory buildable lands for residential use and develop plans that encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

The City of Oregon City recently adopted a Housing Needs Analysis in December 2021. This document serves as the City's compliance document under Goal 10, OAR Chapter 660 Division 008 (Division 008), and ORS 197.296(3) – and provides the factual and analytical basis for the City's determination that the separate City of Oregon City UGB has sufficient buildable land to meet identified housing needs during the 20-year planning period. This report, known as the City of Oregon City 2021- 2041 Housing Needs Analysis, suggests that Oregon City should plan for the growth of 7,435 new dwelling units over the next 20 years. Much of the growth in housing will be driven by growth in households. The City will meet Metro's requirements for net density and housing mix within its existing zoning but has a slight shortage of land for high-density housing and an unmet need for affordable housing.

Consistent with HB 2001 and ORS 197.758, the Housing Choices Code Updates expand housing options which will provide some help in meeting the forecasted needs outlined in the Housing Needs Analysis. Housing affordability is a significant issue in Oregon City as it is across the region, with 50% of Oregon City renter households and 28% of homeowner households identified as "cost-burdened" because more than 30% of household income is spent on housing. While middle housing is not explicitly affordable housing, it can increase the number and variety of new housing options that ease scarcity and costs across the housing spectrum, particularly if it can support creation of smaller dwelling units more in line with needs and incomes of small households.

The Housing Choices Code Updates may allow a modest increase in the number of dwelling units that could be constructed within the UGB because a greater number of units will be permitted on lots that were previously restricted to detached single-unit dwellings. Since its allowance in 2019/2020 as part of the equitable housing process, the city has approved only 15 new units of middle housing.

The proposed middle housing updates revise dimensional, density, and design standards to reduce the regulatory barriers to middle housing development, which meets the definition of needed housing per ORS 197.303(1).

**Finding:** The proposed middle housing code updates meet the minimum compliance standards for Large Cities, including OAR 660-046-0200 to OAR 660-046-0235, in part through incorporation of aspects of the Large Cities Model Code and in other part by applying the same standards for detached single unit dwellings to middle housing types.

**Finding:** While not a code revision in this packet, but still responsive to reducing the barriers to middle housing development. As required by OAR 660-046-0030(2), the City of Oregon City's City Commission considered methods to increase the affordability of middle housing through ordinances or policies including but not limited to:

- a. Waiving or deferring system development charges;

- b. Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and
- c. Assessing a construction tax under ORS 320.192 and ORS 320.195.

The City Commission reviewed a memo prepared by ECONorthwest at the March 8, 2022 City commission worksession on tools to increase affordability of middle housing, including the three strategies above, and conducted a work session on March 8, 2022 to review potential applicability of these tools.

Finding: The City of Oregon City does not propose to use alternative siting and design standards as permitted under OAR 660-046-0235.

Finding: The impacts of HB 2001 on the Goal 10-mandated Housing Needs Analysis and Buildable Lands Inventory will be assessed in the future, to the extent that the implementation of HB 2001 has increased the City's capacity for residential development within the Urban Growth Boundary which may help to meet the City's identified housing needs. The proposed updates do not reduce the City's buildable land inventory, nor do they reduce the assumed residential density within the City's residentially-designated lands, and therefore it is anticipated that any additional housing built as a result of these middle housing authorizations will contribute to the overall housing supply built over the planning horizon. Further, the City has an obligation under ORS 197.290 to complete a Housing Production Strategy Report by 2027 that will provide detailed analysis of how the City will ensure the provision of housing units necessary to meet the needs identified in the Housing Needs Analysis. Middle housing, as a strategy to achieve housing demand will be discussed as part of that report.

### ***Statewide Planning Goal 11: Public Facilities and Services***

***To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

**Response:** Goal 11 requires the City to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.

Oregon City's wastewater collection and treatment, water distribution, and stormwater management facilities and services are governed by the following ancillary documents:

- City of Oregon City Sanitary Sewer Master Plan (2014)
- City of Oregon City Stormwater Master Plan (2020)
- City of Oregon City Water Master Plan (2021)

The above documents, together with Oregon City's Transportation System Plan from 2013 (TSP), are the City's acknowledged public facilities and transportation system plans that inform infrastructure investments (i.e., water, stormwater, wastewater, transportation, and electricity) in Oregon City. The TSP is addressed under the Goal 12 findings below. No changes to the Public Facilities Service Plans are proposed in conjunction with the code update project, and the code update project is otherwise consistent with Goal 11 as explained below.



In June 2021, a technical memorandum by Wallis Engineering was created to determine the impact of increasing housing density within certain residential zones on the water supply and distribution system, the sanitary sewer collections system, and the stormwater system. Wastewater treatment is provided by the Tri-City Sewer District and potable water supply is provided by the South Fork Water Board; both of which were not assessed in this memorandum. The memo recommended that the City actively monitor growth and metric changes as a result of HB 2001 to determine if the assumptions made in the various infrastructure Master Plans and this memorandum are significantly flawed.

The public facility plan requirements in OAR 660-011-0020(2) include public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City must work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing. The anticipated increase in housing density in existing areas is not expected to result in overburdening public facilities and services. New subdivisions will continue to be analyzed as part of development review to ensure that any proposed middle housing can be served and is consistent with the adopted facility master plans.

HB 2001 states, "The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures." New public facilities and services will be designed to serve anticipated residential development, including middle housing. The amendments will not result in the need to adjust or amend existing policies or projects in the City's adopted facility plans. Therefore, compliance with Goal 11 is maintained for the middle housing code updates.

### ***Statewide Planning Goal 12: Transportation***

#### ***To provide and encourage a safe, convenient, and economic transportation system.***

**Response:** The impacts of the proposal on the transportation system were reviewed by a transportation consultant, DKS. Please refer to the DKS analysis and memorandum which is attached to this report. The memorandum provides an assessment of the transportation implications of the proposed code updates.

Pursuant to ORS 660-046-0030 regarding Middle Housing in Medium and Large Cities, when a local government amends its comprehensive plan or land use regulations to allow middle housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility as otherwise required by the Transportation Planning Rule (TPR), at OAR 660-012-0060. However, the memo assesses potential impacts related to permitting middle housing throughout the city including potential for greater trip generation associated with middle housing compared to the single-family detached development densities assumed in previous transportation planning.

The memo concludes that the assumed increase in residential trips shown in the attached report is not expected to have a significant effect on intersections in the UGB. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. These trips are distributed throughout the UGB, so no intersection will experience all the added trips and will not have a significant effect on the transportation system. The findings of the 2035 TSP will not change because of the middle housing shift, including the established citywide

circulation needs. New subdivisions will continue to be analyzed as part of development review to establish localized needs (e.g., safe access, connectivity).

***Statewide Planning Goal 13: Energy Conservation***

***Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.***

**Response:** Goal 13 regarding energy conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain unaffected by the proposed amendments.

***Statewide Planning Goal 14: Urbanization***

***To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.***

**Response:** Goal 14 requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The amendments do not repeal, replace, or void existing code provisions regarding annexation. Therefore, the code amendments are consistent with Goal 14.

***Statewide Planning Goal 15: Willamette River Greenway***

***To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.***

**Response:** Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development, new uses, and the increase of use along the river. Section 15 – Willamette River Greenway of the Oregon City Comprehensive Plan establishes goals and policies that provide a basis for an overlay zone in Title 17 of the City of Oregon City Municipal Code, namely OCMC 17.48 – WRG Willamette River Greenway Overlay District.

All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of OCMC 17.48. The uses allowed in the Willamette Greenway Overlay District are the same as those in the underlying zoning district; thus, the middle housing code updates do not repeal, replace, or void existing code provisions related to Goal 15. Furthermore, no changes to existing protections afforded through this overlay are proposed under the middle housing code updates. Therefore, the proposed amendments are consistent with the requirements of Statewide Land Use Goal 15.

***Statewide Planning Goals: 16 Estuarine Resources; 17 Coastal Shorelands; 18 Beaches and Dunes; 19 Ocean Resources***

***Response:*** *Statewide planning Goals 16-19 relate to coastal lands in Oregon, which are not applicable within the planning jurisdiction of the City of Oregon City and are not applicable to the amendments.*

**III. STAFF RECOMMENDATION:**

Based on the findings identified above, the proposal to amend Title 16 and 17 of the Oregon City Municipal Code to implement the Goals and Policies of House Bill 2001 is consistent with the Oregon City Comprehensive Plan and State Land Use Goals. Staff recommends approval of Planning file LEG 22-0001.

**Exhibits**

- a. Draft Redlines
- b. Public Comment Matrix
- c. Code Summary and Policy Questions
- d. Code Matrix
- e. Transportation Analysis Memo
- f. Water Sewer Utility Impact Memo
- g. Senate Bill 458 FAQ
- h. Supporting Documents and Links
- i. October Survey #1 Results
- j. January Survey #2 Results
- k. Nonprofit Developer Focus Group Notes
- l. Developer Focus Group Notes
- m. Policy Tracker

# Oregon City Municipal Code

## GLUA 22-0002/LEG 22-00001

Housing Choices Update  
March 28, 2022 Planning Commission Hearing

## Code Amendments Package #1

### Ordinance No. 22-1001

OCMC 16.08 - Land Divisions—Process And Standards  
 OCMC 16.12 - Minimum Public Improvements And Design Standards For Development  
 OCMC 16.24- Middle Housing Land Division \*new  
 OCMC 17.04 - Definitions  
 OCMC 17.08- Low-Density Districts  
 OCMC 17.10 - Medium Density Districts  
 OCMC 17.12 - High-Density Districts  
 OCMC 17.14 - Single-Family Detached And Duplex Residential Design Standards[  
 OCMC 17.16 - Single-Family Attached And 3—4 Plex Residential Design Standards  
 OCMC 17.20 - Accessory Dwelling Unit, Cluster Housing, Internal Conversion, Live/Work  
 Dwelling, And Manufactured Home Park Design Standards.  
 OCMC 17.21- ~~Single-Family~~ Residential Standards—Park Place Concept Plan Area \*  
 OCMC 17.22 - ~~Single-Family~~ Residential Standards—South End Concept Plan Area\*  
 OCMC 17.26 - HC Historic Commercial District \*  
 OCMC 17.29- MUC Mixed-Use Corridor District \*  
 OCMC 17.32- C General Commercial District \*  
 OCMC 17.34 - MUD Mixed-Use Downtown District \*  
 OCMC 17.35 - Willamette Falls Downtown District \*  
 OCMC 17.49 - Natural Resource Overlay District \*  
 OCMC 17.50 - Administration and Procedures \*  
 OCMC 17.52 - Off-street Parking and Loading  
 OCMC 17.58 - Lawful Nonconforming Uses, Structures and Lots  
 OCMC 17.62 - Site Plan and Design Review  
 OCMC 17.65- Master Plans And Planned Unit Developments \*

## Version: Redline Draft Copy

*Additional chapters and revisions will be added through the hearings process based on the direction of the Planning and City Commission. Please refer to the code matrix for proposed code topics.*

\* revision to definitions



## Chapter 16.08 LAND DIVISIONS—PROCESS AND STANDARDS<sup>1</sup>

### 16.08.005 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning herein ascribed to them as described in OCMC 17.04, unless the context dictates application of a different meaning.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 16.08.010 Purpose and general provisions.

- A. Applicability. This chapter controls the process and approval standards applicable to land divisions including:
  1. Partitions, defined as a single division of land into two or three lots,
  2. Subdivisions, defined as a single division of land into four or more lots,
  3. Master plans and planned unit developments, ~~and/or~~
  4. Expedited land divisions, ~~and/or~~
  5. Middle housing land divisions.
- B. Approval of a land division shall be granted only upon determination by the city that all applicable requirements of this title, ORS Chapter 92, the applicable zoning designation, applicable overlay districts, and OCMC 12.08, 13.12, 15.48, 16.12, 17.41, and 17.50 of the Oregon City Municipal Code are met or can be met with conditions of approval.
- C. Minor partitions and subdivisions shall generally follow a Type II process and master plans/planned unit developments shall be processed as a Type III process pursuant to OCMC 17.50. However, if an applicant opts to process a subdivision as an expedited land division or middle housing land division, the city shall follow the decision-making process provided by state law and apply the applicable approval standards set forth in this code and elsewhere.
- D. Purpose. The purpose of this chapter is to provide a speedy review and decision-making process with relatively clear and objective criteria indicating little discretion, with little opportunity to deviate from the city's dimensional standards. If an applicant wishes greater flexibility in lot pattern or layout, phasing of development, or relief from dimensional or public improvement standards, the appropriate procedure would be a master plan/planned unit development pursuant to OCMC 17.65 or an additional application for a variance(s) pursuant to OCMC 17.60.
- E. Process Overview. Land division review process requires a two-step process: preliminary and final plats. The preliminary plat, reviewed through a Type II process, provides all of the essential information about the proposal, including layout, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other required information. The final plat shall be processed as identified in OCMC 16.08.100.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

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<sup>1</sup>Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 16.08 in its entirety to read as herein set out. Former Chapter 16.08, §§ 16.08.010—16.08.065, pertained to subdivisions—process and standards, and derived from Ord. No. 08-1014, adopted July 1, 2009; Ord. No. 10-1003, adopted July 7, 2010 and Ord. No. 13-1017, adopted April 16, 2014.

### 16.08.025 Preliminary plat—Required information.

The preliminary plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. The preliminary plat layout may be prepared by a civil engineer, architect, land use planner or similarly qualified professional. All maps and site drawings shall be at a minimum scale of one inch to fifty feet:

- A. **Site Plan.** A detailed site development plan drawn to scale by a licensed professional based on an existing conditions plan drawn by a licensed surveyor. The site plan shall include the location and dimensions of lots, streets, existing and proposed street names, pedestrian ways, transit stops, common areas, parks, trails, open spaces, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.), all areas designated as being within an overlay district and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed land division will extend to and/or from such adjacent properties and can be developed meeting the existing OCMC design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.
- B. **Traffic/Transportation Plan.** The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. In the preparation of the traffic/transportation plan, the applicant shall reference the adopted transportation system plan. The community development director may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.
- C. **Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.** The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features shall include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that shall be illustrated shall include the following:
  1. Proposed and existing street rights-of-way and all other transportation facilities;
  2. All proposed lots and tracts;
  3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h.);
  4. All natural resource areas pursuant to OCMC 17.49, 17.48, 17.44, and 17.42;
  5. The location of any known state or federal threatened or endangered species or wildlife habitat or other natural features listed on any of the city's official inventories;

6. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
- D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,
1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
  2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or other written demonstration that the applicant notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require any responsive letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils. The community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 20-1006, § 1(Exh. A), 7-1-2020)

### **16.08.030 Preliminary plat—Narrative statement.**

In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

- A. Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district.
- B. Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:
  1. Water,
  2. Sanitary sewer,
  3. Storm sewer and stormwater drainage,
  4. Parks, trails and recreation facilities, if determined to be necessary pursuant to the Oregon City adopted trail master plan and/or parks and recreation master plan,
  5. Traffic and transportation, and
  6. Fire and police services,

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before recording of the plat.

- C. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the land division.
- D. Overall density of the land division and the density by dwelling type for each.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.08.040 Park and open space requirements.**

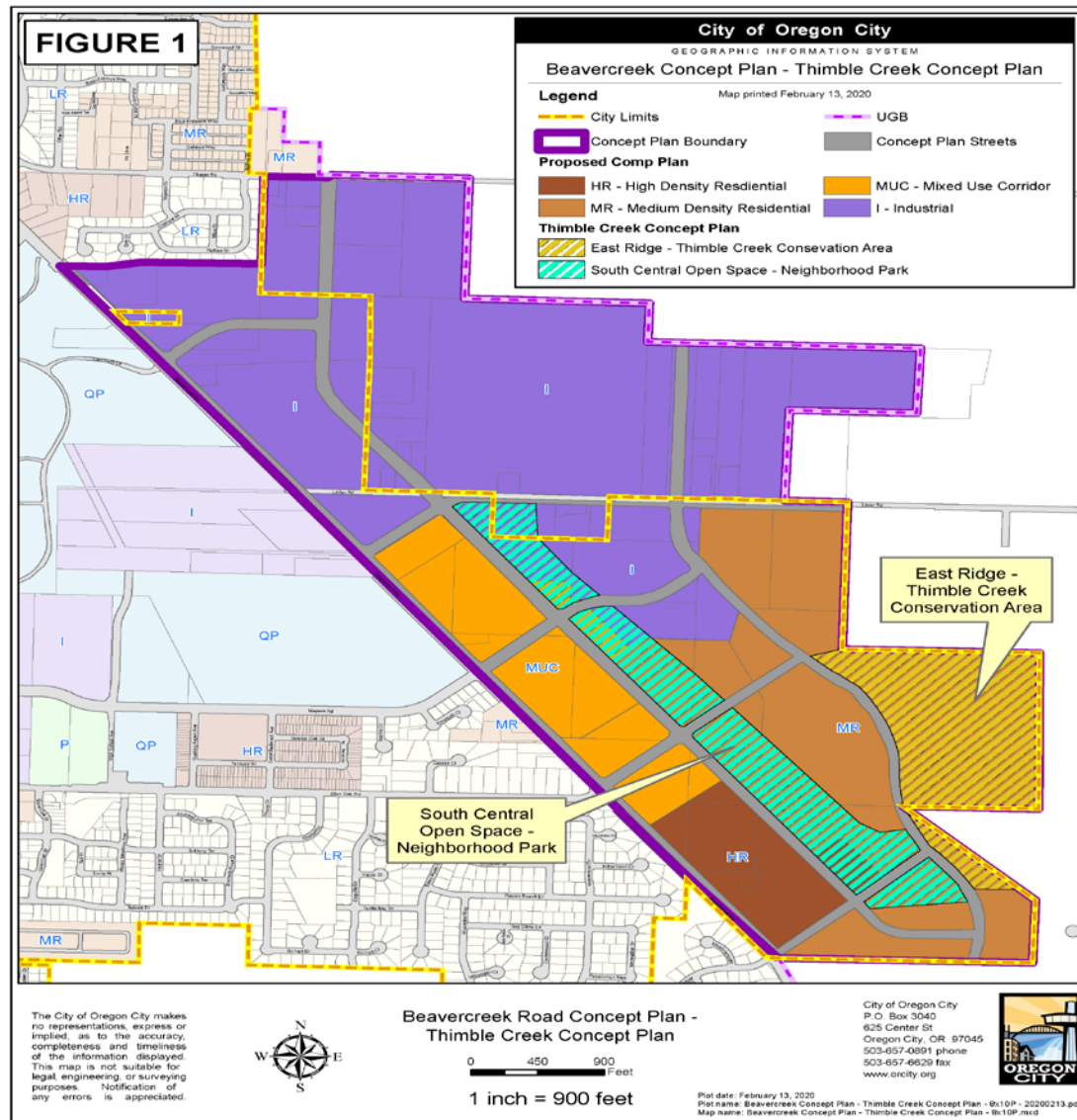
Additional Public Park and Open Space Requirements in Thimble Creek Concept Plan Area—Residential Development.

- A. Each development within the Thimble Creek Concept Plan area that includes residential development must dedicate land for neighborhood parks and open space subject to the location requirements set forth in subsection F as follows:
  - 1. The minimum acreage of land for the South-Central Open Space-Neighborhood Park as provided in the following calculation:  $(2.6 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed}) \times (\text{four acres}) / (\text{one thousand persons})$ .
  - 2. The minimum amount of land in acres dedicated for the East Ridge-Thimble Creek Conservation Area shall be 7.5 acres.
  - 3. The entire acreage must be dedicated as part of the final plat or site plan development approval for the first phase of development.
- B. If a larger area for a neighborhood park or open space is proposed than is required based on the per-unit calculation described in subsection A for the South-Central Open Space — Neighborhood Park, the city must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection C.
- C. The city may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection D of these provisions is not available within the development site. The calculation of the fee-in-lieu or other monetary contribution must meet the following standards:
  - 1. The amount of the fee in lieu or other monetary contribution shall be determined by a licensed, city-selected appraiser, retained by the applicant, who will value the excessive dedication in dollars per acre assuming that zoning and other land use entitlements necessary for park or open space development are in place.
  - 2. The fee-in-lieu or other monetary contribution shall be paid concurrent with public dedication.
- D. Neighborhood park and open space sites proposed for dedication must be located within the South-Central Open Space Network and East Ridge Thimble Creek Conservation Area Park locations as shown in Figure 16.08.040-1 and meet the following locational and dimensional standards:
  - 1. South Central Open Space-Neighborhood Park.
    - a. Thirty-foot ped/bikeway string along the east side of Center Parkway to be located in a shared-use path and will not be considered part of a pearl.
    - b. Up to four pearls of various sizes spread along the open space network.
    - c. Minimum sizes pearl: Two acres minimum.



- d. Maximum size pearl: None.
  - e. Minimum combined size of all pearls: Ten acres.
  - f. Minimum average pearl width: Two hundred feet.
  - g. Minimum average pearl depth: Two hundred feet.
  - h. At least five acres to be developed with active recreation components.
  - i. The first pearl dedicated must be at least three acres in size.
2. East Ridge-Thimble Creek Conservation Area shall include:
- a. One-half of area between the Thimble Creek stream buffer and the four hundred ninety-foot elevation ridgeline to be open space;
  - b. Two public viewpoints separated by at least four hundred feet with a minimum size of .35 acre at less than ten percent slope for each viewpoint. One of the viewpoints must be visible from a passing vehicle on the Ridge Parkway;
  - c. Seven hundred-foot non-interrupted view corridor along open space from the east edge of the Ridge Parkway; and
  - d. Provide a pedestrian-oriented forest trail from one view-point to another along the Ridge Parkway.

Figure 16.08.040-1



(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

### 16.08.045 Frontage width requirement.

Each lot shall abut upon a street other than an alley for a width of at least twenty feet unless flag lots are provided pursuant to OCMC 16.08.050, except for cluster housing development pursuant to OCMC 17.20.020.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 16.08.050 Flag lots.

- A. Flag lots shall not be permitted except where the applicant can show that the existing parcel configuration, topographic constraints or the location of a pre-existing dwelling unit precludes a land division that meets the minimum density, dimensional standards of the underlying zone, and except where street connectivity is not practicable as determined by the city engineer.

- B. A shared joint accessway shall be provided unless the existing topography of the site or the pre-existing dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a form acceptable to the city attorney.
- C. Accessways shall have a pavement width of at least sixteen feet to service one or two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least six inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the fire district and city engineer. The city engineer and/or fire district may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. The city engineer and/or fire district may prohibit vehicular obstruction, including trees, fences, landscaping and structures within the fire access corridor.

If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to fire district standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the planning division and fire district. If more than two residences units are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and fire district.

- D. The pole portion of the flag lot shall connect to a street.
- E. The pole shall be at least ten feet wide for the entire length.
- F. The pole shall be part of the flag lot and shall remain under the same ownership as the flag portion of the lot.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **16.08.053 Tracts.**

Tracts which cannot be developed with a home or office, commercial, residential, institutional, industrial, parking or other uses as determined by the city engineer or community development director are not subject to compliance with the dimensional standards of the zoning designation, frontage requirements, or flag lot standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **16.08.060 Building sites.**

- A. The size, width, shape and orientation of building sites shall be rectangular or square to the maximum extent practicable.
- B. Sites abutting an alley shall gain vehicular access from the alley unless deemed impracticable by the decision maker.
- C. Adequate access for emergency services (fire and police) shall be provided.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **16.08.063 Minimum density.**

All layouts shall achieve at least the minimum density of the base zone for the net developable area as defined in OCMC 17.04. Alternatively, a site may be partitioned into two lots, though one of the lots shall not contain sufficient lot area to allow further division.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 16.08.065 Lot size reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may utilize lot size reduction for up to twenty-five percent of the lots proposed for single-family detached residential or duplex use. Fractions resulting from the twenty-five percent calculation shall be rounded down. The reduced-size lots may be up to ten percent less than the required minimum lot area of the applicable zoning designation provided the average lot size of all proposed single-family detached residential or duplex lots meet the minimum requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot. Lot size reduction is only permitted through a subdivision or, master plan and planned unit developments processes and may not be used for minor partitions or any other residential uses.

The average lot area is determined by first calculating the total net developable area devoted to single-family detached dwelling units or duplexes, subtracting the powerline easement areas, open space, tracts, stormwater facilities, roads, right-of-way, or accessways and dividing that figure by the proposed number of single-family detached dwelling or duplex lots.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision, except that lots developed with a duplex shall be eligible for a middle housing land division pursuant to OCMC 16.24.

When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 16.08.070 Through lots.

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 16.08.075 Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Lot and parcel side lines for cluster housing projects proposed consistent with the standards in OCMC 17.20.020 are not subject to this standard.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 16.08.080 Setbacks and building location.

This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. Houses Residences oriented in this manner assure a sense of openness by avoiding the "bowling alley" effect caused by uninterrupted, continuous privacy fences along higher volume streets. The objective is for lots located on a neighborhood collector, collector or minor arterial street to locate the front yard setback on and design the most architecturally significant elevation of the primary structure to face the neighborhood collector, collector or minor arterial street,

- A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.
- B. The most architecturally significant elevation of the house residence shall face the neighborhood collector, collector or minor arterial street.
- C. On corner lots located on the corner of two local streets, the main façade of the dwelling residence may be oriented towards either street.
- D. The decision maker may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **16.08.085 Division of large lots.**

Where land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels, buildings on lots, utilities and streets which facilitates future redivision. In such a case, development limitations including building locations and setback lines may be required and made a matter of record in order to preserve future right-of-way or building sites.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **16.08.095 Prohibition on additional private restrictions on housing types.**

Private restrictions on the provision of accessory dwelling units, corner duplexes, or internal conversions middle housing executed after July 1, 2019 shall be prohibited. Conditions, covenants, and restrictions (CC&Rs) or similar legal instrument submitted with residential plats submitted for final plat approval after July 1, 2019 shall not prohibit or impose additional restrictions on accessory dwelling units, corner duplexes, and/or internal conversions middle housing to the extent permitted in the OCMC in place at the time of final plat submittal, and shall not impose additional restrictions on accessory dwelling units and internal conversions middle housing through any future amendment.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **16.08.100 Final plat—Application requirements and approval standards.**

- A. The final plat shall contain, or be accompanied by, the following information:
  - 1. The planning file number, located just below the title block;
  - 2. The lines and names of all streets or other public and private ways, pedestrian/bicycle accessways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of the owners within the petition;
  - 3. The length and bearings of all straight lines, curves, radii and arcs of all curves;
  - 4. Street center line control based on recorded city control surveys for street center lines, if applicable;
  - 5. The names or official reference numbers of all recorded subdivision or partition plats immediately adjacent to the land division;
  - 6. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat;

7. All homeowners' agreements, maintenance agreements, articles of incorporation, bylaws and CC&Rs. These matters shall be reviewed and verified by the city attorney for conformance with state and local requirements before recording with the final plat;
  8. A declaration shall appear on the face of the final plat that conforms with the city's final plat review checklist as published by the city engineer.
- B. The final plat shall be reviewed through a Type I process unless the final plat deviates significantly from the approved preliminary plat. A significant deviation is defined as a modification to the preliminary plat that exceeds the threshold situations discussed in subsection C below, in which case the deviation shall cause the land division to be reviewed again and processed in the same manner as was the preliminary plat. The applicant shall apply for final plat approval to the city and shall pay the applicable fees as set forth on the city's adopted fee schedule. The final plat is processed as a Type I decision by the city so long as the final plat is consistent with the approved preliminary plat including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.
- C. A Type II review is required in order to modify a preliminary plan approval in the following respects:
1. Any increases in the number of lots as part of a previously approved partition;
  2. Increasing the number of lots in a subdivision by no more than one additional lot; and/or
  3. A significant change in the location of a street. However, the city is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify. If such a review is necessary, the review shall be limited only to those aspects of the final subdivision plat that deviate from the approved preliminary subdivision plat.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **16.08.105 Filing and recording of final plat.**

Following approval of the final plat, the city shall file with the county recording officer the confirmed and approved copy of the final subdivision plat together with all pertinent documents approved as to form by the city attorney.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

## Chapter 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT<sup>1</sup>

### 16.12.008 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning herein ascribed to them as described in OCMC 17.04, unless the context dictates application of a different meaning.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 16.12.010 Purpose and general provisions.

The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plans and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### 16.12.011 Applicability.

- A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3—4 plexes, single- and two-family dwellings single-family detached residential and middle housing units living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable 3—4 plexes, single- and two-family dwellings single-family detached residential and middle housing units shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
  1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
  2. Plant street trees.

<sup>1</sup>Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 16.12 in its entirety to read as herein set out. Former Chapter 16.12, §§ 16.12.010—16.12.110, pertained to minimum improvements and design standards for land divisions, and derived from Ord. No. 08-1014, adopted July 1, 2009.

The cost of compliance with the standards identified in subsections 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the state of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed:

1. Minor site plan and design review applications.
2. Work within the right-of-way.
3. Lot line adjustments and abandonments.
4. Public capital improvement projects.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### **16.12.012 Jurisdiction and management of the public rights-of-way.**

The city has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within Chapter 12.04 of the Oregon City Municipal Code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.013 Modifications.**

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the city engineer for tree preservation purposes pursuant to Section 16.12.013.A, shall be processed through a Type II land use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

- A. Compliance with the following criteria is required:
  1. The modification meets the intent of the standard;
  2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
  3. The modification is consistent with an adopted transportation or utility plan;
  4. The modification is complementary with a surrounding street design; or, in the alternative;
  5. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.
- B. The following modifications shall be processed as a Type I modification by the city engineer using the criteria in OCMC 16.12.13.A:
  1. Modifications to driveway location, size, and sharing standards in OCMC 16.12.035;



2. Modifications to sidewalk and planter strips widths and location in OCMC 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### **16.12.014 Administrative provisions.**

An applicant shall submit the following items to the city and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. Pre-design meeting;
- B. Final engineering plans, stamped and signed by an Oregon licensed professional engineer;
- C. Stormwater report, stamped and signed by an Oregon licensed professional engineer;
- D. Geotechnical report, stamped and signed by an Oregon licensed professional engineer (if applicable);
- E. Engineer's preliminary and final cost estimates (also may be known as engineer's opinion of probable construction cost);
- F. Plan check and inspection fees (as set by city resolution);
- G. Certificate of liability insurance for city funded public projects contracted by the city (not less than one million dollars single incident and two million dollars aggregate);
- H. Preconstruction meeting notes;
- I. Financial guarantee(s) per OCMC 17.50.140;
- J. Applicable approvals/permits from other agencies or entities;
- K. Developer/engineer agreement for public works improvements.

An applicant shall submit the following additional items to the city and complete the following tasks prior to completing construction of proposed development plans. These items include the following:

- L. Project engineer's certificate of completion;
- M. Stormwater operation and maintenance easement (if applicable);
- N. Deed of dedication (bargain and sale deed);
- O. Recorded plat and/or easements (if applicable);
- P. Recorded non-remonstrance covenant agreement;
- Q. Land division compliance agreement (if applicable);
- R. Permanent stabilization and/or restoration of the impact from the development;
- S. Fulfillment of all conditions of approval;
- T. Payment of all outstanding fees;
- U. Maintenance guarantee(s), per OCMC 17.50.141;
- V. Indemnity agreement (if applicable);
- W. Completed punchlist;
- X. As-built drawings;

Details on individual items required by this subsection can be obtained by contacting public works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.015 Street design—Generally.**

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the transportation system plan, trails master plan, and/or parks and recreation master plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: Existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.
- C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation system plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.016 Street design.**

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the transportation system plan and the comprehensive plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted transportation system plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the transportation system plan.

**Table 16.12.016**  
**Street Design**

To read the table select the road classification as identified in the transportation system plan and the comprehensive plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the comprehensive plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median	
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.	
	Industrial		120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential		126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.	
	Industrial		118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential		100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A	
	Industrial		88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential		85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A	
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			N/A	
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A	

1. Pavement width includes, bike lane, street parking, travel lanes and median.
  2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
  3. A 0.5 foot curb is included in landscape strip or sidewalk width.
  4. Travel lanes may be through lanes or turn lanes.
  5. The 0.5 foot public access provides access to adjacent public improvements.
  6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
  7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
  8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in OCMC 16.12.085.
- A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to city standards and at widths set forth above, and according to plans and specifications provided by the city engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the city with a financial guarantee per OCMC 16.12.110.
  - B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.
  - C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the city engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.
  - D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

- E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.
- F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.
- G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.
- H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

**16.12.017 Street design—Access control.**

- A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
- B. The city may grant a permit for the adjoining owner to access through the access control.
- C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (see plat restrictions)."
- D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the city of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those access controls."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

**16.12.018 Street design—Alignment.**

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines.
- B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
- C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

**16.12.019 Traffic sight obstructions.**

All new streets shall comply with the traffic sight obstructions in Chapter 10.32.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

**16.12.020 Street design—Intersection angles.**

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

**16.12.021 Same—Grades and curves.**

Grades and center line radii shall conform to standards approved by the city engineer.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

**16.12.022 Same—Development abutting arterial or collector street.**

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: Access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

**16.12.023 Same—Pedestrian and bicycle safety.**

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

The city engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The city engineer may approve an alternative design that achieves the same standard for constrained sites.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

**16.12.024 Same—Half street.**

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed.

Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is completed it shall include the following items: Dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the city's "Pavement Cut Standards" or as approved by the city engineer.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.025 Same—Cul-de-sacs and dead-end streets.**

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

- A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.
- B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.
- C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards.
- D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.
- E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.026 Same—Alleys.**

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the city engineer. Access easements and maintenance agreements shall be recorded on affected properties.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.027 Same—Off-site street improvements.**

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.028 Same—Transit.**

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including



easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.029 Excavations—Restoration of pavement.**

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the city of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The city commission may adopt and modify the city of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.030 Blocks—Width.**

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the city engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.031 Street design—Street names.**

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the city and shall be subject to the approval of the city.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.032 Public off-street pedestrian and bicycle accessways.**

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

- A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

- B. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:
  - 1. Accessways shall have a fifteen-foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.
  - 2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-four feet wide with a sixteen-foot paved surface between four-foot planter strips on either side.
- C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
- D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.
- E. Accessways shall comply with Americans with Disabilities Act (ADA).
- F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
  - 1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;
  - 2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;
  - 3. A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and
  - 4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.
- G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
- H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
- I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
- J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.
- K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the city engineer shall require one of the following:
  - 1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
  - 2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.033 Mobility standards.**

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the city of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the city engineer.

- A. For intersections within the regional center, the following mobility standards apply:
  - 1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
  - 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
  - 3. Intersections located on the regional center boundary shall be considered within the regional center.
- B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:
  - 1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
  - 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- C. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:
  - 1. For signalized intersections:
    - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
    - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
  - 2. For unsignalized intersections outside of the boundaries of the regional center:
    - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

- D. For the intersection of OR 213 and Beaver Creek Road, the following mobility standards apply:
- During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

- In the case of conceptual development approval for a master plan that impacts the above references intersections:
  - The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and
  - Only those trips approved by a detailed development plan review are vested.
- Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 16.12.035 Driveways.

- A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor site plan and design review do not follow these standards unless a request is made to modify the driveway.

**Table 16.12.035.A**  
**Minimum Driveway Spacing Standards**

Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings, <u>duplexes, triplexes, quadplexes and townhouses</u>	175 feet
Minor Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings, <u>duplexes, triplexes, quadplexes and townhouses</u>	175 feet
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings, <u>duplexes, triplexes, quadplexes and townhouses</u>	100 feet

Local Streets	Minimum distance from a street corner to a driveway and between driveways	25 feet
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The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

- B. All detached single- ~~and two~~ family dwellings, duplexes, triplexes, quadplexes and townhouses shall have driveways which meet the minimum distance standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible as approved by the city engineer.
- C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.
- D. Only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed for any single-family ~~attached or~~ detached residential or middle housing property, ~~duplex, 3—4 plex,~~ or property developed with an ADU ~~or internal conversion~~ with multiple frontages, unless otherwise approved by the city engineer.
- E. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the transportation system plan to minimize points of access to arterials and collectors. Access shall not be provided on arterial or collector roads unless there is no other alternative. At the discretion of the city engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:
  - 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
  - 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
- F. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

**Table 16.12.035.D**  
**Driveway Approach Size Standards**

Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family <u>Detached and Duplexes</u>	10 feet		24 feet
<u>Duplexes</u>	<u>12 feet</u>		<u>24 feet</u>
<u>Townhouses</u>	<u>10 feet</u>		<u>24 feet</u>
<u>3—4 plexes, Triplexes, Quadplexes and Cottage Clusters</u>	<u>12 10 feet</u>		36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage).

Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

- G. The city engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
  - 1. To provide adequate space for on-street parking;
  - 2. To facilitate street tree planting requirements;
  - 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
  - 4. To assure that adequate sight distance requirements are met.
    - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.
- H. For all driveways, the following standards apply:
  - 1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.
  - 2. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the city engineer.
  - 3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.
- I. Exceptions. The city engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### **16.12.065 Building site—Grading.**

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12, 15.48, 16.12 and the public works stormwater and grading design standards, and the erosion control requirements of OCMC 17.47.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.085 Easements.**

The following shall govern the location, improvement and layout of easements:

- A. Utilities. Utility easements shall be required where necessary as determined by the city engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.

1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable design standards.
2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the city engineer. The city engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public rights-of-way or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the city engineer.
  - a. The easement shall be ten feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones.
  - b. The easement shall be a minimum of five feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.
    - i. The applicant shall obtain a written determination from all utilities that the minimum five-foot PUE coupled with use of a minimum of a five-foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.
  - c. An applicant may seek a modification to the public utility easement dedication requirement using OCMC 16.12.013.
- B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the public works stormwater and grading design standards.
- C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.
- D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be twenty feet. The easements shall be improved and recorded by the applicant and inspected by the city engineer. Access easements may also provide for utility placement.
- E. Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### 16.12.090 Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to city specifications and standards as set out in the city's facility master plan and public works stormwater and grading design standards. The improvements shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until construction plans have been reviewed and approved by the city engineer and to the extent that improvements are located in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.
- B. Improvements shall be constructed under the inspection and approval of the city engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the city engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.
- C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the public works erosion and sediment control standards.
- D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide public utility easement within private property as defined in OCMC 16.12.85.A.2.
- E. As-built construction plans and digital copies of as-built drawings shall be filed with the city engineer upon completion of the improvements.
- F. The city engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### 16.12.095 Same—Public facilities and services.

The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

- A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.
- B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are



responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards.

- C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.
- D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.
- E. Street Trees. Refer to OCMC 12.08, Street Trees.
- F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the city engineer.
- G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic, shall be relocated underground.
  - 1. Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):
    - a. No transmission or feeder lines shall be relocated underground unless approved by the city engineer.
    - b. Properties with less than one acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.
    - c. Properties with less than two hundred feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.
    - d. Land divisions with five or fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.
  - 2. The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past ten years. In those cases, the existing overhead utilities shall be relocated underground.
  - 3. When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.
  - 4. These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.

- H. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require oversizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.
- I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### **16.12.100 Same—Road standards and requirements.**

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
  - 1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
  - 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the community development director and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.
- C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any city design and construction standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### **16.12.105 Same—Timing requirements.**

- A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.
- B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this code, and under the supervision of the city engineer. Under this option, the improvement shall be complete and accepted by the city engineer prior to final plat approval.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.110 Public improvements—Financial guarantees.**

- A. To ensure construction of required public improvements, the applicant shall provide the city with a performance guarantee in accordance with OCMC 17.50.140.
- B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the city, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the city accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.120 Waiver of remonstrance.**

The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **16.12.125 Violation—Penalty.**

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

## **Chapter 16.24 EXPEDITED AND MIDDLE HOUSING LAND DIVISIONS**

### **16.24.010 Purpose and applicability.**

- A. Purpose. The purpose of the expedited and middle housing land division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and 2021 Oregon Laws Ch. 103 (S.B. 458) regarding middle housing land divisions.
- B. Expedited Land Division Applicability. The procedures of this chapter are applicable to partitions and subdivisions within residential zoning districts as provided in ORS 197.365.
- C. Middle Housing Land Division Applicability. The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot:
  - 1. A duplex.
  - 2. A triplex.
  - 3. A quadplex.
  - 4. A townhouse project.
  - 5. A cottage cluster.

### **16.24.020 Expedited review.**

- A. Expedited and middle housing land divisions are reviewed under a Type II procedure except as provided in this Chapter. Where the provisions of this Chapter conflict with the Type II procedures in OCMC 17.50, the procedures of this Chapter will prevail.
- B. Expedited and middle housing land divisions are not subject to pre-application conference requirements in OCMC 17.50.050.
- C. Expedited and middle housing land divisions are not a land use decision or limited land use decision under ORS 197.015.

### **16.24.030 Submittal requirements.**

- A. An application for an expedited land division or middle housing land division is subject to the completeness review and one hundred and twenty-day rule requirements of OCMC 17.50.070 except as follows:
  - 1. The timeline for the completeness check in OCMC 17.50.070.A is twenty-one days, rather than thirty days.
  - 2. The notice of decision must be provided to the applicant and parties entitled to receive notice under OCMC 17.50.130.C within sixty-three days of a completed application.
- B. Mailed notice of an application for an expedited land division or middle housing land division must be provided in the same manner as for a Type II decision, as specified OCMC 17.50.090.A, to the following persons:
  - 1. The applicant.
  - 2. Owners of record of property, as shown on the most recent property tax assessment roll, located within one-hundred feet of the property that is the subject of the notice.
  - 3. Any state agency, other local government, or special district responsible for providing public facilities or services to the development area.

C. A notice of decision must be provided to the applicant and to all parties who received notice of the application. The notice of decision must include:

1. A written determination of compliance or non-compliance with the criteria of approval in OCMC 16.24.040 for an expedited land division or OCMC 16.24.050 for a middle housing land division.
2. An explanation of the right to appeal the community development director's decision to a city-appointed hearings referee, as provided in ORS 197.375.

#### **16.24.040 Criteria of approval – expedited land division.**

A. The community development director will approve or deny an application for expedited land division within sixty-three days of receiving a complete application, based on whether it satisfies the applicable criteria of approval. The community development director may approve the land division with conditions to ensure the application meets the applicable land use regulations.

B. The land subject to the application is within the R-10, R-8, R-6, R-5, R-3.5 and R-2 districts.

C. The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.

D. The land division does not provide for dwellings or accessory buildings to be located in the following areas:

1. The Willamette River Greenway Overlay District;
2. The Historic Overlay District;
3. The Natural Resources Overlay District.

E. The land division satisfies the minimum public improvement and design standards for development in OCMC 16.12.

F. The land division satisfies the following development standards contained in this code or in an applicable Master Plan:

1. Applicable lot dimensional standards;
2. Applicable standards that regulate the physical characteristics of permitted uses, such as building design standards;
3. Applicable standards in this code for transportation, sewer, water, drainage and other facilities or services necessary for the proposed development, including but not limited to right-of-way standards, facility dimensions and on-site and off-site improvements.

G. The land division will result in development that either:

1. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
2. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

#### **16.24.050 Criteria of approval – middle housing land division.**

A. The community development director will approve a tentative plan for middle housing land division based on whether it satisfies the following criteria of approval:

B. The application provides for the development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot allowed under ORS 197.758 (5).

C. Separate utilities are provided for each dwelling unit.

D. The applicant provides for easements necessary for each dwelling unit on the plan for:

1. Locating, accessing, replacing and servicing all utilities;
  2. Pedestrian access from each dwelling unit to a private or public road;
  3. Any common use areas or shared building elements;
  4. Any dedicated driveways or parking; and
  5. Any dedicated common area;
- E. The applicant proposes exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas.
- F. The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code.
- G. The original lot dedicated and improved the abutting street right of way sufficient to comply with minimum right of way and improvement standards of OCMC 16.12, or dedication and/or improvements of the abutting street right of way are proposed that meet the standards of OCMC 16.12.
- H. The type of middle housing developed on the original lot shall not be altered by a middle housing land division. For example, cottage cluster units within a cottage cluster do not become single-family detached residential units after a middle housing land division.

#### **16.24.060 Conditions of approval - expedited and middle housing land division.**

- A. The community development director may add conditions of approval of a tentative plan for a middle housing land division or expedited land division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:
- B. A condition to prohibit the further division of the resulting lots or parcels.
- C. A condition to require that a notation appear on the final plat indicating that the approval was given under Section 2 of Senate Bill 458 (2021) as a middle housing land division.
- D. A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

#### **16.24.070. Final plat for expedited and middle housing land division.**

- A. An expedited land division or middle housing land division is subject to the final plat standards and procedures as specified in OCMC 16.08.100 to 16.08.105, except as specifically provided otherwise in this section.
- B. A notice of middle housing land division for each middle housing lot shall be recorded with the county recorder that states:
1. The middle housing lot may not be further divided.
  2. No more than one unit of middle housing may be developed on each middle housing lot.
  3. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single family detached residential unit, or any other housing type.
- C. A final plat is not required prior to issuance of building permits for middle housing proposed with a middle housing land division.
- D. A middle housing land division tentative plan is void if and only if a final plat is not approved within three years of the tentative approval. Expiration of expedited land division tentative plans shall comply with the provisions of OCMC 17.50.200.

**16.24.080 Appeals.**

The procedures in OCMC 17.50.190 do not apply to appeals of an expedited land division or middle housing land division. Any appeal of an expedited land division or middle housing land division must be as provided in ORS 197.375. The Approval Authority for any appeal of an expedited land division or middle housing land division is a city-appointed hearings referee.

## Chapter 17.04 DEFINITIONS (*selected*)

### **17.04.006 3—4 plex residential.**

"3—4 plex residential" is a building located on one lot and containing three to four dwelling units in any vertical or horizontal arrangement. The units in a 3—4 plex shall share a common structural wall or a common floor/ceiling.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.04.197 Cluster housing.**

"Cluster housing" means a cluster of four or more dwelling units around a central common space sharing site amenities such as parking and landscaping in a coherent site design, located either on a single lot or individually platted lots.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.04.260 Corner duplexes.**

"Corner duplex" means a building containing two dwelling units on one lot, located on a corner lot, where the units share a common structural wall or a common floor/ceiling and are not a primary or accessory dwelling units.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.04.260 Cottage cluster.**

"Cottage cluster " means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard.

### **17.04.261 Cottage cluster unit.**

"Cottage cluster unit" means an individual dwelling unit with a footprint of less than 900 square feet within a cottage cluster.

### **17.04.333 Duplex.**

"Duplex" means two attached dwelling units on a lot. A duplex does not include a primary dwelling and an accessory dwelling unit on a lot. a building containing two dwelling units on one lot. The units in a duplex must share a common structural wall or a common floor/ceiling and are not primary or accessory dwelling units.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.04.395 Expedited land division.**

"Expedited land division " means a division of land as defined in ORS 197.360.

### **17.04.603 Internal conversion (for existing single-family detached residential units).**

"Internal conversion" means conversion of an existing single-family residential unit built at least twenty years prior to the date of the proposed conversion into two or more dwelling units in accordance with OCMC 17.20.030.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)



**17.04.752 Middle housing.**

"Middle housing " means duplexes, triplexes, quadplexes, townhouses and cottage clusters.

**17.04.753 Middle housing land division.**

"Middle housing land division" means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed.

**17.04.780 Multi-family residential.**

"Multi-family residential" is a structure or structures located on one lot and containing five or more total dwelling units in any vertical or horizontal arrangement. Individual units do not have to be structurally attached. Multi-family developments, known as apartments and condominiums, may include structures that are similar in form to townhouses, ~~cluster housing~~ cottage clusters, duplexes, triplexes, quadplexes or single-family dwellings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

**17.04.989 Quadplex.**

"Quadplex " means four attached dwelling units on a lot.

**17.04.1021 Residence.**

A structure or part of a structure containing dwelling units or rooming units, including single-family detached and attached dwelling units, duplexes, townhomes or townhouses, ~~three-four plexes,~~ triplexes, quadplexes, cottage clusters, accessory dwelling units, multi-family dwelling units, manufactured homes, and boarding or rooming houses. Residences do not include: Such transient accommodations as transient hotels, shelters, bed and breakfasts, motels, tourist cabins, or trailer courts; dormitories, fraternity or sorority houses; in a mixed-use structure, that part of the structure used for any nonresidential uses, except accessory to residential uses; or recreational vehicles.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

**17.04.1135 Single-family attached residential units.**

"Single-family attached residential units" means townhouse, two or more dwelling units attached side by side with some structural parts in common at a common property line and located on separate and individual lots. ~~Single-family attached residential units are also known as townhouse, townhome or rowhouse.~~

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

**17.04.1302~~1~~ Townhouse or townhome.**

"Townhouse" or "townhome" means ~~single-family attached residential units,~~ a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual lot and shares at least one common wall with an adjacent dwelling unit.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

**17.04.1302 Townhouse project.**

"Townhouse project " means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and any commonly owned property.

**17.04.1438 Triplex.**

**"Triplex " means three attached dwelling units on a lot.**

## Chapter 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

### 17.08.010 Designated.

The R-10, R-8 and R-6 residential districts are designed for low density residential development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.08.020 Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- ~~C. Internal conversions;~~
- ~~D-C. Corner and Duplexes;~~
- ~~D. Triplexes;~~
- ~~E. Quadplexes;~~
- ~~F. Townhouses;~~
- ~~E-G. Cluster housing Cottage clusters;~~
- ~~F-H. Residential homes;~~
- ~~G-I. Parks, playgrounds, playfields and community or neighborhood centers;~~
- ~~H-J. Home occupations;~~
- ~~I-K. Family day care providers;~~
- ~~J-L. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);~~
- ~~K-M. 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;~~
- ~~L-N. Transportation facilities.~~

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.08.025 Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;

- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.08.030 Master plans. —DELETED

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

- A. Single family attached residential units.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.08.035 Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.08.040 Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

**Table 17.08.040**

Standard	R-10	R-8	R-6
Minimum lot size <sup>1</sup>	10,000 square feet	8,000 square feet	6,000 square feet
Single-family detached, duplex and triplex	10,000 square feet	8,000 square feet	6,000 square feet
Quadplex and cottage cluster	10,000 square feet	8,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet	25 feet
Maximum building lot coverage With ADU Cottage cluster	40%, except 45% None	40%, except 45% None	40%, except 45% None
Minimum lot width: All	65 feet	60 feet	50 feet
Except townhouse	20 feet	20 feet	20 feet
Minimum lot depth: All	80 feet	75 feet	70 feet
Except townhouse	75 feet	75 feet	70 feet
Minimum front yard setback: All	20 feet, except 15 feet — Porch	15 feet, except 10 feet — Porch	10 feet, except 5 feet — Porch
Except cottage cluster	10 feet	10 feet	10 feet

Minimum interior side yard setback: <u>All</u>	8 feet	7 feet	5 feet
<u>Except townhouse</u>	<u>0 feet (attached)/8 feet (side)</u>	<u>0 feet (attached)/7 feet (side)</u>	<u>0 feet (attached)/5 feet (side)</u>
Minimum corner side yard setback	10 feet	10 feet	10 feet
Minimum rear yard setback	20 feet, except 15 feet — Porch 10 feet — ADU, <u>cottage cluster</u>	20 feet, except 15 feet — Porch 10 feet — ADU, <u>cottage cluster</u>	20 feet, except 15 feet — Porch 10 feet — ADU, <u>cottage cluster</u>
Garage setback	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
3. Public utility easements may supersede the minimum setback.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### 17.08.045 Exceptions to setbacks.

- A. Projections from Buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through Lot Setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.08.050 Density standards.

- A. Density standards in the R-10, R-8 and R-6 districts are as follows:

**Table 17.08.050**

Standard	R-10	R-8	R-6
Minimum net density: <u>All</u>	3.5 du/acre	4.4 du/acre	5.8 du/acre
<u>Except cottage clusters</u>	<u>4 du/acre</u>	<u>4.4 du/acre</u>	<u>5.8 du/acre</u>
Maximum net density: <u>All</u>	4.4 du/acre	5.4 du/acre	7.3 du/acre
<u>Except townhouses</u>	<u>17.4 du/acre</u>	<u>21.6 du/acre</u>	<u>25 du/acre</u>

- B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.

2. ~~Corner d~~Duplexes, triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020. Cottage clusters are exempt from maximum net density standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

## Chapter 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

### 17.10.010 Designated.

The R-5 and R-3.5 residential districts are designed for medium density residential development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.10.020 Permitted uses.

Permitted uses in the R-5 and R-3.5 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- ~~C. Internal conversions;~~
- ~~D. Duplexes;~~
- ~~E. Corner duplexes~~
- D. Triplexes;
- E. Quadplexes
- F. ~~Single family attached residential units~~ Townhouses;
- ~~G. 3-4 plex residential;~~
- ~~H. Cluster housing~~ Cottage clusters;
- ~~I. H.~~ Manufactured home parks or subdivisions in the R-3.5 district only;
- ~~J. I.~~ Residential homes;
- ~~K. J.~~ Parks, playgrounds, playfields and community or neighborhood centers;
- ~~L. K.~~ Home occupations;
- ~~M. L.~~ Family day care providers;
- ~~N. M.~~ Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- ~~O. N.~~ 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;
- P. O. Transportation facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.10.025 Conditional uses.

The following uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;

- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- K. Live/work dwellings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.10.030 Master plans.

The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.

- A. Multi-family residential.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.10.035 Prohibited uses.

Prohibited uses in the R-5 and R-3.5 districts are:

- A. Any use not expressly listed in OCMC 17.10.020, 17.10.025 or 17.10.030.
- B. Marijuana businesses.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.10.040 Dimensional standards.

Dimensional standards in the R-5 and R-3.5 districts are as follows:

**Table 17.10.040**

Standard	R-5	R-3.5
Minimum lot size <sup>1</sup>		
Single-family detached <u>and duplex</u>	5,000 square feet	3,500 square feet
<u>Duplex</u>	<u>6,000 square feet</u>	<u>4,000 square feet</u>
<u>Triplex</u>	<u>5,000 square feet</u>	<u>5,000 square feet</u>
<u>Quadplex and cottage cluster</u>	<u>7,000 square feet</u>	<u>7,000 square feet</u>
<u>Single-family attached-Townhouse</u>	<u>3,500 1,500 square feet</u>	<u>2,500 1,500 square feet</u>
<u>3—4 plex</u>	<u>2,500 square feet per unit</u>	<u>2,000 square feet per unit</u>
Maximum height: <u>All</u>	35 feet	35 feet
<u>Except cottage cluster unit</u>	<u>25 feet</u>	<u>25 feet</u>
Maximum building lot coverage		
Single-family detached and <u>all duplexes</u>	50%	55%
With ADU	60%	65%
<u>Single-family attached and 3—4 plex Triplex, quadplex and townhouse</u>	70%	80%
<u>Cottage cluster</u>	<u>None</u>	<u>None</u>
Minimum lot width		



All, except	35 feet, except	25 feet, except
<u>Single family attached Townhouse</u>	<u>25 20</u> feet	20 feet
Minimum lot depth	70 feet	70 feet
Minimum front yard setback	10 feet, except	5 feet, except
	5 feet — Porch	0 feet — Porch
Minimum interior side yard setback	5 feet, except	5 feet, except
All, except	0 feet (attached)/5 feet (side)	0 feet (attached)/5 feet (side)
<u>Single family attached Townhouse</u>		
Minimum corner side yard setback	7 feet	7 feet
Minimum rear yard setback	20 feet, except	20 feet, except
	15 feet — Porch	15 feet — Porch
	10 feet — ADU, <u>cottage cluster</u>	<u>10 feet — Cottage cluster</u> 5 feet — ADU
Garage setbacks	20 feet from ROW, except	20 feet from ROW, except
	5 feet from alley	5 feet from alley

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Public utility easements may supersede the minimum setback.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

#### 17.10.045 Exceptions to setbacks.

- A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### 17.10.050 Density standards.

- A. Density standards in the R-5 and R-3.5 districts are as follows:

**Table 17.10.050**

Standard	R-5	R-3.5
Minimum net density	7.0 du/acre	10 du/acre
Maximum net density		
• <del>Single family detached</del> <u>All, except</u>	8.7 du/acre	12.4 du/acre
• <del>Single family attached</del> <u>Townhouse</u>	<u>12.4 25</u> du/acre	<u>17.4 25</u> du/acre
• <del>3 — 4 plexes</del>	<u>17.4 du/acre</u>	<u>21.8 du/acre</u>

- B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.10.050.

2. Duplexes ~~and corner duplexes, triplexes and quadplexes~~ shall count as a single dwelling unit for the purposes of calculating ~~minimum and maximum net density standards~~. Total dwelling units within a development may count for the purposes of calculating minimum net density.
3. ~~Cluster housing is permitted at higher densities exempt from the standards in Table 17.10.050; see OCMC 17.20.020.~~ Cottage clusters are exempt from maximum net density standards.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.10.060 Conversion of existing duplexes.**

Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the land division requirements in Title 16 and the underlying zone district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.10.070 Additional standards for Thimble Creek Concept Plan Area.**

- A. Applicability. This section applies to all development in the R-5 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Southern Perimeter Transition. Along the southern boundary of the Thimble Creek Concept Plan area between Beaver Creek Road and the eastern-most point of Tax Lot 00316, located on Clackamas County Map #32E15A, additional standards apply to create a perimeter transition.
  1. Where any portion of a lot is within twenty feet of the southern boundary, uses shall be limited to ~~single family detached~~ residential uses and roads, parks, trails, and open space.
  2. Where any portion of a lot is within twenty feet of the southern boundary, the minimum lot size for residential uses shall be six thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.
  3. Where any portion of a lot is within twenty feet of the southern boundary, all primary structures shall be set back a minimum of forty feet from the southern boundary.
  4. Within the forty-foot wide setback from the southern boundary, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
    - a. Utilize existing vegetation in compliance with OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
    - b. Provide a combination of new landscaping and screening to include:
      - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet along the southern property line, whichever is greater; and
      - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing with slats shall not be allowed to satisfy this standard.

5. An alternative southern perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Thimble Creek Concept Plan.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

## Chapter 17.12 HIGH DENSITY RESIDENTIAL DISTRICT

### 17.12.010 Designated.

The R-2 residential district is designed for high density residential development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.12.020 Permitted uses.

Permitted uses in the R-2 district are:

- A. Accessory dwelling units for existing single-family detached residential units constructed prior to the effective date of the ordinance codified in this chapter;
- ~~B. Internal conversions of existing single-family detached residential units constructed prior to the effective date of the ordinance codified in this chapter;~~
- ~~B.~~ Duplexes;
- ~~D.~~ Corner duplexes;
- ~~C.~~ Triplexes;
- ~~D.~~ Quadplexes;
- E. ~~Single family attached residential units~~ Townhouses;
- ~~F.~~ 3-4 plex residential;
- ~~G.~~ Multi-family residential;
- ~~H.~~ ~~Cluster housing~~ Cottage clusters;
- ~~I.~~ Residential care facilities;
- ~~J.~~ Accessory buildings;
- ~~K.~~ Parks, playgrounds, playfields and community or neighborhood centers;
- ~~L.~~ Home occupations;
- ~~M.~~ Family day care providers;
- ~~N.~~ 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;
- ~~O.~~ Management and associated offices and buildings necessary for the operations of a multi-family residential development;
- ~~P.~~ Transportation facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.12.025 Conditional uses.

The following uses are permitted in the R-2 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;

- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Private and/or public educational or training facilities;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Religious institutions;
- I. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- J. Live/work dwellings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.12.030 Pre-existing industrial use.

Tax Lot 11200, located on Clackamas County Map #32E16BA has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current uses, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.12.035 Prohibited uses.

Prohibited uses in the R-2 district are:

- A. Any use not expressly listed in OCMC 17.12.020, 17.12.025 or 17.12.030.
- B. Marijuana businesses.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.12.040 Dimensional standards.

Dimensional standards in the R-2 district are as follows:

**Table 17.12.040**

Standard	R-2
Minimum lot size <sup>1</sup>	
• Duplex	4,000 square feet
• Single-family attached Townhouse	2,000 square feet
• 3-4 plex Triplex, quadplex and multi-family	6,000 square feet
• Cottage cluster	8,000 square feet
Maximum height	
All, except	35 feet, except
Multi-family	45 feet
Cottage cluster	25 feet
Maximum building lot coverage	85%
Minimum lot width	
All, except	50 feet, except
Single-family attached Townhouse	20 feet
Minimum lot depth	

All, except	70 feet, except
Multi-family	75 feet
Minimum front yard setback	5 feet, except
	0 feet — Porch
Maximum front yard setback	20 feet
Minimum interior side yard setback	
All, except	5 feet <sup>1</sup>
Single-family attached Townhouse	0 feet (attached)/5 feet (side)
Minimum corner side yard setback	5 feet
Minimum rear yard setback	10 feet <sup>1</sup> , except
	5 feet — Porch
Garage setbacks	20 feet from ROW, except
	5 feet from alley
Minimum required landscaping (including landscaping within a parking lot)	15%

## Notes:

1. If a multi-family residential development abuts a parcel zoned R-10, R-8, R-6, there shall be a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area.
2. Public utility easements may supersede the minimum setback.
3. Maximum setback may be increased per OCMC 17.62.055.D.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### 17.12.045 Exceptions to setbacks.

- A. Projections from Buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through Lot Setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.12.050 Density standards.

- A. The minimum net density in the R-2 district shall be 17.4 dwelling units per acre.
- B. The maximum net density in the R-2 district shall be 21.8 dwelling units per acre.
- C. Affordable housing density bonus. Residential projects in the R-2 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units shall be affordable to households earning equal to or less than 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the community development director.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.12.060 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the R-2 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-2 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
  - 1. Live/work dwellings are a permitted use.
  - 2. As part of a master plan when authorized by and in accordance with the standards contained in OCMC 17.65, up to five thousand square feet of commercial space as a stand-alone building or part of a larger mixed-use building, to be used for:
    - a. Restaurants, eating, and drinking establishments;
    - b. Services, including personal, professional, educational, and financial services; laundry and dry-cleaning;
    - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar; or
    - d. Drive through facilities are prohibited.
- D. Sustainability Density Bonus. The maximum net density allowed in 17.12.050.B may be increased by five percent for each of the sustainability features identified below subject to a total maximum twenty percent bonus or no greater than 26.2 du/acre: Buildings LEED-certified by the U.S. Green Building Council at any level shall be allowed to increase net density by the full twenty percent.
  - 1. A vegetated eco-roof for a minimum of thirty percent of the total roof surface;
  - 2. For a minimum of seventy-five percent of the total roof surface, a white roof with a solar reflectance index (SRI) of seventy-eight or higher if the roof has a 3/12 roof pitch or less, or SRI of twenty-nine or higher if the roof has a roof pitch greater than 3/12;
  - 3. A system that collects rainwater for reuse on-site (e.g., site irrigation) designed to capture an amount of rainwater equivalent to the amount of stormwater anticipated to be generated by fifty percent of the total roof surface;
  - 4. An integrated solar panel system for a minimum of thirty percent of the total roof or building surface;
  - 5. Orientation of the long axis of the building within thirty degrees of the true east-west axis, with unobstructed solar access to the south wall and roof;
  - 6. Windows located to take advantage of passive solar collection and include architectural shading devices (such as window overhangs) that reduce summer heat gain while encouraging passive solar heating in the winter;
  - 7. Fifty percent or more of landscaped area covered by native plant species selected from the Oregon City Native Plant List;
  - 8. Provision of pedestal or wall-mounted Level 2, two hundred forty-volt electric vehicle chargers, or similar alternative fueling stations as approved by the planning director, at a minimum ratio of one station per fifty vehicle parking spaces up to a maximum of five such stations;
  - 9. Building energy efficiency measures that will reduce energy consumption by thirty percent based on HERS rating for building, including efficient lighting and appliances, efficient hot water systems, solar orientation or solar water heating, solar photovoltaic panels, geothermal, and offsetting energy consumption with alternative energy;

10. Use of Forest Stewardship Council certified wood reclaimed wood for a minimum of thirty percent of wood products used in the on the primary building of the site; or
11. Permeable paving, which may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer, for a minimum of thirty percent of all paved surfaces.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)



## Chapter 17.14 SINGLE-FAMILY DETACHED AND DUPLEX RESIDENTIAL DESIGN STANDARDS

### 17.14.010 Purpose.

The purpose of this chapter is to provide standards for single-family detached residential units and duplexes which are intended to:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety by providing "eyes on the street".
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the primary facade of the house.
- F. Provide clear and objective standards for good design at reasonable costs and with multiple options for design variety.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.14.020 Applicability.

This chapter applies to all street-facing facades of all single-family detached residential units and duplexes and corner duplex dwellings, referred to herein as "residences." including manufactured homes not within a manufactured home park.

- A. New single-family detached residential units and duplexes or new garages or expansions of an existing garage on properties with this use require compliance with OCMC 17.14.030 through 17.14.050, OCMC 17.21 or OCMC 17.22 if applicable, as well as OCMC 17.14.080 and 17.14.090.
- ~~B. The standards in OCMC 17.14.060, 17.14.080 and 17.14.090 apply to all corner duplexes or new garages or expansions of an existing garage on properties with this use.~~
- ~~C. Dwellings~~ Residences on a flag lot with a pole length of one hundred feet or greater are exempt from OCMC 17.14.030—17.14.050.
- ~~D. Compliance with minimum public improvements standards in OCMC Chapter 16.12 is required.~~
- D. The creation of a duplex through conversion of an existing single-family detached residential unit is exempt from the standards of this chapter.

For the purpose of this chapter, garages are defined as structures, or portions thereof, used or designed to be used for the parking of vehicles, including carports. For purposes of this section, garages do not include detached accessory dwelling units which are not part of a detached garage. The garage width shall be measured based on the foremost four feet of the interior garage walls or carport cover.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.14.025 Review process.

Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application. Modifications to these standards are processed as a Type II application or may be requested as part of a concurrent Type II, III or IV land use application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.14.030 Residential design options.

- A. A dwelling residence with no garage, a garage not on a street-facing façade, or a detached garage shall provide five of the residential design elements in OCMC 17.14.040.A on the front facade of the structure.
- B. A dwelling residence with a front-facing garage where the building structure is less than twenty-four feet wide may be permitted if:
  - 1. The garage is no more than twelve feet wide and;
  - 2. The garage does not extend closer to the street than the furthest forward living space on the street-facing facade;
  - 3. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
  - 4. One of the following is provided:
    - a. Interior living area above the garage is provided. The living area shall be set back no more than four feet from the street-facing garage wall; or
    - b. A covered balcony above the garage is provided. The covered balcony shall be at least the same length as the street-facing garage wall, at least six feet deep and accessible from the interior living area of the dwelling unit;
- C. A dwelling residence with a garage that extends up to fifty percent of the length of the street-facing facade and is not closer to the street than the furthest forward living space on the street-facing facade may be permitted if:
  - 1. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- D. A dwelling residence with a garage that extends up to sixty percent of the length of the street-facing facade and is recessed two feet or more from the furthest forward living space on the street-facing facade may be permitted if:
  - 1. Seven of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
- E. A dwelling residence with a garage that extends up to sixty percent of the length of the street-facing facade may extend up to four feet in front of the furthest forward living space on the street-facing facade may be permitted if:
  - 1. Eight of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
  - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- F. A dwelling residence with a garage that extends up to fifty percent of the length of the street-facing facade may extend up to eight feet in front of the furthest forward living space on the street-facing facade if:
  - 1. Nine of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure; and
  - 2. One of the options in OCMC 17.14.040.B is provided on the front facade of the structure.
- G. A dwelling residence with a garage that is side-oriented to the front lot line may extend up to thirty-two feet in front of the furthest forward living space on the street-facing facade if:

1. Windows occupy a minimum of fifteen percent of the lineal length of the street-facing wall of the garage; and
2. Six of the residential design elements in OCMC 17.14.040.A are included on the front facade of the structure.
3. The garage wall does not exceed sixty percent of the length of the street-facing façade.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.14.035 Corner lots and through lots.

- A. ~~Single-family detached homes~~ Residences on corner lots and through lots shall comply with one of the options in OCMC 17.14.030 for the front of the home. ~~Duplexes on corner lots and through lots shall comply with the standards in OCMC 17.14.060.~~
- B. The other street-facing side of the ~~single-family detached home~~ residence on a corner lot or through lot shall include the following:
  1. Windows and doors for a minimum of fifteen percent of the lineal length of the ground floor facade;
  2. Minimum four-inch window trim; and
  3. Three additional residential design elements selected from OCMC 17.14.040.A.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.14.040 Residential design elements.

- A. The residential design elements listed below shall be provided as required in OCMC 17.14.030 above.
  1. The design of the ~~dwelling~~ residence includes dormers, which are projecting structures built out from a sloping roof housing a vertical window;
  2. The roof design utilizes a:
    - a. Gable, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or
    - b. Hip, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
  3. The building facade includes two or more offsets of sixteen inches or greater;
  4. A roof overhang of sixteen inches or greater;
  5. A recessed entry that is at least two feet behind the furthest forward living space on the ground floor, and a minimum of eight feet wide;
  6. A minimum sixty square-foot covered front porch that is at least five feet deep or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches;
  7. A bay window that extends a minimum of twelve inches outward from the main wall of a building and forming a bay or alcove in a room within;
  8. Windows and main entrance doors that occupy a minimum of fifteen percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door);
  9. Window trim (minimum four inches);
  10. Window grids on all street facing windows (excluding any windows in the garage door or front door).
  11. Windows on all elevations include a minimum of four-inch trim (worth two elements);

12. Windows on all of the elevations are wood, clad wood, or fiberglass (worth two elements);
  13. Windows on all of the elevations are recessed a minimum of two inches from the facade (worth two elements);
  14. A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet;
  15. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty square feet of the street facade;
  16. All garage doors are a maximum nine feet wide;
  17. All garage doors wider than nine feet are designed to resemble two smaller garage doors;
  18. There are a minimum of two windows in each garage door;
  19. A third garage door is recessed a minimum of two feet;
  20. A window over the garage door that is a minimum of twelve square feet with window trim (minimum four inches);
  21. The living space of the dwelling is within five feet of the front yard setback; or
  22. The driveway is composed entirely of pervious pavers or porous pavement.
- B. If the garage projects in front of the furthest forward living space on the street facing facade, one of the residential design elements 1 or 2 below, shall be provided in addition to the residential design elements required in OCMC 17.14.040.A. Residential design elements utilized in OCMC 17.14.040.B can be additionally utilized in OCMC 17.14.040.A.
1. A minimum sixty square-foot covered front porch that is at least five feet deep; or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen inches.
  2. The garage is part of a two-level facade. The second level facade shall have a window (minimum twelve square feet) with window trim (minimum four inches).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.14.050 Main entrances.**

- A. The main entrance for each single-family detached residential unit, and the main entrance for at least one unit in a duplex ~~or corner duplex~~ shall:
1. Be located on a façade that faces a street; or
  2. Open onto a covered porch on a street-facing facade that is at least sixty square feet with a minimum depth of five feet.
- B. The main entrance of ~~a one or more~~ dwelling units on a flag lot shall face either the front lot line or the side lot line adjoining the flag pole.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **~~17.14.060 Corner duplexes.~~**

- A. ~~Development Standards. Both units of a corner duplex shall meet the following standards to ensure that the two units have compatible elements.~~
1. ~~Unit Configuration. Units may be located side-by-side and/or stacked vertically over each other.~~

2. Entrances. Two street facing frontages shall meet the standards of OCMC 17.14.050. No more than one door may face a single street frontage.

3. Height. The height of the two units shall be within four feet of each other; this standard does not apply to stacked units.

4. Façade Design. Each street facing façade shall comply with OCMC 17.14.030 and 17.14.040.

B. Unit Compatibility. Both units shall comply with the following:

1. Exterior Finish Materials. The exterior finish material shall be the same in type, size and placement.

2. Roof Pitch. The predominant roof pitch shall be the same; this standard does not apply to stacked units if they do not both have a roof.

3. Eaves. Roof eaves shall project the same distance from the building wall; this standard does not apply to stacked units if they do not both have a roof.

4. Trim. All windows shall include the same trim type and size. The size of the trim shall be a minimum of two inches in width.

5. Windows. Windows shall occupy a minimum of fifteen percent of the lineal length of the street-facing facades.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.14.080 Residential lot tree requirements.

The intent of this section is to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City at the time of construction. Though not required, the use of large native and heritage tree species is recommended as detailed in this section. In no case shall any plant listed as a nuisance, invasive or problematic species on any regionally accepted plant list be used.

- A. Tree Requirement. All single-family detached residential units and middle housing developments shall comply with the requirements of this section. This requirement may be met using one or any combination of the three options below (tree preservation, tree planting, or tree fund). Table 17.14.080.A identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the tree fund. Adjustments from this section are prohibited. The applicant shall submit a residential tree plan for Options 1 and 2 demonstrating compliance with the requirements of this section.

**Table 17.14.080.A**  
**Tree Requirements**

Lot Size (square feet)	Tree Diameter Inches Required to be Protected, Planted or Paid into Tree Fund
0—4,999	4"
5,000—7,999	6"
8,000—9,999	8"
10,000—14,999	10"
15,000 +	12"

1. Tree Preservation. The size of existing trees to be preserved shall be measured as diameter at breast height (DBH).
  - a. This standard shall be met using trees that are located on the lot. When this option is used, a tree preservation plan is required.

- b. Trees to be preserved may be located anywhere on the lot, and shall be a minimum of two inches' caliper DBH.
  - c. Large Native or Heritage Tree Incentive. If a tree is preserved that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For example, an Oregon White Oak with a two-inch caliper at DBH may count as a tree diameter of four inches.
2. Tree Planting. All planted trees shall measure a minimum two-inch caliper at six inches above the root crown. When this option is used, a tree planting plan is required.
- a. Trees may be planted anywhere on the lot as space permits.
  - b. Large Native or Heritage Tree Incentive. If a tree is planted that is selected from the list in Table 17.14.080.A.2, the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080.A. For example, an Oregon White Oak with a two-inch caliper at six inches above the root crown may count as a tree diameter of four inches.

**Table 17.14.080.A.2**  
**Large Native and Heritage Tree List**

Common Name	Scientific Name
Oregon White Oak	<i>Quercus garryana</i>
Pacific willow	<i>Salix lucida</i> spp. <i>lasianдра</i>
Western red cedar	<i>Thuja plicata</i>
Western hemlock	<i>Tsuga heterophylla</i>
Northern Red Oak	<i>Quercus rubra</i>
Bur Oak	<i>Quercus macrocarpa</i>
Bigleaf Maple	<i>Acer macrophyllum</i>
Grand Fir	<i>Abies grandis</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>
American Elm hybrids (disease resistant)	<i>Ulmus</i> spp.
Western yew	<i>Taxus brevifolia</i>

3. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options identified above. The community development director may approve this option in-lieu-of or in addition to requirements of Option 1 and/or 2 above. The community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above. The large native or heritage tree incentive does not apply when using this option to calculate the number of required inches.
- a. The cash-in-lieu payment per tree shall utilize the adopted fee schedule when calculating the total tree fund payment.
  - b. The amount to be paid to the tree fund shall be calculated by subtracting the total inches of trees preserved and planted per subsection 1 and 2 above from the minimum tree diameter inches required in Table 17.14.080.A, dividing the sum by two inches and multiplying the remainder by the adopted fee from the Oregon City fee schedule. For example:

Lot Size	a. Tree Requirement per Table 17.14.080.A (inches)	b. Trees Preserved (inches)	c. Trees Planted (inches)	d. To be mitigated (inches) a.— b.—c.	Number of trees owed to tree fund. d./2" minimum caliper tree
10,000—14,999	10"	2"	4"	4"	2

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.14.090 Street trees.**

All new single-family detached residential units and duplexes middle housing developments, or additions of twenty-five percent or more of the existing square footage of the home residence (including the living space and garage(s)) shall install one street tree in accordance with OCMC 12.08 if there is not at least one existing street tree for every thirty-five feet of property frontage.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

## Chapter 17.16 **SINGLE FAMILY ATTACHED AND 3—4 PLEX RESIDENTIAL MIDDLE HOUSING** DESIGN STANDARDS

### 17.16.010 Purpose.

The intention of these standards is to promote quality single family attached and 3—4 plex middle housing developments that include a private to public transition space physical and visual connection between units and the street, enhance the streetscape with attractive and varied front facades, minimize the prominence of garages and off-street parking areas, and promote compatibility with the surrounding neighborhood.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.16.020 Applicability.

The standards of this chapter apply to single family attached dwellings as well as 3—4 plexes on a single lot townhouses, triplexes, quadplexes, and cottage clusters in any zone. The applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.16.030 Single family attached dwelling Townhouse design standards.

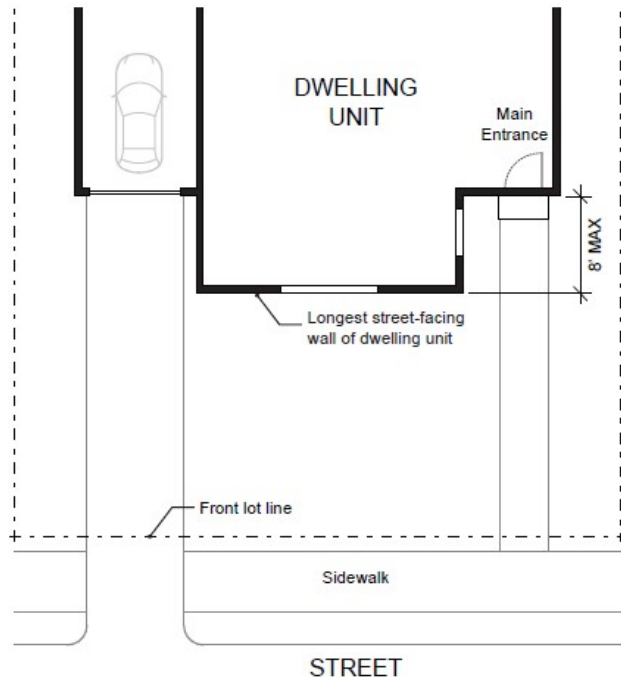
- A. Single family attached dwellings Townhouses shall meet the dimensional and density standards of the underlying zoning designation district.
- B. Six of the residential design elements in OCMC 17.14.040.A shall be included on the front facade of the structure. Each townhouse shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the garage width shall be measured based on the foremost four feet of the interior garage walls.
- C. The garage shall not extend closer to the street than the furthest forward living space on the street facing façade.
- D. Single family attached dwellings shall include an area of transition between the public realm of the right of way and the entry to the private dwelling with one of the options below:
  - 1. A covered porch or patio at least sixty square feet with a minimum depth of five feet between the main entrance and the street.
  - 2. Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet, and not more than six feet, from grade.
- E C. No more than six consecutive single family attached dwellings townhouses that share a common wall are allowed.
- D. The main entrance of each townhouse must:
  - 1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
  - 2. Either:
    - a. Face the street (see Figure 17.16.030.D.1);
    - b. Be at an angle of up to forty five degrees from the street (see Figure 17.16.030.D.2);
    - c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or



- d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).

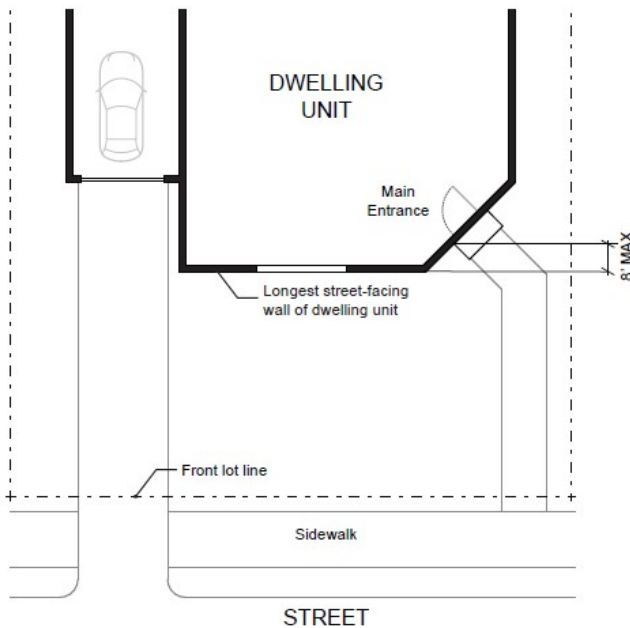
**Figure 17.16.030.D.1**

**Main Entrance Facing the Street**



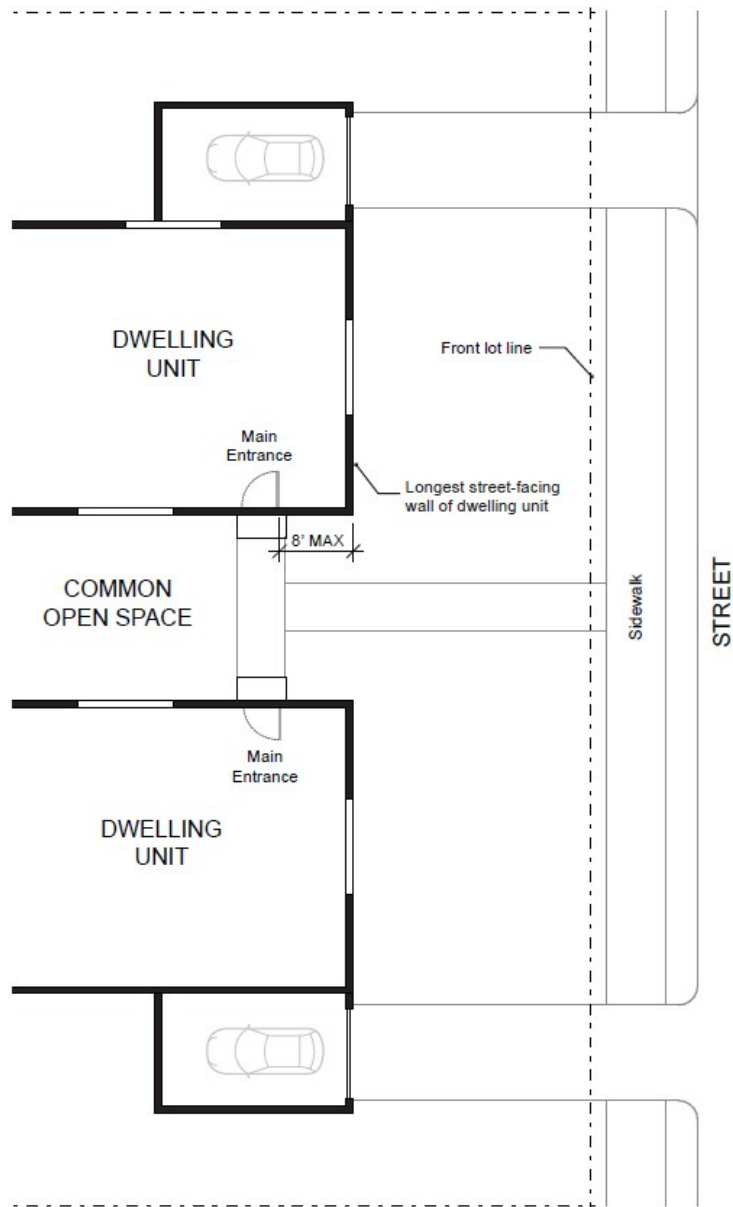
**Figure 17.16.030.D.2**

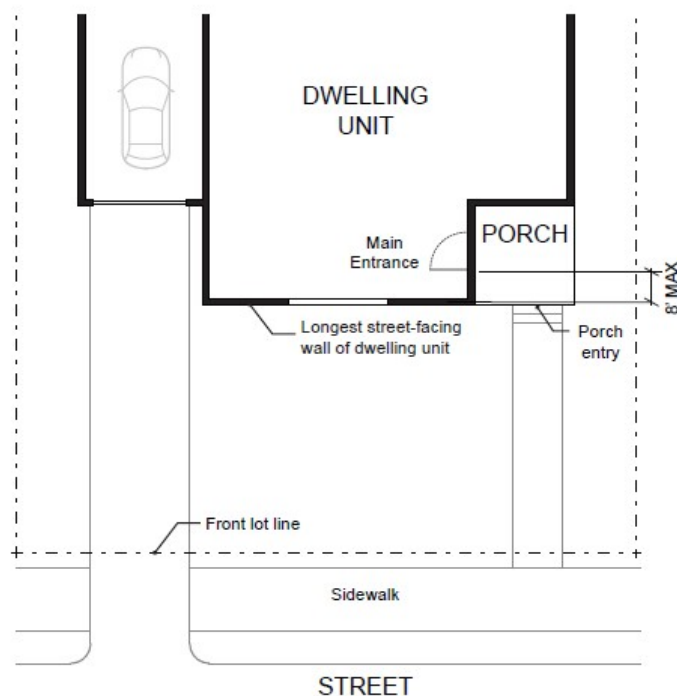
**Main Entrance at Forty Five Degree Angle from the Street**



**Figure 17.16.030.D.3**

**Main Entrance Facing Common Open Space**



**Figure 17.16.030.D.4****Main Entrance Opening onto a Porch**

~~F. E.~~ Driveway access and parking shall comply with OCMC 17.16.040.

~~G. F.~~ Outdoor space and trees shall be required in accordance with OCMC 17.16.050. Townhouses shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.

~~H.~~ Garage width shall be measured based on the foremost four feet of the interior garage walls.

~~I.~~ Compliance with minimum public improvements standards in OCMC Chapter 16.12 is required.

~~J.~~ Compliance with the general standards of OCMC 17.62.050 is not required.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.16.040 Townhouse d Driveway access and parking.**

A. ~~Where townhouses have frontage on a public street, g~~ Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveway accesses in front of a dwelling townhouse are permitted in compliance with the following standards ~~(see Figure 17.16.030.E.1):~~

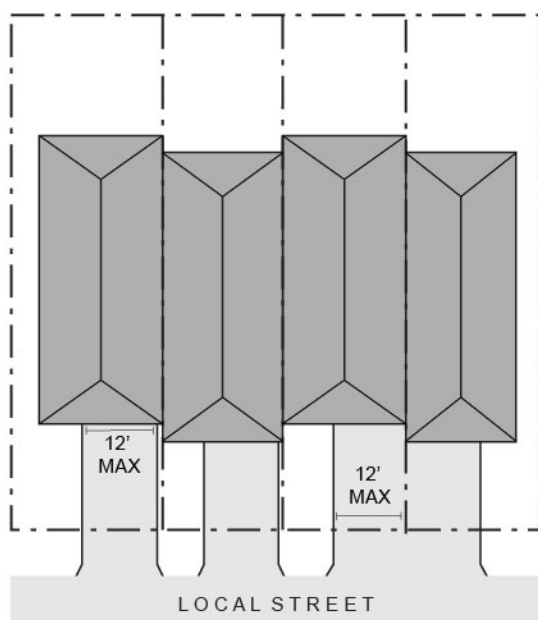
1. All driveways shall comply with OCMC 16.12.035.

2. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet wide on any lot, and

a. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, which may be between 20 to 24 feet in width, meeting all other standards of OCMC 16.12.035.

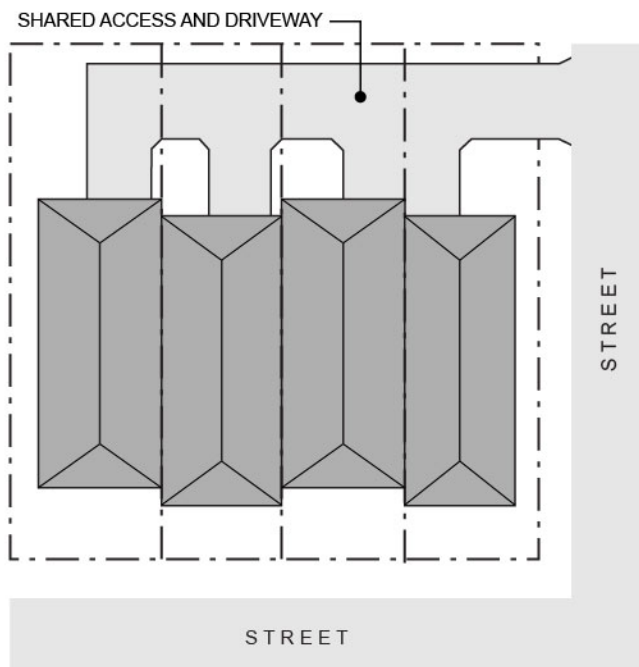
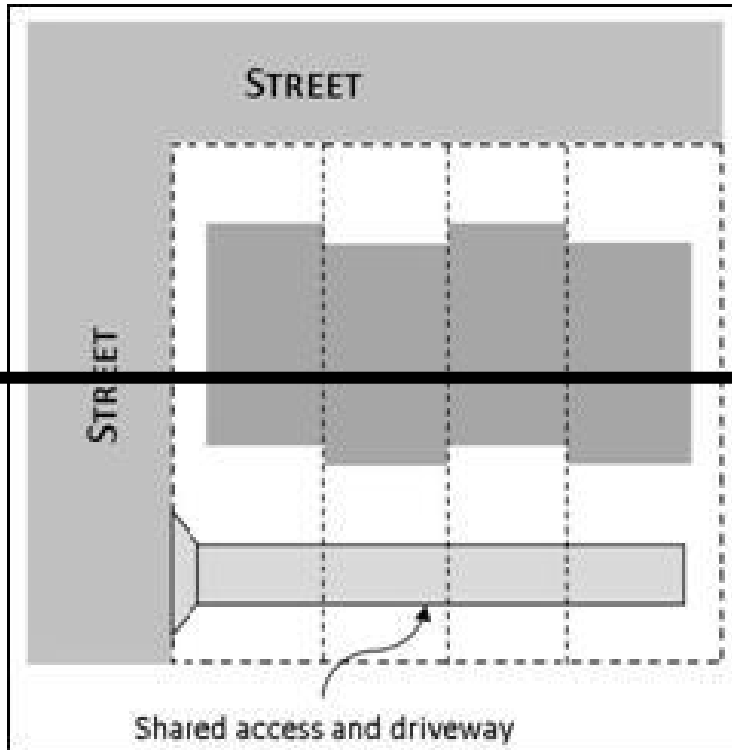
3. The garage width shall not exceed twelve feet.

4. Each townhouse lot shall have a street frontage on a local street.

**Figure 17.16.040.A.1****Townhouses with Parking in the Front Yard**

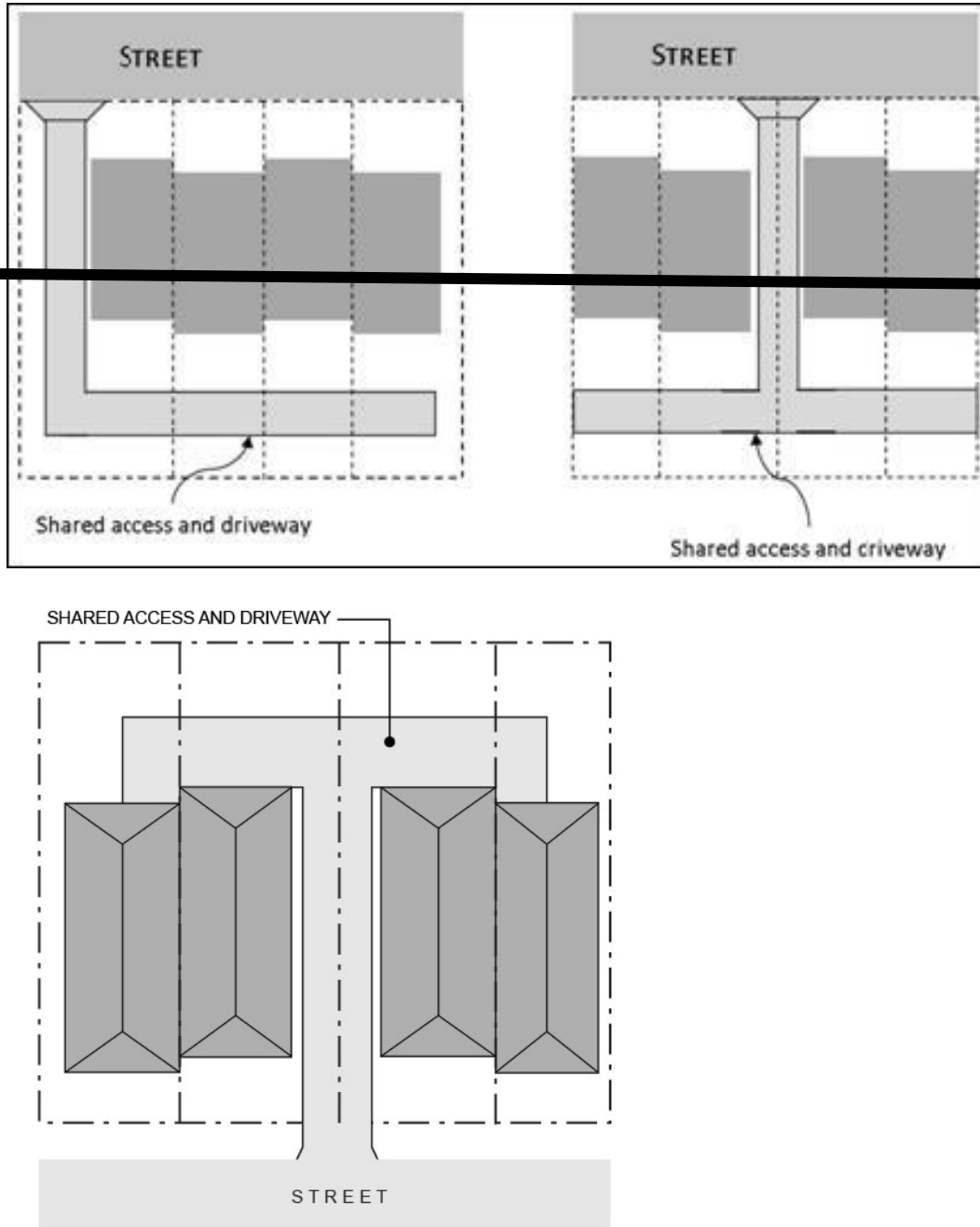
- B. Garages not on the front façade and ~~single family attached dwellings townhouses~~ which do not include off-street parking in the front yard are permitted in compliance with the following standards. The following driveway access and parking standards may also be voluntarily utilized for townhouses that could otherwise meet the standards in OCMC 17.16.040.A:
1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.
  2. Development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The city engineer may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

**Figure 17.16.040.B.2**  
**Development with Corner Lot Access**



3. Development that does not include a corner lot shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front façade and front lot line of any of the single-family attached dwellings. See Figure 17.16.040.B.3.

**Figure 17.16.040.B.3**  
**Development with Consolidated Access**



4. A development that includes consolidated access or shared driveways shall record access easements to allow normal vehicular access and emergency access.
- C. Developments served by an alley providing access to the rear yard are exempt from compliance with OCMC 17.16.040.A and 17.16.040.B.
- D. Driveways shall comply with the standards of OCMC 16.12.035.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.16.050 Outdoor space and tree requirements.**

- A. Every dwelling unit shall provide a minimum of two hundred square feet of private outdoor living area including landscaping, porches, balconies or decks, to be located in the front, rear or side yard. Outdoor space may be split between front, rear and side yards provided that each space meets a minimum size of one hundred square feet and minimum dimension of ten feet, except for:
  1. Balconies provided to meet outdoor space requirements shall be a minimum of forty-eight square feet with a minimum width or depth of five feet; and
  2. Front porches shall meet the minimum requirements of OCMC 17.14.040.A.6.
- B. Residential lot tree requirements in 17.14.080 shall apply at the time of construction.
- C. All new single-family attached dwellings and/or 3—4 plexes or additions of twenty-five percent or more of the existing square footage of the home (including the living space and garage(s)) shall install one street tree in accordance with OCMC 12.08 if there is not at least one existing street tree for every thirty-five feet of frontage.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.16.060 3—4 plex Triplex and quadplex development requirements.**

- A. 3—4 plexes shall meet the following:
  1. Units that are horizontally attached shall meet the single-family attached dwelling design standards of OCMC 17.16.030 and 17.16.050.
  2. 3—4 plexes that include any vertically attached units shall meet the multi-family design standards of OCMC 17.62.055 and 17.16.050, with the exception of OCMC 17.62.055.D.9 and 17.62.055.I.2.m.
  3. 3—4 plexes Triplexes and quadplexes shall meet the dimensional and density standards of the underlying zoning district.
  4. Compliance with minimum public improvements standards in OCMC Chapter 16.12 is required.
- B. A minimum of two off-street parking spaces are required for a 3—4 plex. Driveways shall comply with the standards of OCMC 16.12.035. Each triplex or quadplex shall comply with the residential design options in OCMC 17.14.030. For purposes of applying the standards in OCMC 17.14.030, the width of any garage(s) shall be measured based on the foremost four feet of the interior walls of the garage(s).
- C. At least one main entrance for each triplex or quadplex structure must:
  1. Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and
  2. Either:
    - a. Face the street (see Figure 17.16.030.D.1);
    - b. Be at an angle of up to forty-five degrees from the street (see Figure 17.16.030.D.2);

c. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Figure 17.16.030.D.3); or

d. Open onto a porch that is at least twenty five square feet in area, and that has at least one entrance facing the street or have a roof (see Figure 17.16.030.D.4).

~~E D.~~ In residential zones, garages on the front façade and off-street parking areas in the front yard, are permitted in compliance with the following standards:

1. Outdoor on-site parking and maneuvering areas shall not exceed a total of forty feet wide or fifty percent of the lot frontage, whichever is less; and
2. The combined width of all garages shall not exceed forty feet or fifty percent of the lot frontage, whichever is less.

~~D E.~~ In mixed-use and commercial zones, parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings, except where the following conditions exist:

1. The site does not abut a collector or arterial street (i.e. the site abuts a local street);
2. The site is not a corner lot; and
3. The site is less than twenty thousand square feet in size; or
4. There is an existing topographic constraint that precludes locating the parking area in conformance with this standard.

~~E F.~~ Outdoor space and trees shall be required in accordance with OCMC 17.16.050. Triplexes and quadplexes shall comply with the residential lot tree requirements in OCMC 17.14.080 and the street tree requirements in OCMC 17.14.090.

~~F.~~ Compliance with the general standards of OCMC 17.62.050 is not required.

G. The creation of a triplex or quadplex through conversion of an existing single-family detached residential unit is exempt from the standards of this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.16.070 Cottage clusters.**

*(Ed. Note: These standards are relocated from current OCMC 17.20.020, Cluster Housing, with edits as shown below.)*

~~A.~~ Applicability. These guidelines apply to all cluster developments in any applicable zone within the city. Cluster developments are subject to all the applicable sections of OCMC 17.62, Site Plan and Design Review and OCMC 17.52, Off Street Parking and Loading. The proposed development shall be processed under the Type II Land Use process and may be proposed concurrent with a land division under OCMC Title 16 to create units on individual lots. Where there is a conflict between these standards and the standards elsewhere in the code, the cluster housing standards shall apply.

~~B A.~~ Intent.

1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.
2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.



3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.
5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.

**E B.** Density Standards. Cottage clusters shall meet the density standards of the underlying zoning district.

1. ~~For developments in R-6, R-8 and R-10 zoning districts: Maximum net density shall be two dwelling units for each regular dwelling unit allowed under existing standards in applicable zoning districts.~~
2. ~~For developments in the R-3.5 and R-5 zoning district: Maximum net density shall be 1.5 dwelling units for each regular dwelling unit allowed under existing standards in the applicable zoning district.~~
3. ~~For development in the R-2 zoning district: Maximum net density shall be the same as allowed under the existing standards in the applicable zoning district.~~
4. ~~Minimum net density in all zones shall be the same as allowed under the existing standards in the applicable zoning district.~~

**D C.** Dimensional Standards ~~for Cluster Housing.~~ Cottage clusters shall meet the dimensional standards of the underlying zoning district and the following standards.

1. ~~Maximum building footprint: Nine hundred square feet per cottage cluster unit.~~
- 1 2. ~~Maximum average gross floor area: One thousand square feet per dwelling cottage cluster unit.~~
- 2 3. ~~Maximum gross floor area: One thousand five hundred square feet per dwelling cottage cluster unit.~~
3. ~~Maximum height: Twenty five feet.~~
4. ~~Minimum setbacks from site perimeter: Same as the underlying zone.~~
5. ~~Minimum setbacks for individual lots within a cluster housing development:~~
  - a. ~~Ten feet on the front, porch may project five feet into setback.~~
  - b. ~~Five feet on the rear.~~
  - c. ~~Five feet on the side, except zero feet for attached dwellings.~~
- 6 4. ~~Setbacks for accessory buildings shall comply with OCMC 17.54.010.~~
7. ~~Maximum building coverage: Same as the underlying zone.~~
- 8 5. ~~Minimum distance separating dwelling cottage cluster units (excluding attached dwellings and accessory structures): Ten feet.~~
9. ~~Minimum roof slope of all structures 4:12.~~
- 10 6. ~~Cluster developments~~ Cottage clusters shall contain a minimum of four and a maximum of twelve dwelling cottage cluster units ~~located in a cluster group per cluster~~ to encourage a sense of community among the residents. A development site may contain more than one group cluster, however only one cluster of up to twelve units per lot is eligible to utilize the middle housing land division process in OCMC 16.24.
11. ~~Minimum lot size for a cluster development is found in Table 17.20.020.D.11.~~

**Table 17.20.020.D.11**

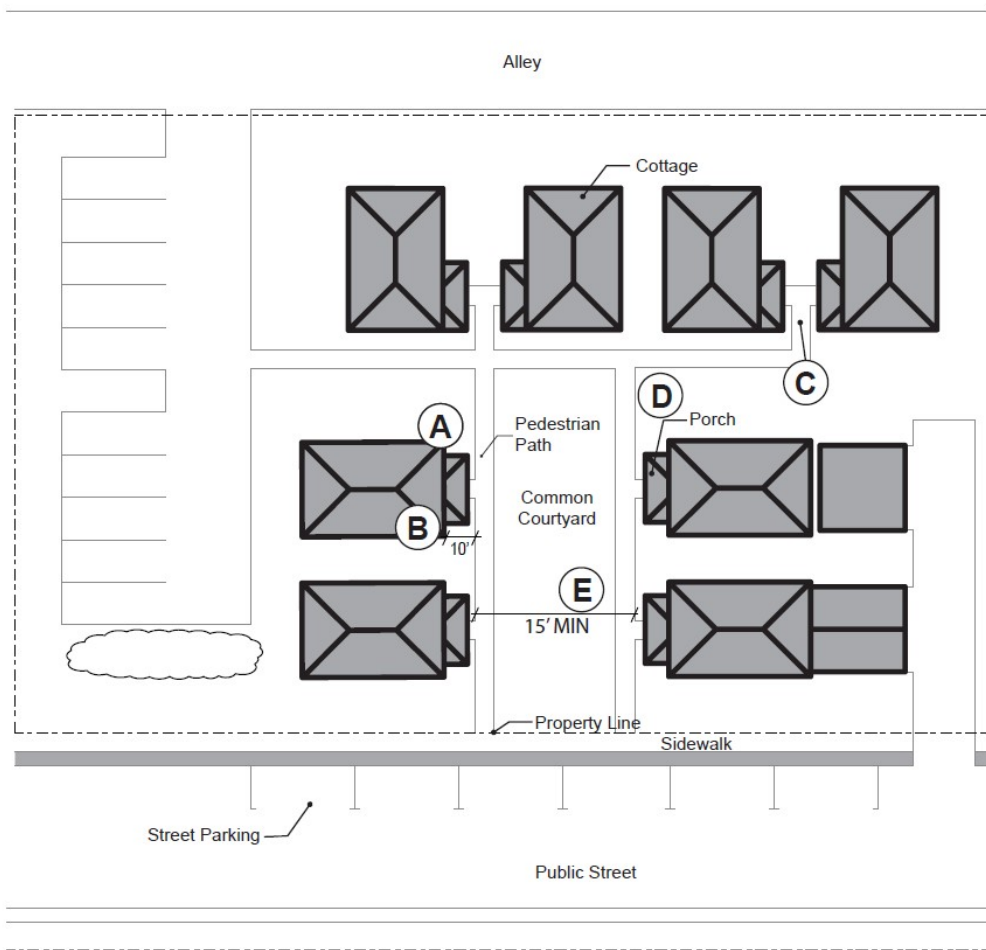
Base Zone	Minimum Lot Size for Development on a Single Lot	Minimum Lot Size for Development on Individual Lots <sup>4</sup>
R-10	10,000 square feet	3,500 square feet
R-8	10,000 square feet	3,000 square feet
R-6	10,000 square feet	2,500 square feet
R-5 and R-3.5	10,000 square feet	2,000 square feet
R-2	8,000 square feet	1,500 square feet

**Notes:**

1. Cluster developments shall not utilize lot size reductions through the land division process.
12. Minimum lot width for individual lots: Twenty feet, with a minimum lot depth fifty feet.
13. Flag lots for individual units are permitted provided that a shared joint accessway is provided in accordance with OCMC 16.08.050, as applicable, and all other standards of this section are met.

**D. Cottage Orientation.** Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 17.16.070.D):

1. Each cottage cluster unit within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
2. A minimum of fifty percent of cottage cluster units within a cluster must be oriented to the common courtyard and must:
  - a. Have a main entrance facing the common courtyard;
  - b. Be within ten feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
  - c. Be connected to the common courtyard by a pedestrian path.
3. Cottages within twenty feet of a street property line may have their entrances facing the street.
4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

**Figure 17.16.070.D****Cottage Cluster Orientation and Common Courtyard Standards**

- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

E. **Open Space Common Courtyard** Design Standards.

1. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents.

1. The required minimum open space common courtyard is four hundred one hundred fifty square feet per dwelling cottage cluster unit, which may be a combination of common and private open space provided that a minimum of fifty percent of the required space is provided as common open space.
  2. Common open space requirements for cluster groups courtyards must meet the following standards (see Figure 17.16.070.D):
    - a. A minimum of fifty percent of the total required open space for each cluster group, or two hundred square feet per dwelling, shall be provided in The common courtyard must be a single compact, contiguous, central open space that:
      - i. Has a minimum dimension of twenty fifteen feet.
      - ii. Abuts at least fifty percent of the dwellings cottage cluster units in the cottage cluster housing group.
      - iii. Has dwellings abutting on at least two sides.
    - b. Dwellings abutting the common open space shall be oriented around and have an entry facing the common open space.
    - c. The common open space courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, or a community building built for the sole use of the cluster housing residents and/or paved courtyard area. Impervious elements of the common open space, excluding community buildings, shall not exceed thirty seventy-five percent of the total open space common courtyard area.
    - d. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
  3. If private open space is provided for dwelling units, it shall be located on the same lot as each dwelling unit or adjacent to each dwelling unit. Private open space may include landscaping, porches and decks. The minimum dimension for private open spaces shall be ten feet, except that porches meeting the provisions of OCMC 17.20.020.F may be counted towards the requirement and shall have a minimum dimension of five feet.
  4. Alternative open space configurations may be permitted by the community development director provided they incorporate usable semi-private and/or public open spaces that meet the intent of the guidelines.
- F. Porches and covered entry standards for dwellings:
1. Every dwelling unit shall have at least one exterior entrance.
  2. Residential facades facing the common open space, common pathway, or street shall feature a porch at least sixty square feet in size with a minimum dimension of five feet. The front porch shall be covered.
  3. Exemption: Cluster dwellings may be granted an exemption from the community development director from subsection 2 above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded, recessed or enlarged front door, canopy or other entrances projecting from the main building facade, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.
- F. Pedestrian Access. An accessible, hard-surfaced pedestrian path that is a minimum of four feet wide must be provided that connects the main entrance of each cottage cluster unit to the following:
1. The common courtyard;

2. Shared parking areas;
3. Community buildings; and
4. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

G. Community Buildings. Cottage clusters may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

1. A cottage cluster is permitted one community building, which shall count towards the maximum one thousand square feet average floor area limitation,
2. A community building that meets the definition of a dwelling unit must meet the maximum nine hundred square foot building footprint limitation that applies to cottage dwelling units, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

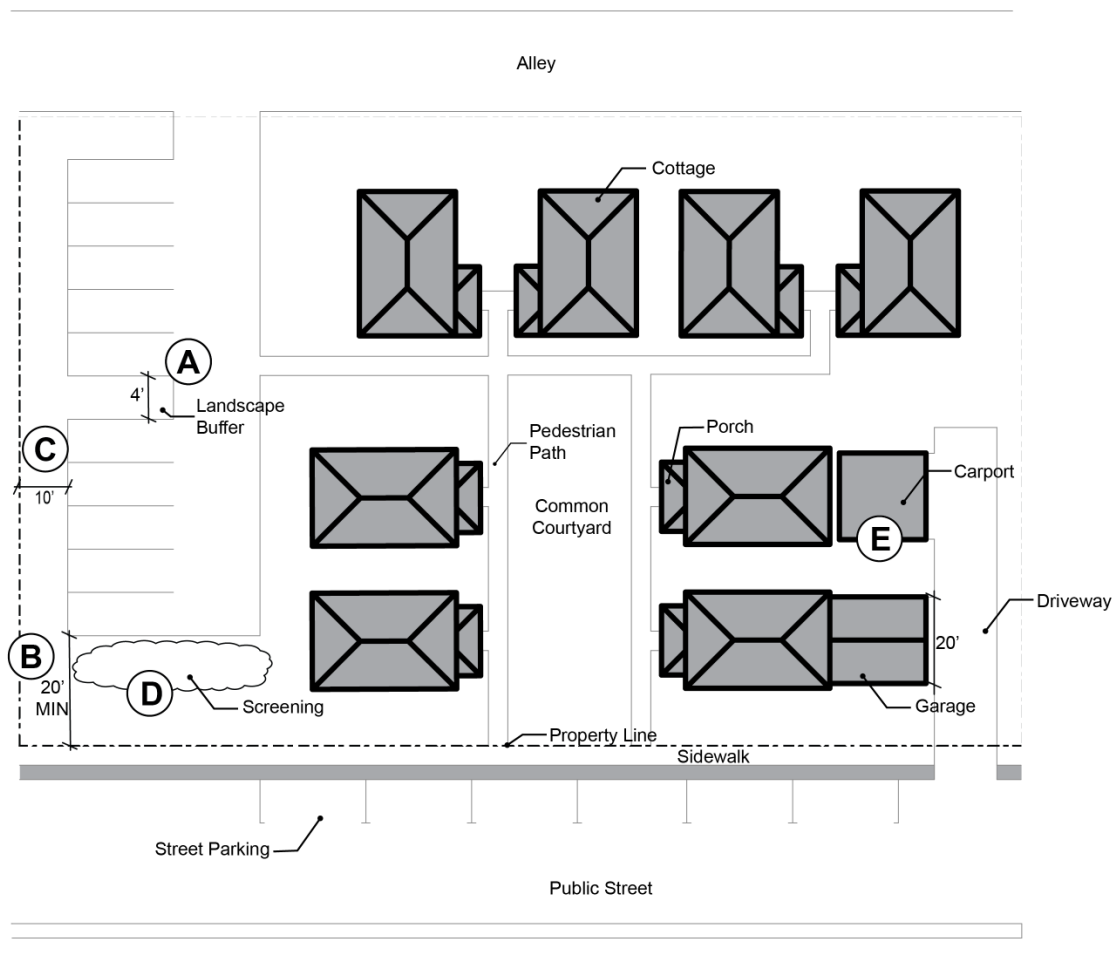
#### G H. Dwelling Types.

1. In the R-10, R-8 and R-6 zones: In addition to detached cottage cluster units and, groups of up to two units attached together are permitted in a cottage cluster housing development.
2. In the R-5 and R-3.5 zones: In addition to detached cottage cluster units and, groups of up to four units attached together are permitted in a cottage cluster housing development.
3. In the R-2 zone: In addition to detached cottage cluster units, and groups of up to six units attached together, are permitted in a cottage cluster housing development.
4. Accessory dwelling units are not permitted as part of a cottage cluster housing development.

H I. Architectural Details. Dwelling units shall contain architectural details. Each cottage cluster unit within twenty feet of a street property line shall comply with the residential design options in OCMC 17.14.030.

1. Each of the types of details listed below are worth one point unless otherwise noted. Each dwelling unit shall achieve the equivalent of five points worth of architectural details on front and corner side façades and two points worth of architectural details on rear and side façades. For multiple attached dwelling units, each unit shall achieve the equivalent of five points worth of architectural details though details may be shared with attached units, e.g. a paint scheme for the entire building would be counted as a detail for each unit within it.
  - a. Stonework detailing on columns or across foundation.
  - b. Brick or stonework covering more than ten percent of the facade.
  - c. Wood, clad wood, or fiberglass windows covering more than ten percent of the façade area.
  - d. All windows include a minimum of four inch trim.
  - e. Decorative roofline elements including roof brackets or multiple dormers.
  - f. Decorative porch elements including scrolls, or brackets, or railings.
  - g. Decorative shingle designs.
  - h. Decorative paint schemes (three or more colors).
  - i. Other architectural details may be approved by the by the community development director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.
2. Approved Siding Materials.
  - a. Brick or brick veneer.

- b. ~~Stone or stone veneer.~~
  - c. ~~Horizontal wood, fiber cement or composite siding (eight inches wide or less); wider siding may be considered where there is a historic precedent.~~
  - d. ~~Board and batten siding solely as an accent element unless the design has historic precedent and is approved by the community development director through the exemption process.~~
  - e. ~~Wood, fiber cement or composite shingle or shake siding.~~
3. ~~Other materials may be approved by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.~~
4. J. Parking shall be provided pursuant to the following requirements (see Figure 17.16.070.J):
1. Parking shall be provided at a ratio of one parking space per dwelling unit minimum and 2.5 spaces per dwelling unit maximum.
  2. All parking shall be located on-site and shall not include shared parking or on-street spaces as allowed by OCMC 17.52.020.B.
  3. ~~Parking shall be screened from public streets and adjacent residential uses by landscaping or architectural screening in compliance with OCMC 17.52.060. Landscaping, fencing, or walls at least three feet tall shall separate parking areas and parking structures from common courtyards and public streets.~~
  4. Parking shall be located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).
  5. Parking clusters shall be separated by a landscaping planter that is a minimum of ~~nine~~ four feet in width ~~and nineteen feet in length.~~
  6. Parking spaces ~~and vehicle maneuvering areas~~ are prohibited:
    - a. ~~In the front, interior or and side yard setback areas.~~
    - b. ~~Within twenty feet of any street property line or within ten feet of any other property line, except alley property lines.~~
    - c. ~~Between a street property line (excluding an alley) and the front façade of cottages located closest to the street property line.~~
  7. ~~Drive aisles and access driveways may be are~~ allowed in the side or rear yard setback, ~~and within ten feet of other property lines.~~
  - 7 8. Detached parking structures/garages shall be six hundred square feet or less and are not counted as part of the gross floor area of the dwellings.
  - 8 9. Garages may be attached to ~~individual dwellings cottage cluster units~~ provided ~~all other design standards have been met and~~ the footprint of the garage is included as part of the gross floor area calculations. Such garages shall be located away from common open spaces, shall not gain access off a public street, shall have garage doors of ~~ten~~ twenty feet or less in width and ~~be architecturally subordinate to the dwelling shall not exceed two hundred square feet of area.~~
  - 9 10. Driveways shall comply with OCMC 16.12.035.

**Figure 17.16.070.J****Cottage Cluster Parking Design Standards**

- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

**† K. Fences.**

1. All fences shall be no more than forty-two inches in height, except that fences within one foot of the side or rear property line and outside of the front setback area may be no more than six feet in height.
2. Chain link fences shall not be allowed.

**K L.** Existing Dwelling Unit On-Site. One existing single-family ~~home detached residential unit~~ incorporated into a ~~cottage cluster housing development~~ that does not meet the requirements of this ~~chapter section~~ is permitted to remain on a site developed for ~~cottage cluster housing~~ and shall be considered a ~~dwelling unit~~ in the development. The size of the existing single-family ~~dwelling detached residential~~ unit may ~~be over~~ ~~exceed~~ the ~~square-foot~~ maximum ~~building footprint and maximum gross floor area~~, and shall not be part of the average gross floor area calculations. ~~The existing single-family detached residential unit shall be excluded from the calculation of orientation toward the common courtyard.~~ Modifications or additions to the existing dwelling unit not consistent with the provisions of this ~~chapter section~~ shall not be permitted.

#### **17.16.080 Sufficient infrastructure.**

**A.** For all triplexes, quadplexes, townhouses and cottage clusters in residential zones, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:

1. Connection to a public wastewater system capable of meeting established service levels.
2. Connection to a public water system capable of meeting established service levels.
3. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
4. Storm drainage facilities capable of meeting established service levels for storm drainage.



## Chapter 17.20 ACCESSORY DWELLING UNIT, ~~CLUSTER HOUSING~~, ~~INTERNAL CONVERSION~~, LIVE/WORK DWELLING, AND MANUFACTURED HOME PARK DESIGN STANDARDS

### 17.20.010 Accessory dwelling units.

An accessory dwelling unit (ADU) is defined as a self-contained residential dwelling unit located on the same lot as a principal single-family dwelling, but not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking and toilet facilities. It may be located either within the same building as the principal single-family dwelling unit and/or in a detached building, and may be created through conversion of an existing structure or through new construction.

#### A. Intent.

1. Provide homeowners with a means of obtaining rental income, companionship, security, services and flexibility in the use of their property as their household composition and needs evolve over time.
2. Add affordable housing units to the existing housing inventory.
3. Support more efficient use of existing housing stock and infrastructure by offering environmentally friendly housing choices.
4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle, that responds to changing family needs, smaller households, and increasing housing costs.
5. Create new housing units while respecting the look and scale of single-family neighborhoods.

#### B. Types of ADUs. There are two types of ADUs:

1. Detached ADUs in an accessory structure detached from the principal dwelling. Examples include converted detached garages, new construction, or converting a small existing dwelling into an ADU while building a new principal dwelling on the property.
2. ADUs that are attached to or part of the principal dwelling. Examples include converted living space, attached garages, basements or attics, additions to the existing dwelling, or a combination thereof.

#### C. Eligibility.

1. One ADU is allowed per detached single-family residential unit. ADUs are not permitted with any housing units developed under the provisions of OCMC 17.20.020, Cluster housing.
2. ADUs may be added to any existing single-family detached residential unit or constructed simultaneously with any new single-family detached residential unit.
3. ADUs are exempt from the density limits of the underlying zone.

#### D. Design Standards. An ADU shall meet the following standards and criteria. If not addressed in this section, base zone development standards apply:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
2. Setbacks.
  - a. For attached ADUs, any additions to the existing dwelling unit shall not encroach into the minimum setbacks in the underlying zone. However, access structures (e.g. stairs or ramps)

may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.

- b. For detached ADUs, structures shall be located behind the front building line of the principal dwelling or set back a minimum of forty feet, whichever is less, and shall meet all other rear and side yard setbacks for the underlying zone. Legal nonconforming detached structures that are converted into detached ADUs are exempt from this requirement, provided that modifications to the structure associated with the conversion do not cause it to encroach any further into the existing setbacks.
3. Height. The height of a detached ADU shall not exceed the greater of the height of the principal dwelling unit or twenty feet.
4. Size. The gross floor area of an ADU shall not be more than eight hundred square feet or sixty percent of the gross floor area of the principal dwelling unit, whichever is less. Conversion of an existing basement to an ADU shall be exempt from these size limits provided that no new floor area will be added with the conversion.
5. Lot Coverage. The property shall comply with the lot coverage standards of the zoning designation.
6. Design.
  - a. The exterior finish materials shall be similar in type, size and placement as those on the principal dwelling unit.
  - b. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.
  - c. Eaves shall project from the building walls at the same distance as the eaves on the principal dwelling unit.
7. Parking. ~~One No~~ off-street parking space is required. ~~The space shall be a minimum of eight feet in width and eighteen feet in length. If provided, d~~Driveways shall comply with OCMC 16.12.035.
- E. Application Procedure. Applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

## **17.20.020 Cluster housing. ~~—DELETED~~**

*(Ed. Note: Relocated to 17.16.070, with proposed edits.)*

A. ~~Applicability. These guidelines apply to all cluster developments in any applicable zone within the city. Cluster developments are subject to all the applicable sections of OCMC 17.62, Site Plan and Design Review and OCMC 17.52, Off Street Parking and Loading. The proposed development shall be processed under the Type II Land Use process and may be proposed concurrent with a land division under OCMC Title 16 to create units on individual lots. Where there is a conflict between these standards and the standards elsewhere in the code, the cluster housing standards shall apply.~~

B. ~~Intent.~~

- ~~1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single person households.~~
- ~~2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.~~

3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.
4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.
5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.

**C. Density Standards:**

1. For developments in R-6, R-8 and R-10 zoning districts: Maximum net density shall be two dwelling units for each regular dwelling unit allowed under existing standards in applicable zoning districts.
2. For developments in the R-3.5 and R-5 zoning district: Maximum net density shall be 1.5 dwelling units for each regular dwelling unit allowed under existing standards in the applicable zoning district.
3. For development in the R-2 zoning district: Maximum net density shall be the same as allowed under the existing standards in the applicable zoning district.
4. Minimum net density in all zones shall be the same as allowed under the existing standards in the applicable zoning district.

**D. Dimensional Standards for Cluster Housing:**

1. Maximum average gross floor area: One thousand square feet per dwelling unit.
2. Maximum gross floor area: One thousand five hundred square feet per dwelling unit.
3. Maximum height: Twenty five feet.
4. Minimum setbacks from site perimeter: Same as the underlying zone.
5. Minimum setbacks for individual lots within a cluster housing development:
  - a. Ten feet on the front, porch may project five feet into setback.
  - b. Five feet on the rear.
  - c. Five feet on the side, except zero feet for attached dwellings.
6. Setbacks for accessory buildings shall comply with OCMC 17.54.010.
7. Maximum building coverage: Same as the underlying zone.
8. Minimum distance separating dwelling units (excluding attached dwellings and accessory structures): Ten feet.
9. Minimum roof slope of all structures 4:12.
10. Cluster developments shall contain a minimum of four and a maximum of twelve dwelling units located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one group.
11. Minimum lot size for a cluster development is found in Table 17.20.020.D.11.

**Table 17.20.020.D.11**

Base Zone	Minimum Lot Size for Development on a Single Lot	Minimum Lot Size for Development on Individual Lots <sup>4</sup>
R-10	10,000 square feet	3,500 square feet
R-8	10,000 square feet	3,000 square feet

R-6	10,000 square feet	2,500 square feet
R-5 and R-3.5	10,000 square feet	2,000 square feet
R-2	8,000 square feet	1,500 square feet

**Notes:**

1. Cluster developments shall not utilize lot size reductions through the land division process.
12. Minimum lot width for individual lots: Twenty feet, with a minimum lot depth fifty feet.
13. Flag lots for individual units are permitted provided that a shared joint accessway is provided in accordance with OCMC 16.08.050, as applicable, and all other standards of this section are met.

**E. Open Space Design Standards.**

1. The required minimum open space is four hundred square feet per dwelling unit, which may be a combination of common and private open space provided that a minimum of fifty percent of the required space is provided as common open space.
2. Common open space requirements for cluster groups:
  - a. A minimum of fifty percent of the total required open space for each cluster group, or two hundred square feet per dwelling, shall be provided in a single compact, contiguous, central open space that:
    - i. Has a minimum dimension of twenty feet.
    - ii. Abuts at least fifty percent of the dwellings in the cluster housing group.
    - iii. Has dwellings abutting on at least two sides.
  - b. Dwellings abutting the common open space shall be oriented around and have an entry facing the common open space.
  - c. The common open space shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, or a community building built for the sole use of the cluster housing residents. Impervious elements of the common open space, excluding community buildings, shall not exceed thirty percent of the total open space.
3. If private open space is provided for dwelling units, it shall be located on the same lot as each dwelling unit or adjacent to each dwelling unit. Private open space may include landscaping, porches and decks. The minimum dimension for private open spaces shall be ten feet, except that porches meeting the provisions of OCMC 17.20.020.F may be counted towards the requirement and shall have a minimum dimension of five feet.
4. Alternative open space configurations may be permitted by the community development director provided they incorporate usable semi-private and/or public open spaces that meet the intent of the guidelines.

**F. Porches and covered entry standards for dwellings:**

1. Every dwelling unit shall have at least one exterior entrance.
2. Residential facades facing the common open space, common pathway, or street shall feature a porch at least sixty square feet in size with a minimum dimension of five feet. The front porch shall be covered.
3. Exemption: Cluster dwellings may be granted an exemption from the community development director from subsection 2 above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded, recessed or enlarged front door, canopy or other entrances projecting from the

main building facade, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.

**G. Dwelling Types.**

1. In the R-10, R-8 and R-6 zones: Detached units and groups of up to two units attached together are permitted in a cluster housing development.
2. In the R-5 and R-3.5 zones: Detached units and groups of up to four units attached together are permitted in a cluster housing development.
3. In the R-2 zone: Detached units, and groups of up to six units attached together, are permitted in a cluster housing development.
4. Accessory dwelling units are not permitted as part of a cluster housing development.

**H. Architectural Details. Dwelling units shall contain architectural details.**

1. Each of the types of details listed below are worth one point unless otherwise noted. Each dwelling unit shall achieve the equivalent of five points worth of architectural details on front and corner side façades and two points worth of architectural details on rear and side façades. For multiple attached dwelling units, each unit shall achieve the equivalent of five points worth of architectural details though details may be shared with attached units, e.g. a paint scheme for the entire building would be counted as a detail for each unit within it.
  - a. Stonework detailing on columns or across foundation.
  - b. Brick or stonework covering more than ten percent of the facade.
  - c. Wood, clad wood, or fiberglass windows covering more than ten percent of the façade area.
  - d. All windows include a minimum of four-inch trim.
  - e. Decorative roofline elements including roof brackets or multiple dormers.
  - f. Decorative porch elements including scrolls, or brackets, or railings.
  - g. Decorative shingle designs.
  - h. Decorative paint schemes (three or more colors).
  - i. Other architectural details may be approved by the by the community development director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.
2. Approved Siding Materials.
  - a. Brick or brick veneer.
  - b. Stone or stone veneer.
  - c. Horizontal wood, fiber cement or composite siding (eight inches wide or less); wider siding may be considered where there is a historic precedent.
  - d. Board and batten siding solely as an accent element unless the design has historic precedent and is approved by the community development director through the exemption process.
  - e. Wood, fiber cement or composite shingle or shake siding.
3. Other materials may be approved by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

**I. Parking shall be provided pursuant to the following requirements:**

1. Parking shall be provided at a ratio of one parking space per dwelling unit minimum and 2.5 spaces per dwelling unit maximum.
2. All parking shall be located on-site and shall not include shared parking or on-street spaces as allowed by OCMC 17.52.020.B.
3. Parking shall be screened from public streets and adjacent residential uses by landscaping or architectural screening in compliance with OCMC 17.52.060.
4. Parking shall be located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).
5. Parking clusters shall be separated by a landscaping planter that is a minimum of nine feet in width and nineteen feet in length.
6. Parking spaces are prohibited in the front, interior or and side yard setback areas. Drive aisles and access driveways may be allowed in the side or rear yard setback.
7. Detached parking structures/garages shall be six hundred square feet or less and are not counted as part of the gross floor area of the dwellings.
8. Garages may be attached to individual dwellings provided all other design standards have been met and the footprint of the garage is included as part of the gross floor area calculations. Such garages shall be located away from common open spaces, shall not gain access off a public street, shall have garage doors of ten feet or less in width and be architecturally subordinate to the dwelling.
9. Driveways shall comply with OCMC 16.12.035.

J. Fences.

1. All fences shall be no more than forty two inches in height, except that fences within one foot of the side or rear property line and outside of the front setback area may be no more than six feet in height.
2. Chain link fences shall not be allowed.

K. Existing Dwelling Unit On-Site. One existing single family home incorporated into a cluster housing development that does not meet the requirements of this chapter is permitted to remain on a site developed for cluster housing and shall be considered a dwelling in the development. The size of the existing single family dwelling unit may be over the square foot maximum and shall not be part of the average gross floor area calculations. Modifications or additions to the existing dwelling unit not consistent with the provisions of this chapter shall not be permitted.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.20.030 Internal conversion. —DELETED**

- A. Purpose. Internal conversions provide opportunities to adaptively reuse existing dwellings in a manner that preserves existing residences, adds additional dwelling units, maintains building scale and design compatible with surrounding neighborhoods, and makes efficient use of existing housing and infrastructure resources.
- B. Eligibility. Single family detached dwellings constructed at least twenty years prior to application for an internal conversion are eligible for internal conversion.
- C. Units Created. An internal conversion may create multiple dwelling units within an existing residence at a maximum ratio of one dwelling unit for each two thousand five hundred square feet of site area, up to a maximum of four units. An internal conversion may be located on the same property as an ADU, provided that the total number of dwelling units, including all internally converted units and ADUs, shall not exceed four and shall not exceed the maximum ratio of one dwelling unit per two thousand five hundred square feet of site area. The internal conversion shall not be subject to the density standards for the underlying zone in which it is located.

D. ~~Size. Limited expansion of the existing single family detached dwelling is permitted as part of an internal conversion. Total expanded square footage shall not exceed five hundred square feet. This maximum expansion size shall apply to the cumulative effects of any expansions completed within two years before or after the internal conversion is completed.~~

E. ~~Dimensions. The internally converted structure shall comply with all dimensional standards of the underlying zone in which it is located.~~

F. ~~Design.~~

a. ~~Any expansion or modification completed with the internal conversion shall be constructed with similar exterior building materials as that of the existing dwelling, or an acceptable substitute to be approved by the community development director.~~

b. ~~Only one entrance may be located on the primary street facing facade.~~

c. ~~Fire escapes or exterior stairs for access to an upper level unit created through an internal conversion shall not be located on the front of the dwelling.~~

G. ~~Parking. One off-street parking space is required for internal conversions with two units, and two off-street parking spaces are required for internal conversions with three or four units. Driveways shall comply with OCMC 16.12.035.~~

H. ~~Review. Applications are processed as a Type I review.~~

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.20.040 Live/work dwelling.**

Live/work dwellings provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work dwellings. Live/work dwellings shall be reviewed through a Type II process. For all zones where live/work dwellings are permitted, the following standards shall apply.

- A. The ground floor business shall provide visibility, signage and access from the primary street. The building in which the live/work dwelling is located shall architecturally differentiate the ground floor from the upper floors by meeting the following requirements on the ground floor:
  1. The main front elevation shall provide at least fifty percent windows. The transparency is measured in lineal fashion and required between 3.5 feet and six feet from the ground (for example, a twenty-five-foot long building elevation shall have at least 12.5 feet (fifty percent of twenty-five feet) of transparency in length).
  2. Large single paned windows over ten feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.
  3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building façades. Exceptions to this prohibition may be granted for LEED certified buildings when documented as part of the application and requested as part of the land use application.
- B. A live/work dwelling is allowed instead of, or in addition to, a home occupation as defined by OCMC 17.04. The business portion of the dwelling shall be limited to the ground floor and may not exceed fifty percent of the square footage of the entire dwelling, excluding the garage, or one thousand square feet, whichever is the smaller number.
- C. The primary entrance to the business shall be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided, an alternative parking and refuse and recycling service plan may be approved by the community development director if it meets the intent of the standards.

- D. The applicant shall show that there is adequate on-street or off-street parking for the proposed use. One parking space is required for every five hundred square feet of commercial, personal service, or office use or a portion thereof. For example, seven hundred square feet of commercial use requires two parking spaces. Adequate parking can be shown by meeting one of the following:
1. Shared Parking. Required parking may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
  2. On-Street Parking. On-street parking dimensions for live/work units shall conform to the standards set forth in OCMC 17.52.010.C.
  3. On-Site Parking. Parking spaces are provided on-site and meet the requirements of OCMC 17.52, Off-Street Parking and Loading. Driveways shall comply with OCMC 16.12.035.
- E. The number of employees permitted on-site for employment purposes shall be limited to five persons at one time.
- F. All live/work dwellings shall be subject to ongoing compliance with the following performance standards:
1. The work use shall not generate noise exceeding fifty-five-decibel level as measured at the lot line of the lot containing the live/work dwelling.
  2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building.
  3. No dust or noxious odor shall be evident off the premises.
  4. If the business is open to the public, public access shall be through the front door and the business may not be open to clients or the public before seven a.m. or after eight p.m.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.20.050 Manufactured home park.**

- A. Purpose. Manufactured home parks provide locational opportunities for manufactured dwellings, to support a variety of affordable housing options. These manufactured home park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.
- B. Review Required.
1. New manufactured home parks and modifications to existing parks shall be subject to a Type II Land Use Review to determine compliance with OCMC 17.20.050.
  2. Placement of a single manufactured home within an existing space or lot within a park shall require Type I Minor Site Plan and Design Review pursuant to OCMC 17.62.035.A to determine compliance with OCMC 17.20.050.
  3. Applications for new or modified manufactured home parks shall include a site plan drawn to scale of the specific layout of the entire park. The site plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking, landscaping and open areas, and manufactured home spaces on the site. In addition, the location of structures on adjacent properties shall be shown.



C. Development Requirements. All manufactured home parks shall meet the following minimum requirements:

1. The minimum size of a manufactured home park shall be one acre.
2. The number of units allowed in the manufactured home park shall be subject to the density requirements of the underlying zone after area used for public and private streets, access drives and any other areas that may be deducted pursuant to the definition of net developable area in OCMC 17.04.810 has been deducted.
3. Except for accessory structures, a minimum setback of fifteen feet is required around the outer boundary of the manufactured home park. Exterior boundaries of the park shall be screened to a height of six feet by a sight-obscuring solid wall, fence, or evergreen or other suitable hedge planting, exclusive of required openings, except where height is limited pursuant to OCMC 17.54.100. Chain link fences are prohibited unless screened with vegetation.
4. Each manufactured home shall maintain a minimum six-foot setback from another manufactured home. Accessory structures are not subject to minimum setbacks or location requirements, except they shall be setback a minimum of five feet from the outer boundary.
5. A minimum of fifteen percent of the gross site area shall be landscaped, which may include landscaped setbacks and common open space required in subsection 6 below. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
6. A minimum of two hundred square feet of open space for each unit in the park, or a minimum of five thousand square feet, whichever is greater, shall be provided in common open space. Streets, access drives and parking lots shall not be considered open space. Open space shall be a mix of landscaping and lawn area, recreational amenities, and hard-surfaced pedestrian paths. Open space areas shall have no dimension less than twenty feet, and shall be landscaped and maintained by the park owner.
7. A manufactured home park shall have an entrance drive from a public street. Access to individual units shall be from private streets within the site which have a minimum width of twenty-four feet of paving from curb to curb. A paved sidewalk shall be provided along at least one side of each private street in the park and shall be a minimum of four feet in width. Parking shall be permitted on one side of those private streets constructed with a minimum width of thirty feet of paving.
8. Off-Street Parking. An on-site paved parking area shall be provided for each manufactured home, either within the park or adjacent to each unit.
9. Except for a structure which conforms to the state definition of a manufactured dwelling accessory structure, no other extension shall be attached to a manufactured dwelling, except a garage or carport constructed to the specifications of the Oregon State Structural Specialty Code.
10. Standards of the underlying zone also apply except where otherwise provided for in this subsection.
11. Parking lots greater than two spaces, refuse and recycling areas, outdoor lighting, fencing, and structures (other than the manufactured homes or accessory structures) are subject to compliance with site plan and design review standards in OCMC 17.62.
12. Cargo containers and membrane and fabric covered storage areas visible from the adjacent right-of-way are prohibited per OCMC 17.54.010.B.4.

- D. In addition to conformance with these standards, all parks, including any alteration and expansion thereof, shall comply with the manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0030, including the Oregon Manufactured Dwelling and Park Specialty Code, as amended.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

## Chapter 17.21 **SINGLE FAMILY** RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

### 17.21.010 Purpose.

The intent of this chapter is to ensure new development implements the goals and policies of the Park Place Concept Plan area and the historic architectural styles of Oregon City. Appropriate architectural styles include: Western Farmhouse/Vernacular, Bungalow, Queen Anne Vernacular and Foursquare. The 2006 Historic Review Board's Design Guidelines for New Construction include additional architectural descriptions of historic single-family structures in Oregon City.



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.21.020 Applicability.

This chapter applies to all new detached single-family residential units, and two-family homes, duplexes, triplexes, quadplexes, townhouses, accessory dwelling units, and cluster housing, cottage clusters located within the Park Place Concept Plan areas. Additions to homes existing prior to the adoption of this chapter in a concept plan area or new single-family homes, residences outside of a concept plan area may choose review under this section or OCMC 17.14, OCMC 17.16, or OCMC 17.20 as applicable.

House Residential plans that conform to the following standards may be approved as a Type I Decision. House Residential plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.21.030 Roof design.

- A. Primary roofs shall be pitched at a minimum ratio of five-twelfths, except for non-gabled dormers, covered porches, or secondary masses.
- B. Exemption: An exemption from the roof standard of subsection A above may be approved by the community development director if the resulting plan is consistent with the architectural style.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.21.040 Modulation and massing.

New homes residences shall have a massing and footprint that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area.

- A. Houses Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.
- B. Exemption: An exemption from the massing standard of subsection A above may be approved by the community development director if the resulting plan continues to provide for a pedestrian friendly design and provides sufficient architectural details to mitigate the impact of a house residence with a large mass on the surrounding neighborhood.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.21.050 Porches and entries.

- A. Each house residence shall contain a front porch with a front door that faces the street that is a minimum of twenty-four inches above average grade with skirting and is at least eighty square feet with no dimension under six feet with the wider dimension parallel to the street. Porch railings are required. The front porch shall be covered.
- B. Exemption: House Residence styles that do not contain a front porch or require a reduction in the size of the porch or its location may request an exemption from the community development director from subsection A above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.
- C. All subdivisions shall have at least seventy-five percent of the housing utilize front porches as approved under subsection A above.
- D. Each dwelling unit residence shall have a separate delineated pedestrian connection (including duplexes, cottages and ADUs) from the front door of the unit to the sidewalk a minimum width of three feet. The pedestrian connection shall be separate from a driveway.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.21.060 Architectural details.

Dwelling units Residences shall contain architectural details. Each of the types of details listed below are worth one point unless otherwise noted. Dwelling units Residences must achieve the equivalent of five points worth of architectural details.

- A. Stonework detailing on columns or across foundation.

- B. Brick or stonework covering more than ten percent of the front facade.
- C. Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).
- D. Decorative roofline elements (choose two): Roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
- E. Decorative siding elements (choose two): Barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.
- F. Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.
- G. Decorative shingle design covering ten percent of the facade.
- H. Exemption: Other architectural detailing may be approved by the community development director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling residence.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.21.070 Approved siding materials.**

- A. Brick.
- B. Basalt stone or basalt veneer.
- C. Narrow horizontal wood or composite siding (five inches wide or less); wider siding will be considered where there is a historic precedent.
- D. Board and batten siding (wood or composite).
- E. Exemption: Other materials may be approved by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.21.080 Windows.**

- A. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- B. Exemption: An exemption may be granted by the community development director from the window standard of subsection A above if the proposed windows provide for some amount recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.
- C. All subdivisions shall have at least seventy-five percent of the housing meet the standards under subsection A above.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.21.090 Garages and accessory structures.**

- A. Garages must be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area. Accessory structures shall be designed consistent with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.

- B. Exemption: An exemption may be granted by the community development director from the garage requirement of subsection A above if topographic or pre-existing lot layout prevents the construction of detached, rear entry or side entry garages on-site or if the applicant proposes a design that mitigates the impact a front entry attached garage has on the pedestrian environment. Any alternative attached garage design shall not project farther than the living area and shall be limited to garage door widths of ten feet or less.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

## Chapter 17.22 **SINGLE-FAMILY** RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

### 17.22.010 Purpose.

The intent of this chapter is to ensure new development is compatible with the goals and policies of the South End Concept Plan area. Specifically, these standards achieve the following objectives:

- A. Enhance the quality of the streetscape by providing a welcoming and safe area for pedestrians at the front of **homes residences**.
- B. Encourage private outdoor space primarily in the rear or side yards of **houses residences**.
- C. Locate new **homes residences** relatively close to the street to provide "eyes on the street" and encourage neighborly interaction and safety.
- D. Where alleys are required pursuant to OCMC 16.12, assure convenient garage placement, vehicle access and parking.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.22.020 Applicability.

These standards apply in addition to OCMC 17.14, **OCMC 17.16, or OCMC 17.20 as applicable**. This chapter applies to all new detached single-family **residential units, and two-family homes duplexes, triplexes, quadplexes, townhouses**, accessory dwelling units, and cottage **clusters** located within the South End Concept Plan area.

**House Residential** plans that conform to these standards may be approved as a Type I Decision. **House Residential** plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.22.030 Alley loaded garages.

- A. Garages on an alley may be attached to or detached from the **house residence**.
- B. Detached garages on an alley shall be set back no further than five feet from the alley.
- C. Attached garages on an alley shall meet the principal building setback of the zone district.
- D. Additional parking outside of an attached or detached garage shall be located beside the detached garage, not in front of the garage doors.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.22.040 Modulation and massing.

New **homes residences** shall have a massing and footprint that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area.

- A. **Houses Residences** with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate rooflines. Each secondary mass shall not have a footprint larger than six hundred square feet.
- B. Exemption: An exemption from the massing standard of subsection A above may be approved by the community development director through a Type II process, upon finding that the resulting plan continues to

provide for a pedestrian friendly design and provides sufficient architectural details to mitigate the impact of a house residence with a large mass on the surrounding neighborhood.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.22.050 Porches and entries.

- A. Homes Residences within twenty feet of the public sidewalk or front property line, whichever is closer, shall contain a front porch with a front door that faces the street that is a minimum of twenty-four inches above average grade with skirting and is at least eighty square feet in area with no dimension under six feet with the wider dimension parallel to the street. Porch railings are required. The front porch shall be covered.
- B. Exemption: House Residential styles that do not contain porches or require a reduction in the size of the porch or its location may be granted an exemption pursuant to a Type II Land Use process from subsection A above if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.
- C. Each dwelling unit residence shall have a separate delineated pedestrian connection (including duplexes, cottages and ADUs) from the front door of the unit to the public sidewalk with a minimum width of three feet. At the front of the house, the pedestrian connection shall be separate from any driveway.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.22.060 Architectural details.

Dwelling units Residences shall contain architectural details. Each architectural detail listed below is worth one point unless otherwise noted. Dwelling units Residences must achieve the equivalent of five points' worth of architectural details.

- A. Stonework detailing on columns or across foundation.
- B. Brick or stonework covering more than ten percent of the facade.
- C. Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).
- D. Decorative roofline elements (choose two): Roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
- E. Decorative siding elements (choose two): Barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.
- F. Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.
- G. Decorative shingle design covering ten percent of the facade.
- H. Exemption: Other architectural detailing may be approved through a Type II process if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling residence.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.22.070 Approved siding materials.

Dwelling units Residences shall have approved siding materials of one or more [of] the types listed below:

- A. Brick.



- B. Basalt stone or basalt veneer.
- C. Narrow horizontal wood or composite siding (five inches wide or less); wider siding will be considered where there is a historic precedent pursuant to a Type II process.
- D. Board and batten siding (wood or composite).
- E. Exemption: Other materials may be approved through a Type II process if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.22.080 Windows.**

- A. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- B. Exemption: An exemption may be granted through a Type II process from the window standard of subsection A above if the proposed windows provide for some amount of recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.22.090 Garages and accessory structures.**

- A. All detached garages and accessory structures larger than two hundred square feet shall be designed consistent with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim.
- B. Detached garages connected by a breezeway will be subject to the setbacks of the underlying zone. Exceptions to this standard shall be processed as a Type II Land Use decision at time of land division or building permit application.

(Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

## Chapter 17.26 HC HISTORIC COMMERCIAL DISTRICT

### 17.26.010 Designated.

The historic commercial district is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. Additional design requirements or adjustments to dimensional standards may be required to comply with OCMC 17.40, Historic Overlay District.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.26.020 Permitted uses.

- A. Single-family detached residential units or a single unit in conjunction with a nonresidential use.
- B. Duplexes or two units in conjunction with a nonresidential use.
- C. Internal conversions of an existing single-family detached residential unit or duplex into a triplex or quadplex.
- D. Live/work dwellings; accessory uses, buildings and dwellings.
- E. Banquet, conference facilities and meeting rooms.
- F. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities for up to ten guests per night.
- G. Child care centers and/or nursery schools.
- H. Indoor entertainment centers and arcades.
- I. Health and fitness clubs.
- J. Medical and dental clinics, outpatient; infirmary services.
- K. Museums, libraries and cultural facilities.
- L. Offices, including finance, insurance, real estate and government.
- M. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday.
- N. Postal services.
- O. Parks, playgrounds, play fields and community or neighborhood centers.
- P. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- Q. Restaurants, eating and drinking establishments without a drive-through.
- R. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- S. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- T. Seasonal sales.
- U. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.
- V. Studios and galleries, including dance, art, photography, music and other arts.

- W. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- X. Veterinary clinics or pet hospitals, pet day care.
- Y. Home occupations.
- Z. Research and development activities.
- AA. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.
- BB. Residential care homes and facilities licensed by the state.
- CC. Transportation facilities.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.26.030 Conditional uses.**

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
- E. Public utilities and services including sub-stations (such as buildings, plants, and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- J. Hospitals;
- K. Parking not in conjunction with a primary use;
- L. Passenger terminals.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.26.035 Prohibited uses.**

- A. ~~Single family attached dwellings~~ Townhouses.
- B. ~~3—4 plex residential~~ Triplexes and quadplexes.
- C. Multi-family residential.
- D. Marijuana businesses.
- E. Mobile food units, except with a special event permit.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.26.050 Dimensional standards.

A. Residential uses:

1. Single-family detached residential units shall comply with the dimensional and density standards required for the R-6 district.
2. Duplexes shall comply with the dimensional and density standards required for the R-3.5 district.

B. All other uses:

1. Minimum lot area: None.
2. Maximum building height: Thirty-five feet or three stories, whichever is less.
3. Minimum required setbacks if not abutting a residential zone: None.
4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
6. Maximum front yard setback: Five feet.
7. Maximum interior side yard: None.
8. Maximum rear yard: None.
9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

## Chapter 17.29 MUC MIXED-USE CORRIDOR DISTRICT

### 17.29.010 Designated.

The mixed-use corridor (MUC) district is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street, Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this district. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.29.020 Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms.
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities.
- C. Child care centers and/or nursery schools.
- D. Indoor entertainment centers and arcades.
- E. Health and fitness clubs.
- F. Medical and dental clinics, outpatient; infirmary services.
- G. Museums, libraries and cultural facilities.
- H. Offices, including finance, insurance, real estate and government.
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday.
- J. Postal services.
- K. Parks, playgrounds, playfields and community or neighborhood centers.
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- M. Multi-family residential, ~~3—4 plex residential~~ triplexes and quadplexes.
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than fifty percent of the total square footage of the development.
- O. Restaurants, eating and drinking establishments without a drive-through.
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- R. Seasonal sales.
- S. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.

- T. Studios and galleries, including dance, art, photography, music and other arts.
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations.
- X. Research and development activities.
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.
- Z. Transportation facilities.
- AA. Live/work dwellings.
- BB. After-hours public parking.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1005, § 1(Exh. A), 5-2-2018; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.29.030 Conditional uses—MUC-1 and MUC-2 zones.**

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.I;
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hospitals;
- J. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- K. Passenger terminals, excluding bus stops;
- L. Shelters.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.29.040 Prohibited uses in the MUC-1 and MUC-2 zones.**

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Correctional facilities;
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
- F. Kennels;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Motor vehicle and recreational vehicle repair/service;
- I. Self-service storage facilities;
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- K. Mobile food units, except with a special event permit.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.29.050 Dimensional standards—MUC-1.**

- A. Minimum lot areas: None.
- B. Maximum building height: Forty feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks.
  - 1. Front yard: Five feet.
  - 2. Interior side yard: None.
  - 3. Corner side setback abutting street: Thirty feet.
  - 4. Rear yard: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- F. Maximum lot coverage of the building and parking lot: Eighty percent.
- G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

#### **17.29.060 Dimensional standards—MUC-2.**

- A. Minimum lot area: None.

- B. Minimum floor area ratio: 0.25.
  - C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
  - D. Maximum building height: Sixty feet.
  - E. Minimum required setbacks if not abutting a residential zone: None.
  - F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
  - G. Maximum Allowed Setbacks.
    - 1. Front yard: Five feet.
    - 2. Interior side yard: None.
    - 3. Corner side yard abutting street: Twenty feet.
    - 4. Rear yard: None.
  - H. Maximum site coverage of building and parking lot: Ninety percent.
  - I. Minimum landscaping requirement (including parking lot): Ten percent.
  - J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.
- (Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.29.070 Floor area ratio (FAR).**

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

- A. The minimum floor area ratios contained in OCMC 17.29.050 and 17.29.060 apply to all nonresidential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
- B. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
- C. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.29.080 Additional standards for Thimble Creek Concept Plan Area.**

- A. Applicability. This section applies to all development in the MUC-2 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the MUC-2 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.



## C. Uses.

1. Light industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials are permitted.
2. The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the development site. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the net developable portion of contiguous mixed-use corridor zoned lands.
  - a. Restaurants, eating and drinking establishments;
  - b. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
  - c. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store does not exceed twenty thousand square feet; and
  - d. Grocery stores provided the maximum footprint for a stand-alone building does not exceed forty thousand square feet.
3. Drive-throughs are prohibited.
4. Gas stations are prohibited.
5. Bed and breakfast and other lodging facilities for up to ten guests per night are a conditional use.
6. Tax Lot 00800, located on Clackamas County Map #32E10C has a special provision to allow the multifamily residential use permitted as of July 31, 2020 as a permitted use. This property may only maintain and expand the current use.

## D. Dimensional Standards.

1. Minimum floor area ratio (FAR) shall be 0.35.
2. Maximum allowed setback for corner side yard abutting street shall be five feet.

## E. Residential Uses. All residential uses, except live/work units, are limited to upper stories only, and may only be proposed as part of a single development application incorporating nonresidential uses allowed in the MUC-2 district on the ground floor.

(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

## Chapter 17.32 C GENERAL COMMERCIAL DISTRICT

### 17.32.010 Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.32.020 Permitted uses.

- A. Banquet, conference facilities and meeting rooms.
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities.
- C. Child care centers and/or nursery schools.
- D. Drive-in or drive-through facilities.
- E. Gas stations.
- F. Indoor entertainment centers and arcades.
- G. Health and fitness clubs.
- H. Motor vehicle and recreational vehicle sales and/or incidental service.
- I. Motor vehicle and recreational vehicle repair and/or service.
- J. Custom or specialized vehicle alterations or repair wholly within a building.
- K. Medical and dental clinics, outpatient; infirmary services.
- L. Museums, libraries and cultural facilities.
- M. Offices, including finance, insurance, real estate and government.
- N. Outdoor markets, such as produce stands, craft markets and farmers markets.
- O. Postal services.
- P. Passenger terminals (water, auto, bus, train).
- Q. Parks, playgrounds, play fields and community or neighborhood centers.
- R. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
- S. Multi-family residential, ~~3—4 plex residential~~ triplexes, quadplexes, or one or two units in conjunction with a nonresidential use.
- T. Restaurants, eating and drinking establishments without a drive-through.
- U. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
- V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.
- W. Seasonal sales.
- X. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.

- Y. Studios and galleries, including dance, art, photography, music and other arts.
- Z. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- AA. Veterinary clinics or pet hospitals, pet day care.
- BB. Home occupations.
- CC. Research and development activities.
- DD. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.
- EE. Residential care facility licensed by the state.
- FF. Transportation facilities.
- GG. Live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.32.030 Conditional uses.**

The following conditional uses are permitted when authorized and in accordance with the standards contained in OCMC 17.56:

- A. Religious institutions;
- B. Hospitals;
- C. Self-service storage facilities;
- D. Public utilities, including sub-stations (such as buildings, plants and other structures);
- E. Public and/or private educational or training facilities;
- F. Parking structures and lots not in conjunction with a primary use;
- G. Emergency service facilities (police and fire), excluding correctional facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.32.040 Prohibited uses in the general commercial district.**

The following uses are prohibited in the general commercial district:

- A. Distribution, wholesaling and warehousing;
- B. Outdoor sales or storage, except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the site plan and design review process. This area may not exceed fifteen percent of the building footprint of the primary building;
- C. General manufacturing or fabrication;
- D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- E. Marijuana production, processing, wholesaling, research, testing, and laboratories;

- F. Mobile food units, except with a special event permit.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.32.050 Dimensional standards.**

- A. Minimum lot area: None.
- B. Maximum building height: Sixty feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
  - 1. Front yard setback: Five feet.
  - 2. Interior side yard setback: None.
  - 3. Corner side yard setback abutting street: None.
  - 4. Rear yard setback: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- F. Maximum site coverage of building and parking lot: Eighty-five percent.
- G. Minimum landscaping requirement (including parking lot): Fifteen percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

## Chapter 17.34 MUD MIXED-USE DOWNTOWN DISTRICT

### 17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a downtown design district overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Multi-family residential, ~~3—4 plex residential~~ triplexes and quadplexes;
- M. One or two units in conjunction with a nonresidential use provided that the residential use occupies no more than fifty percent of the total square footage of the development;
- N. Restaurants, eating and drinking establishments without a drive-through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);

- Q. Seasonal sales;
- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Y. Transportation facilities;
- Z. Live/work dwellings;
- AA. After-hours public parking;
- BB. Marinas;
- CC. Religious institutions;
- DD. Mobile food units outside of the downtown design district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.34.030 Conditional uses.**

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Drive-through facilities;
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of OCMC 17.34.020.I;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;

- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train), excluding bus stops;
- O. Recycling center and/or solid waste facility;
- P. Shelters, except within the downtown design district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.34.040 Prohibited uses.**

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;
- C. Self-service storage;
- D. Single-family ~~attached and~~ detached residential units, townhouses and duplexes;
- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;
- G. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- I. Mobile food units within the downtown design district unless a special event has been issued.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.34.050 Pre-existing industrial uses.**

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.34.060 Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.**

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Seventy-five feet, except for the following location where the maximum building height shall be forty-five feet:

1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
  2. Property within five hundred feet of the End of the Oregon Trail Center property; or
  3. Property abutting single-family detached or attached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
1. Front yard: Twenty feet.
  2. Interior side yard: No maximum.
  3. Corner side yard abutting street: Twenty feet.
  4. Rear yard: No maximum.
  5. Rear yard abutting street: Twenty feet.
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.
- (Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

**17.34.070 Mixed-use downtown dimensional standards—For properties located within the downtown design district.**

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
1. Front yard setback: Ten feet.
  2. Interior side yard setback: No maximum.
  3. Corner side yard setback abutting street: Ten feet.
  4. Rear yard setback: No maximum.
  5. Rear yard setback abutting street: Ten feet.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.



- H. Maximum site coverage of the building and parking lot: Ninety-five percent.
- I. Minimum landscape requirement (including parking lot): Five percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

#### **17.34.080 Explanation of certain standards.**

- A. Floor Area Ratio (FAR).
  - 1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
  - 2. Standards.
    - a. The minimum floor area ratios contained in OCMC 17.34.060 and 17.34.070 apply to all nonresidential and mixed-use building developments.
    - b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
    - c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.
- B. Building Height.
  - 1. Purpose.
    - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.
    - b. A minimum two-story (twenty-five feet) building height is established for the downtown design district overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

## Chapter 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT

### 17.35.010 Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this sub-district require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.35.020 Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to OCMC 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses);
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet;
- C. Research and development activities;
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government;
- E. Restaurants, eating and drinking establishments without a drive-through, and mobile food units;
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;
- G. Museums, libraries, and interpretive/education facilities;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets;
- I. Indoor entertainment centers and arcades;
- J. Studios and galleries, including dance, art, film and film production, photography, and music;
- K. Hotel and motel, commercial lodging;
- L. Conference facilities and meeting rooms;
- M. Public and/or private educational or training facilities;
- N. Child care centers and/or nursery schools;
- O. Health and fitness clubs;
- P. Medical and dental clinics, outpatient; infirmary services;
- Q. Repair shops, except automotive or heavy equipment repair;
- R. Residential units—Multi-family, ~~and 3—4 plex triplexes and quadplexes;~~

- S. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- T. Seasonal sales;
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- V. Veterinary clinics or pet hospitals, pet day care;
- W. Home occupations;
- X. Religious institutions;
- Y. Live/work units;
- Z. Water-dependent uses, such as boat docks;
- AA. Passenger terminals (water, auto, bus, train);
- BB. Existing parking, storage and loading areas, as an interim use, to support open space/recreational uses;
- CC. After-hours public parking.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.35.030 Conditional uses.**

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56:

- A. Emergency services;
- B. Hospitals;
- C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
- D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;
- F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials that exceed sixty thousand square feet;
- H. Public utilities and services such as pump stations and sub-stations;
- I. Stadiums and arenas.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.35.040 Prohibited uses.**

The following uses are prohibited in the WFD district:

- A. Kennels;

- B. Outdoor sales or storage that is not accessory to a retail use allowed in OCMC 17.35.020 or 17.35.030;
- C. Self-service storage;
- D. Distributing, wholesaling and warehousing not in association with a permitted use;
- E. Single-family ~~and two-family detached~~ residential units, duplexes and townhouses;
- F. Motor vehicle and recreational vehicle repair/service;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- I. Marijuana production, processing, wholesaling, research, testing, and laboratories.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.35.050 Temporary uses.**

- A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: Movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II land use action.
- B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:
  - 1. Outdoor storage or warehousing not accessory to a use allowed in OCMC 17.35.020 or 17.35.030;
  - 2. Movie and Television Filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on-site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district;
- C. General Regulations for Temporary Uses.
  - 1. The temporary use permit is good for one year and can be renewed for a total of three years;
  - 2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district;
  - 3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.35.060 Willamette Falls Downtown District dimensional standards.**

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in OCMC 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and twenty-five feet, except for:

1. Accessory structures or buildings under one thousand square feet; and
  2. Buildings to serve open space or public assembly uses.
- D. Maximum building height: Eighty feet.
- E. Minimum required setbacks: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- F. Maximum allowed setbacks: Ten feet.
- G. Maximum site coverage: One hundred percent.
- H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per OCMC 17.52.

(Ord. No. 14-1016, § 1(Att. B), 11-5-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

## Chapter 17.49 NATURAL RESOURCE OVERLAY DISTRICT

### 17.49.010 Purpose.

The natural resource overlay district designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The natural resource overlay district (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

- A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- C. Protect upland habitats, and enhance connections between upland and riparian habitat.
- D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.
- E. Conserve scenic, recreational, and educational values of significant natural resources.

The NROD ecological functions listed above are planned for integration with existing neighborhoods, new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.49.015 Natural resources committee.

The applicant is encouraged to contact the Oregon City Natural Resources Committee for input and advice on ways to further the purpose of the natural resources overlay district, whether or not a development application is proposed within the natural resources overlay district. Any advice given by the natural resources committee is non-binding on the applicant and the natural resources committee, and shall not relieve an applicant from compliance with this chapter.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.49.020 NROD identifying documents.

- A. The NROD protects as one connected system the habitats and associated functions of the streams, riparian corridors, wetlands and the regulated upland habitats found in Oregon City. These habitats and functions are described in the following documents upon which the NROD is based:
  - 1. The 1999 Oregon City Local Wetland Inventory.
  - 2. The Oregon City Water Quality Resource Area Map (Ord. No. 99-1013).
  - 3. 2004 Oregon City slope data and mapping (LIDAR).
  - 4. Metro Regionally Significant Habitat Map (Aerial Photos taken 2002).

5. National Wetland Inventory (published 1992).
6. Beaver Creek Road Concept Plan (adopted September 2008).
7. Park Place Concept Plan (adopted April 2008).
8. South End Concept Plan (adopted April 2014).

The NROD provisions apply only to properties within the NROD as shown on the NROD Map, as amended.

The intent of these regulations is to provide applicants the ability to choose a clear and objective review process or a discretionary review process. The NROD provisions do not affect existing uses and development, or the normal maintenance of existing structures, driveways/parking areas, public facilities, farmland and landscaped areas. New public facilities such as recreation trails, planned road and utility line crossings and stormwater facilities, are allowed within the overlay district under prescribed conditions as described in OCMC 17.49.090. In addition, provisions to allow a limited portion of the NROD to be developed on existing lots of record that are entirely or mostly covered by the NROD ("highly constrained") are described in OCMC 17.49.120.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.030 Map as reference.**

1. This chapter applies to all development within the natural resources overlay district as shown on the NROD Map, which is a regulatory boundary mapped ten feet beyond the required vegetated corridor width specified in OCMC 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in OCMC 17.49.020.A.1—17.49.020.A.8, however the adopted map may not indicate the true location of protected features.
2. Notwithstanding changing field conditions or updated mapping approved by the city (and processed as a Type I Verification per OCMC 17.49.255), the applicant may choose to either accept the adopted NROD boundary or provide a verifiable delineation of the true location of the natural resource feature pursuant to the Type I or Type II procedure in accordance with this chapter.
3. The NROD boundary shall be shown on all development permit applications.
4. The official NROD map can only be amended by the city commission.
5. Verification of the map shall be processed pursuant to OCMC 17.49.250.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.035 Addition of wetlands to map following adoption.**

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the state of Oregon's definition of a "Locally Significant Wetland." In such cases, the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this chapter. The amended NROD boundary may be relied upon by the community development director for the purposes of subsequent development review.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.040 NROD permit and review process.**

An NROD permit is required for those uses regulated under OCMC 17.49.090, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to OCMC 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.050 Emergencies.**

The provisions of this chapter do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of OCMC 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.060 Consistency and relationship to other regulations.**

- A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the OCMC, other city requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.
- B. Compliance with Federal and State Requirements.
  - 1. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make an application for such approval prior to or simultaneously with the submittal of its development application to the city. The planning division shall coordinate city approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the city pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.
  - 2. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to OCMC 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the city's comprehensive plan and this code.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.070 Prohibited uses.**

The following development and activities are not allowed within the NROD:

- A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.
- B. New lots that would have their buildable areas for new development within the NROD are prohibited.
- C. The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.



- D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.080 Uses allowed outright (exempted).**

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.
- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- C. Utility service using a single utility pole.
- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
- E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the community development director.
- F. Trails meeting all of the following:
  - 1. Construction shall take place between May 1 and October 30 with hand held equipment;
  - 2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;
  - 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
  - 4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;
  - 5. No impervious surfaces; and
  - 6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.
- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
  - 1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the city's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;
  - 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;
  - 3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and
  - 4. The NROD portions of all lots are protected by:
    - a. A conservation easement; or
    - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.

- H. Site plan and design review applications where all new construction is located outside of the NROD boundary shown on the city's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the city.
- I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
- J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
- K. Measures approved by the city of Oregon City to remove or abate nuisances or hazardous conditions.
- L. Tree Removal. The community development director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this subsection L shall be replaced with a new tree of at least one-half-inch caliper or at least six foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).

The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

- M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:
  - 1. All work is done using hand-held equipment;
  - 2. No existing native vegetation is disturbed or removed; and
  - 3. All work occurs outside of wetlands and the top-of-bank of streams.
- N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this chapter.
- O. New fences meeting all of the following:
  - 1. No taller than three and a half feet and of split rail or similar open design;
  - 2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;
  - 3. Six inches of clearance from ground level;
  - 4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.
- P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.49.090 Uses allowed under prescribed conditions.

The following uses within the NROD are subject to the applicable standards listed in OCMC 17.49.100 through 17.49.190 pursuant to a Type II process:

- A. Alteration to existing structures within the NROD when not exempted by OCMC 17.49.080, subject to OCMC 17.49.130.
- B. A residence single-family detached residential unit or duplex on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in OCMC 17.49.120.A.
- C. A land division that would create a new lot for an existing residence currently within the NROD, subject to OCMC 17.49.160.
- D. Land divisions when not exempted by OCMC 17.49.080, subject to the applicable standards of OCMC 17.49.160.
- E. Trails/pedestrian paths when not exempted by OCMC 17.49.080, subject to OCMC 17.49.170 (for trails) or OCMC 17.49.150 (for paved pedestrian paths).
- F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by OCMC 17.49.080.
- G. Roads, bridges/creek crossings subject to OCMC 17.49.150.
- H. Utility lines subject to OCMC 17.49.140.
- I. Stormwater detention or pre-treatment facilities subject to OCMC 17.49.155.
- J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to OCMC 17.49.120.B.
- K. City, county and state capital improvement projects, including sanitary sewer, water and stormwater facilities, water stations, and parks and recreation projects.
- L. Non-hazardous tree removal that is not exempted pursuant to OCMC 17.49.080.K.
- M. Fences that do not meet the standards for exemption pursuant to OCMC 17.49.080.O.4.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.49.100 General development standards.

The following standards apply to all uses allowed under prescribed conditions within the NROD with the exception of rights-of-way (subject to OCMC 17.49.150), trails (subject to OCMC 17.49.170), utility lines (subject to OCMC 17.49.140), land divisions (subject to OCMC 17.49.160), and mitigation projects (subject to OCMC 17.49.180 or 17.49.190):

- A. Native trees shall be preserved unless they are located within ten feet of any proposed structures or within five feet of new driveways, or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;
- B. The community development director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the natural resource overlay district;

- C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry);
- D. Grading is subject to installation of erosion control measures required by the city;
- E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;
- F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
- G. Fences in compliance with OCMC 17.49.080.N;
- H. Exterior lighting shall be placed or shielded so that they do not shine directly into resource areas;
- I. If development will occur within the one hundred-year floodplain, the standards of OCMC 17.42 shall be met; and
- J. Mitigation of impacts to the regulated buffer is required, subject to OCMC 17.49.180 or 17.49.190.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.49.110 Width of vegetated corridor.**

- A. Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.

**Table 17.49.110**

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (see Note 1)
Anadromous fish-bearing streams	Any slope	• Edge of bankfull flow	200 feet
Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	< 25 percent	• Edge of bankfull flow	15 feet
All other protected water features	< 25 percent	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	≥ 25 percent for 150 feet or more (see Note 2)		200 feet
	≥ 25 percent for less than 150 feet (see Note 2)		Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.

## Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of OCMC 17.49.120.
  2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
  3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the twenty-five percent or more slope.
- B. Habitat Areas within/City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.
- C. Habitat areas outside city limit within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of the ordinance codified in this chapter, the minimum corridor width from any non-anadromous fish bearing stream or wetland shall be fifty feet.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.120 Maximum disturbance allowance for highly constrained lots of record.**

In addition to the general development standards of OCMC 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per OCMC 17.49.090.B and 17.49.090.F:

- A. Standard for Residential Development. In the NROD where the underlying zone district is zoned residential (R-10, R-8, R-6, R-5, R-3.5): The maximum disturbance area allowed for new residential development within the NROD area of the lot is three thousand square feet.
- B. Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals twenty-five percent of the total lot area.
1. Lots that are entirely covered by the NROD will be allowed to develop twenty-five percent of their area.
  2. This can be determined by: (1) Multiplying the total square footage of the lot by .25; or (2) Subtracting from that amount the square footage of the lot that is located outside the NROD. The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is less than or equal to zero, no disturbance is permitted and the building shall be located outside of the boundary.
- C. In all areas, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least fifty feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or twenty-five feet from the top of bank of any tributary of the aforementioned creeks, other water body, or from the delineated edge of a wetland located within the NROD area.
- D. If the highly constrained lot of record cannot comply with the above standards, a maximum one thousand five hundred square foot disturbance within the NROD area may be allowed.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.130 Existing development standards.**

In addition to the General Development Standards of OCMC 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights-of-way, utility lines,

land divisions and mitigation projects. As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to OCMC 17.49.080.J shall submit a Type II or Type III application pursuant to this section.

Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.140 Standards for utility lines.**

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:

- A. The disturbance area for private connections to utility lines shall be no greater than ten feet wide;
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than fifteen feet wide;
- C. New utility lines shall be within the right-of-way, unless reviewed under subsection D.
- D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to OCMC 17.49.200, Adjustment from standards.
- E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
- F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;
- G. Native trees more than ten inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and
- H. Each six to ten-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each eleven-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted within the NROD on the subject property. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.
- I. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.150 Standards for vehicular or pedestrian paths and roads.**

The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:

- A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.
- B. Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;
- C. No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;
- D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;

- E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and
  - F. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.
- (Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.155 Standards for stormwater facilities.**

Approved facilities that infiltrate stormwater on-site in accordance with public works low-impact development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

- A. The forest canopy within the driplines of existing trees shall not be disturbed.
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
- C. Mitigation is required, subject to OCMC 17.49.180 or 17.49.190.
- D. The stormwater facility may encroach up to one-half the distance of the NROD corridor.
- E. The stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be processed as a Type III application.
- F. The community development director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the natural resource overlay district.
- G. The design of the stormwater facility shall be subject to OCMC 13.12.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.160 Standards for land divisions.**

Other than those land divisions exempted by OCMC 17.49.070.G., new residential lots created within the NROD shall conform to the following standards:

- A. For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:
  - 1. There is an existing house on the site that is entirely within the NROD area; and
  - 2. The existing house will remain; and
  - 3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.
- B. Protection and ownership of NROD areas in land divisions:
  - 1. New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.
  - 2. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:
    - a. A tract of private open space held by the homeowners association;

- b. For residential land divisions, a tract of private open space held by a homeowner's association subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document;
- c. Public open space where the tract has been dedicated to the city or other governmental unit;
- d. Conservation easement area pursuant to OCMC 17.49.180.G and approved in form by the community development director;
- e. Any other ownership proposed by the owner and approved by the community development director; or
- f. NROD tracts shall be exempt from minimum frontage requirements, dimensional standards of the zoning designation, street frontage requirements, or flag lot standards pursuant to OCMC 16.08.053.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.170 Standards for trails.**

All trails that are not exempt pursuant to OCMC 17.49.80.F shall be processed through a Type II or Type III process pursuant to this chapter; and shall provide mitigation, subject to OCMC 17.49.180 or 17.49.190.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.180 Mitigation standards.**

The following standards (or the alternative standards of OCMC 17.49.190) apply to required mitigation:

- A. Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process.
- B. Mitigation shall occur on the site where the disturbance occurs, pursuant to the following:
  - 1. The mitigation required for disturbance associated with a right-of-way or utility in the right-of-way shall be located as close to the impact area as possible within the NROD;
  - 2. If not possible to locate mitigation on the same site, the mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
  - 3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.
- C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.
- D. Invasive and nuisance vegetation shall be removed within the mitigation area.
- E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.



NOTE: Applications on sites where no trees are present or which are predominantly covered with invasive species shall be required to mitigate the site, remove the invasive species and plant trees and native plants pursuant to Option 2.

1. Mitigation Planting Option 1.

- a. Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table 17.49.180E.1.a.

**Table 17.49.180E.1.a  
Required Planting**

Size of Tree to be Removed (DBH)	Number of Trees and Shrubs to be Replanted
6 to 12"	2 trees and 3 shrubs
13 to 18"	3 trees and 6 shrubs
19 to 24"	5 trees and 12 shrubs
25 to 30"	7 trees and 18 shrubs
Over 30"	10 trees and 30 shrubs

- b. Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six feet in height. Shrubs shall be at least one-gallon container size or the equivalent in ball and burlap, and shall be at least twelve inches in height at the time of planting. All other species shall be a minimum of four-inch pots.
- c. Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between eight and twelve feet on center, and shrubs shall be planted on average between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted on average between eight and ten feet on center.
- d. Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and eighteen inches in diameter. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
- e. Plant Species. Shrubs shall consist of at least two different species. If ten trees or more are planted, no more than one-half of the trees may be of the same genus. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.

2. Mitigation Planting Option 2.

- a. Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by five hundred, and then multiplying that result times five trees and twenty-five shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be three hundred thirty square feet of disturbance area, then three hundred thirty divided by five hundred equals .66, and .66 times five equals 3.3, so three trees shall be planted, and .66 times twenty-five equals 16.5, so seventeen shrubs shall be planted). Bare ground shall be planted or seeded with native grasses or herbs. Non-native sterile

wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

- b. Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.
  - c. Plant Spacing. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.
  - d. Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.
  - e. Plant Diversity. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.
- F. An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.
- G. Monitoring and Maintenance. The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the community development director. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the planning division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind to meet the eighty percent survival requirement. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and/or ground cover species.
- H. Covenant or Conservation Easement. The applicant shall record a restrictive covenant or conservation easement, in a form provided by the city, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the city to complete mitigation work in the event of default by the responsible party. Costs borne by the city for such mitigation shall be borne by the owner.
- I. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the city, shall be submitted before development within the NROD disturbance area commences. The city will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.49.190 Alternative mitigation standards.**

In lieu of the above mitigation standards of OCMC 17.49.180, the following standards may be used. Compliance with these standards shall be demonstrated in a mitigation plan report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the city may require the report to be reviewed by an environmental consultant.

- A. The report shall document the existing condition of the vegetated corridor as one of the following categories:

Good Existing Corridor:	Combination of trees, shrubs and groundcover are eighty percent present, and there is more than fifty percent tree canopy coverage in the vegetated corridor.
Marginal Existing Vegetated Corridor:	Combination of trees, shrubs and groundcover are eighty percent present, and twenty-five to fifty percent canopy coverage in the vegetated corridor.
Degraded Existing Vegetated Corridor:	Less vegetation and canopy coverage than marginal vegetated corridors, and/or greater than ten percent surface coverage of any non-native species.

- B. The proposed mitigation shall occur at a minimum two-to-one ratio of mitigation area to proposed disturbance area;
- C. The proposed mitigation shall result in a significant improvement to good existing condition as determined by a qualified environmental professional;
- D. There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;
- E. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;
- F. Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carry out and ensure the success of the mitigation.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.49.200 Adjustment from standards.**

If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the city may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

- A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;
- B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;
- C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;
- D. Fish and wildlife passage will not be impeded;
- E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and
- F. The applicant has proposed adequate mitigation to offset the impact of the adjustment.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.49.210 Type II development permit application.

Unless otherwise directed by the NROD standards, proposed development within the NROD shall be processed as a Type II development permit application. All applications shall include the items required for a complete application by OCMC 17.49.220—17.49.230, and 17.50.080 as well as a discussion of how the proposal meets all of the applicable NROD development standards in OCMC 17.49.100—17.49.170.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.49.220 Required site plans.

Site plans showing the following required items shall be part of the application:

- A. For the entire subject property (NROD and non-NROD areas):
  1. The NROD District Boundary. This may be scaled in relation to property lines from the NROD Map;
  2. One hundred-year floodplain and floodway boundary (if determined by FEMA);
  3. Creeks and other waterbodies;
  4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;
  5. Topography shown by contour lines of two or one foot intervals for slopes less than fifteen percent and by ten foot intervals for slopes fifteen percent or greater;
  6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.;
  7. Extent of the required vegetated corridor required by Table 17.49.110.
- B. Within the NROD area of the subject property:
  1. The distribution outline of shrubs and ground covers, with a list of most abundant species;
  2. Trees six inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
  3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of six inches or greater shall be specifically identified as to number, trunk diameters and species;
  4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at two foot vertical contours in areas of slopes less than fifteen percent and at five foot vertical contours of slopes fifteen percent or greater.
- C. A construction management plan including:
  1. Location of site access and egress that construction equipment will use;
  2. Equipment and material staging and stockpile areas;
  3. Erosion control measures that conform to city of Oregon City erosion control standards;
  4. Measures to protect trees and other vegetation located outside the disturbance area.
- D. A mitigation site plan demonstrating compliance with OCMC 17.49.180 or 17.49.190, including:
  1. Dams, weirs or other in-water features;

2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;
3. Distribution, species composition, size, and spacing of shrubs to be planted;
4. Location, species and size of each tree to be planted;
5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;
6. Water bodies or wetlands to be created, including depth;
7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.49.230 Mitigation plan report.**

A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:

- A. Written responses to each applicable mitigation standard in OCMC 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;
- B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;
- C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);
- D. Construction timetables;
- E. Monitoring and maintenance practices pursuant to OCMC 17.49.230.F and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first five years of the mitigation area establishment.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.49.240 Density transfer.**

The NROD allocates urban densities to the non-NROD portions of properties located partially within the NROD, generally resulting in a substantial increase in net development potential.

For lots of record that are located within the NROD, density transfer is allowed, subject to the following provisions:

- A. Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;
- B. The residential transfer credit shall be as follows: For new residential partitions and subdivisions, one-third of the area of the NROD tract or conservation easement area may be added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.
- C. Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to subsection B above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are specified in Tables 17.49.240.A—17.49.240.C.

- D. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size.
- E. The applicant may choose to make the adjustments over as many lots as required.

**Table 17.49.240.A**  
**Lot Size Reductions Allowed for NROD Density Transfers**

ZONE	Minimum Lot Size (%)	Minimum Lot Width	Minimum Lot Depth
R-10	5,000 square feet	50'	65'
R-8	4,000 square feet	45'	60'
R-6	3,500 square feet	35'	55'
R-5	3,000 square feet	30'	50'
R-3.5	1,800 square feet	20'	45'

**Table 17.49.240.B**  
**Reduced Dimensional Standards for Detached Single-Family Residential Units and Duplexes**

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Corner Side	Lot Coverage
8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

**Table 17.49.240.C**  
**Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units-Townhouses**

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

\*Zero foot setback is only allowed on single-family attached units townhouses.

- F. For density transfers on properties zoned commercial, institutional, industrial or multi-family, the transfer credit ratio is ten thousand square feet per acre of land within the NROD;
- G. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.
- H. The owner of the transferring property shall execute a covenant that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued.

- I. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.49.250 Verification of NROD boundary.**

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may be through a site specific environmental survey or a simple site visit in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of OCMC 17.49.100. Verifications shall be processed as either a Type I or Type II process.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.49.255 Type I verification.**

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220, as applicable.
- B. An applicant may request a Type I Verification determination by the community development director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:
  1. No soil, vegetation, hydrologic features have been disturbed;
  2. No hydrologic features have been changed;
  3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.
  4. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.
  5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or man-made storm or surface water runoff structures or artificial water collection devices.
  6. Evidence of prior land use approvals that conform to the natural resource overlay district, or which conformed to the water quality resources area overlay district that was in effect prior to the current adopted NROD (Ord. No. 99-1013).
  7. There is an existing physical barrier between the site and a protected water feature, including:
    - a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.
    - b. Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the city.
- C. If the city is not able to clearly determine, through the Type I verification process that the applicable criteria subsections B.1. —B.7. above are met, the verification application shall be denied. An applicant may then opt to apply for a verification through the Type II process defined below.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.260 Type II verification.**

Verifications of the NROD which cannot be determined pursuant to the standards of OCMC 17.49.255 may be processed under the Type II permit procedure.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220 as applicable.
- B. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not exist on a site-specific area.
- C. Verification to remove a recently developed area from the NROD shall show that all of the following have been met:
  - 1. All approved development in the NROD has been completed;
  - 2. All mitigation required for the approved development, located within the NROD, has been successful; and
  - 3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.49.265 Corrections to violations.**

For correcting violations, the violator shall submit a remediation plan that meets all of the applicable standards of the NROD. The remediation plan shall be prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry. If one or more of these standards cannot be met, then the applicant's remediation plan shall demonstrate that there will be:

- A. No permanent loss of any type of resource or functional value listed in OCMC 17.49.10, as determined by a qualified environmental professional;
- B. A significant improvement of at least one functional value listed in OCMC 17.49.10, as determined by a qualified environmental professional; and
- C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)



## Chapter 17.50 ADMINISTRATION AND PROCEDURES

### 17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the city of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 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
Annexation				X	
Compatibility review for communication facilities	X				
Compatibility review for the Willamette River Greenway Overlay District			X		
Code interpretation			X		
Master plan/planned unit development—General development plan			X		
Master plan/planned unit development—General development plan amendment	X	X	X		
Conditional use (excluding shelters)			X		
Conditional use for a shelter				X	
Detailed development plan <sup>1</sup>	X	X	X		
<u>Expedited land division</u>		<u>X (modified)</u>			
Extension	X				
Final plat	X				
Geologic hazards		X			
Historic review	X		X		
Lot line adjustment and abandonment	X				

Manufactured home park review (new or modification)		X			
Placement of a single manufactured home on existing space or lot within a park	X				
<u>Middle housing land division</u>		<u>X (modified)</u>			
Minor partition		X			
Nonconforming use, structure and lots review	X	X			
Plan or code amendment				X	
Revocation				X	
Site plan and design review	X	X			
Subdivision		X			X
Variance		X	X		
Zone change				X	
Natural resource overlay district exemption	X				
Natural resource overlay district review		X	X		
Live/work dwelling review		X			
<u>Cluster housing development review</u>		<u>X</u>			
Residential design standards review for <u>single-family attached, single-family detached, duplexes, 3—4 plexes, internal conversions triplexes, quadplexes, townhouses, cottage clusters</u> and accessory dwelling units <u>(uses minor site plan and design review)</u>	X				
Modification of residential design standards		X			

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

- 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, by any party who submitted comments in writing before the

expiration of the comment period. Review by the city commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5). The city commission decision is the city's final decision and is subject to review by 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 shall be issued at least twenty days pre-hearing, and the staff report shall 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 pursuant to OCMC 17.50.190. The city commission decision on appeal from is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.
- 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 shall 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 shall be issued at least twenty days pre-hearing, and the staff report shall 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 fourteen 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 subject to review by LUBA within twenty-one days of when it becomes final.
- E. Expedited land divisions and middle housing land divisions are subject to the requirements of OCMC 16.24. 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 shall 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).

- F. Decisions, completeness reviews, appeals, and notices in this chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.50.040 Development review in overlay districts and for erosion control.**

For any development subject to regulation of geologic hazards overlay district under OCMC 17.44; natural resource overlay district under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; historic overlay district under OCMC 17.40, and erosion and sediment control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.50.050 Pre-application conference.**

- A. Pre-application Conference. Prior to a Type II—IV or legislative application, excluding historic review, being deemed complete, the applicant shall schedule and attend a pre-application conference with city staff to discuss the proposal, unless waived by the community development director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.
1. To schedule a pre-application conference, the applicant shall contact the planning division, submit the required materials, and pay the appropriate conference fee.
  2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the city, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.
  3. The planning division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.
- B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the city will accept a permit application. The community development director may waive the pre-application requirement if, in the director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.
- C. Notwithstanding any representations by city staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the city of any standard or requirement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.50.055 Neighborhood association meeting.**

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose

territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.
- D. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.50.060 Application requirements.**

A permit application may only be initiated by the record property owner or contract purchaser, the city commission or planning commission. If there is more than one record owner, then the city will not complete a Type II—IV application without signed authorization from all record owners. All permit applications shall be submitted on the form provided by the city, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.50.070 Completeness review and one hundred twenty-day rule.**

- A. Upon submission, the community development director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the community development director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the community development director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.
- B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the community development director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

The application will be deemed complete for the purpose of this section upon receipt by the community development director of:

1. All the missing information;
  2. Some of the missing information and written notice from the applicant that no other information will be provided; or
  3. Written notice from the applicant that none of the missing information will be provided.
- C. Once the community development director determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete. Pursuant to ORS 227.178, the city will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:
1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
  2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
  3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the city's authority and control.
  4. The one hundred twenty-day period does not apply to any application for an amendment to the city's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.
- D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:
1. The project includes five or more residential units, including assisted living facilities or group homes;
  2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and
  3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.
- F. The approval standards that control the city's review and decision on a complete application are those which were in effect on the date the application was first submitted.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.080 Complete application—Required information.**

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The community development director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the community development director may require additional information, beyond that listed in this

subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the city will not deem the application complete until all information required by the community development director is submitted. At a minimum, the applicant shall submit the following:

- A. One copy of a completed application form that includes the following information:
  - 1. An accurate address and tax map and location of all properties that are the subject of the application;
  - 2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
- B. A complete list of the permit approvals sought by the applicant;
- C. A complete and detailed narrative description of the proposed development;
- D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
- E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications. One paper copy of all application materials shall be submitted for Type I applications;
- F. For all Type II—IV applications, the following is required:
  - 1. An electronic copy of all materials.
  - 2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.
  - 3. Documentation indicating there are no liens favoring the city on the subject site.
  - 4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
  - 5. A current preliminary title report or trio for the subject property(ies);
- G. All required application fees;
- H. Annexation agreements, traffic or technical studies (if applicable);
- I. Additional documentation, as needed and identified by the community development director.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.090 Public notices.**

All public notices issued by the city announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

- A. Notice of Type II Applications. Once the community development director has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the city shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC 17.50.100. The city's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;
  2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;
  3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
  4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;
  5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
  6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;
  7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.
- B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice on the city website within the city at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:
1. The time, date and location of the public hearing;
  2. Street address or other easily understood location of the subject property and city-assigned planning file number;
  3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the city will use to evaluate the proposal;
  4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
  5. A statement that any issue which is intended to provide a basis for an appeal to the city commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue;
  6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;
  7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
  8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.



C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or comprehensive plan is to be considered, the community development director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the city website. Notice issued under this subsection shall include the following information:

1. The time, date and location of the public hearing;
2. The city-assigned planning file number and title of the proposal;
3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and
5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.50.100 Notice posting requirements.**

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

- A. City Guidance and the Applicant's Responsibility. The city shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The city shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the city's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.
- B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.50.110 Assignment of decision-makers.**

The following city entity or official shall decide the following types of applications:

- A. Type I Decisions. The community development director shall render all Type I decisions. The community development director's decision is the city's final decision on a Type I application.
- B. Type II Decisions. The community development director shall render the city's decision on all Type II permit applications, which are then appealable to the city commission with notice to the planning commission. The city's final decision is subject to review by LUBA.
- C. Type III Decisions. The planning commission or historic review board, as applicable, shall render all Type III decisions. Such decision is appealable to the city commission, on the record. The city

commission 's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

- D. Type IV Decisions. The planning commission shall render the initial decision on all Type IV permit applications. If the planning commission denies the Type IV application, that decision is final unless appealed in accordance with OCMC 17.50.190. If the planning commission recommends approval of the application, that recommendation is forwarded to the city commission. The city commission decision is the city's final decision on a Type IV application and is subject to review LUBA.
- E. Expedited Land Division (ELD). The community development director shall render the initial decision on all ELD applications. The community development director's decision is the city's final decision unless appealed in accordance to ORS 197.375 to a city-appointed hearings referee. The hearings referee decision is the city's final decision which is appealable to the Oregon Court of Appeals.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.120 Quasi-judicial hearing process.**

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

- A. Once the community development director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the community development director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the planning division shall schedule a hearing pursuant to OCMC 17.50.190.
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090.B.
- C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.
- D. The community development director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:
  - 1. That the hearing will proceed in the following general order: Staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
  - 2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;
  4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open;
  5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and
  6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.50.130 Conditions of approval and notice of decision.**

- A. All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the city's master plans, and city public works design standards, are, or can be met.
- B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.
- C. Notice of Decision. The city shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:
  1. The file number and date of decision;
  2. The name of the applicant, owner and appellant (if different);
  3. The street address or other easily understood location of the subject property;
  4. A brief summary of the decision, and if an approval, a description of the permit approved;
  5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;
  6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.
- D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.50.140 Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the city shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

- A. Form of Guarantee. Guarantees shall be in a form approved by the city attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.
- B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.
  - 1. After Final Approved Design by the City. The city may request the permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.
  - 2. Before Complete Design Approval and Established Engineered Cost Estimate. The city may request a permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.
- C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.
- D. Fee-in-lieu. When conditions of approval or the city engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the city attorney.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.141 Public improvements—Warranty.**

All public improvements not constructed by the city, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the city accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the city engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

- A. **Duration of Warranty.** Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.
- B. **Financial Guarantee.** Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.
- C. **Amount of Warranty.** The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the city at the end of the two-year maintenance period), and shall be supported by a verified engineering estimate and approved by the city engineer. Upon expiration of the warranty period and acceptance by the city as described below, the city shall be responsible for maintenance of those improvements.
- D. **Transfer of Maintenance.** The city will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city. Transfer of maintenance of public improvements shall occur when the city accepts the improvements at the end of the two-year warranty period.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.150 Covenant with the city.**

- A. The city may impose as a condition of final approval of a quasi-judicial permit, the requirement that the applicant execute a covenant with the city agreeing to comply with all conditions of approval. Any such covenant shall include the following elements:
  - 1. An agreement that the applicant will comply with all applicable code requirements, conditions of approval and any representations made to the city by the applicant or the applicant's agents during the application review process, in writing. This commitment shall be binding on the applicant and all of the applicant's successors, heirs and assigns;
  - 2. If the owner fails to perform under the covenant, the city may immediately institute revocation of the approval or any other enforcement action available under state law or this code. The covenant may also provide for payment of attorney fees and other costs associated with any such enforcement action; and
  - 3. Where the development rights of one site are dependent on the performance of conditions by the owner of another property (such as joint access), the covenants are judicially enforceable by the owner of one site against the owner of another.
- B. **Adopting the Covenant.** The form of all covenants shall be approved by the city attorney. The covenant shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or

development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the planning division. Recording shall be at the applicant's expense. Any covenant required under this section shall be properly signed and executed within thirty days after permit approval with conditions; provided, however, that the community development director may grant reasonable extensions, not to exceed an additional thirty days, in cases of practical difficulty. Failure to sign and record the covenant within the prescribed period shall require a new application for any use of the subject property.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.160 Ex parte contact, conflict of interest and bias.**

The following rules shall govern any challenges to a decision-maker's participation in a quasi-judicial action:

- A. Ex parte Contacts. Any factual information obtained by a decision-maker outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision-maker that has obtained any materially factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to legislative proceedings.
- B. Conflict of Interest. Whenever a decision-maker, or any member of a decision-maker's immediate family or household, has a financial interest in the outcome of a particular quasi-judicial or legislative matter, that decision-maker shall not participate in the deliberation or decision on that matter.
- C. Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision-maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This rule does not apply to legislative proceedings.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.170 Legislative hearing process.**

- A. Purpose. 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 shall begin with a public hearing before the planning commission.
- B. Planning Commission Review.
  - 1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The 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.
  - 2. The Community Development Director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with OCMC 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.
  - 3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.
- C. City Commission Review.

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

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.180 Objections to procedure.**

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, shall make a procedural objection prior to the city rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party shall identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.190 Appeals.**

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

- A. Type I decisions by the community development director are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, III or IV decision shall be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
- C. The following shall be included as part of the notice of appeal:
  1. The planning file number and date the decision to be appealed was rendered;
  2. The name, mailing address and daytime telephone number for each appellant;
  3. A statement of how each appellant has an interest in the matter and standing to appeal;
  4. A statement of the specific grounds for the appeal;
  5. The appropriate appeal fee. Failure to include the appeal fee, with the exception of actual attorney fees, within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a city-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to OCMC 17.50.290.C, no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.
- D. Standing to Appeal. The following rules prescribe who has standing to appeal:
  1. For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a

community development director decision. Review by the city commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered.

2. For Type III and IV decisions, only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the planning commission or historic review board, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.
- E. Notice of the Appeal Hearing. The planning division shall mail notice of the appeal hearing to all parties who participated either orally or in writing and provided their mailing address before the close of the public record in accordance with OCMC 17.50.090.B and post notice on the city website. Notice of the appeal hearing shall contain the following information:
1. The file number and date of the decision being appealed;
  2. The time, date and location of the public hearing;
  3. The name of the applicant, owner and appellant (if different);
  4. The street address or other easily understood location of the subject property;
  5. A description of the permit requested and the applicant's development proposal;
  6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
  7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
  8. A general explanation of the requirements for participation and the city's hearing procedures.
- F. Appeal Hearing—Scope of Review. Appeal hearings shall comply with the procedural requirements of OCMC 17.50.120. Appeal hearings shall be conducted by the city commission. The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.200 Expiration of an approval.**

- A. When Approvals Become Void. All Type I—IV approvals, except for zoning or comprehensive plan map amendments, conditional use or master plan approvals, all Type I—IV approvals automatically become void if any of the following events occur:
1. If, within three years of the date of the final decision, an application for a building permit has not been submitted. Unless the approval provides otherwise, all building permits associated with the approval shall be issued within five years of date of the final decision.
  2. If, within three years of the date of the final decision for all land divisions, property line adjustments, abandonments, or replat, the plat or survey approved in the decision has not been submitted to the Clackamas County Surveyors Office for recording. The plat or survey shall be recorded within five years of date of the final decision.
  3. Annexations become void if a vote of the citizens rejects the application.
- B. New Application Required. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.
- C. Deferral of the Expiration Period Due to Appeals. If a permit decision is appealed beyond the jurisdiction of the city, the expiration period shall not begin until review before the land use board of appeals and the appellate courts has been completed, including any remand proceedings before the city. The expiration



period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.230 Interpretation.**

Where a provision of Title 12, 14, 15, 16, or Title 17 conflicts with another city ordinance or requirement, the provision or requirement that is more restrictive or specific shall control.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.240 Conformity of permits.**

The city shall not accept any application for a permit, certificate or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of Title 16 and Title 17 and any permit approvals previously issued by the city. The city shall not issue a Type II—IV permit, permit recordation of a land division with the Clackamas County Surveyor's Office, or allow finalization of a project for a Type II—IV development, until any pending liens in favor of the city filed against the property have been fully resolved.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.270 Revocation of a previously approved permit.**

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of permit approval or otherwise does not comply fully with the city's approval, the city may institute a revocation or modification proceeding under this section.

- A. Situations when Permit Approvals may be Revoked or Modified. All quasi-judicial permits may be revoked or modified if the planning commission determines a substantial likelihood that any of the following situations exists:
  1. One or more conditions of the approval have not been implemented or have been violated;
  2. The activities of the use, or the use itself, are substantially different from what was approved; or
  3. The use is subject to the nonconforming use regulations, the applicant has not obtained approval, and has substantially changed its activities or substantially increased the intensity of its operations since the use became nonconforming.
- B. Process for Revocation and Modification. Revocation or modification shall be processed as a Type IV decision. The planning division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the city's approval.
- C. Possible Actions at the Revocation Hearing. Depending on the situation, the planning commission may take any of the actions described below. The planning commission may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the city's approval may be subject to the following actions:
  1. The planning commission may find that the use or development is complying with the conditions of the approval. In this case, the use or development shall be allowed to continue.
  2. The planning commission may modify the approval if it finds that the use or development does not meet the standards for revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the planning commission may modify the

existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.

3. The planning commission may revoke the approval if it finds there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.
- D. Effect of Revocation. In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the planning commission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.280 Transfer of approval rights.**

Unless otherwise stated in the city's permit decision, any approval granted under Title 16 or Title 17 of this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.50.290 Fees.**

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the city's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175.10.b. The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be completed without the proper fee being paid.
- B. Refunds. Fees will only be refunded as provided in this subsection:
  1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.
  2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
  3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.
- C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application shall be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.
- D. Major Projects. The fees for a major project shall be the city's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

## Chapter 17.52 OFF-STREET PARKING AND LOADING

### 17.52.010 Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single-family attached, detached residential dwellings, and duplexes, townhouses and cottage clusters.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.52.015 Planning commission adjustment of parking standards.

- A. Purpose. The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. Adjustments provide flexibility to those uses which may be extraordinary, unique, or provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this code, and the approval criteria can be met.
- B. Procedure. A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.
- C. Approval criteria for the adjustment are as follows:
  1. Documentation. The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.
  2. Parking Analysis for Surrounding Uses and On-Street Parking Availability. The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the community development director.
    - a. For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3, the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.
    - b. The on-site parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in on-site parking shall be calculated as follows:
      - i. Vacant on-street parking spaces within three hundred feet of the site will reduce on-site parking requirements by 0.5 parking spaces; and
      - ii. Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce on-site parking requirements by 0.2 parking spaces.

3. Function and Use of Site. The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.
4. Compatibility. The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.
5. Safety. The proposal does not significantly impact the safety of adjacent properties and rights-of-way.
6. Services. The proposal will not create a significant impact to public services, including fire and emergency services.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.52.020 Number of automobile spaces required.

- A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.

**Table 17.52.020**

Land Use	Parking Requirements	
	Minimum	Maximum
Multi-family residential	1.00 per unit	2.5 per unit
<del>3 — 4 plex residential</del> Triplex and quadplex	2.00	4
Hotel, motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool nursery/kindergarten	2.00	3.00
Elementary/middle school	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High school, college, commercial school for adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, meeting room, stadium, religious assembly building, movie theater	.25 per seat	0.5 per seat
Retail store, shopping center, restaurants	4.10	5.00
Office	2.70	3.33
Medical or dental clinic	2.70	3.33
Sports club, recreation facilities	Case specific	5.40
Storage warehouse, freight terminal	0.30	0.40
Manufacturing, wholesale establishment	1.60	1.67
Light industrial, industrial park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
  3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
  4. Fleet vehicle parking shall be accommodated within the maximum parking ratio, except that in GI, CI, and MUE zones, fleet vehicle parking may be included in a parking lot in addition to the maximum number of permitted parking spaces.
  5. A change in use within an existing habitable building located in the MUD design district or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.
- B. Parking requirements can be met either on-site, or off-site by meeting one or multiple of the following conditions:
1. Parking may be located on the same site as the associated use which it is supporting.
  2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.
  3. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.
  4. On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:
    - a. Dimensions. The following constitutes one on-street parking space:
      1. Parallel parking: Twenty-two feet of uninterrupted and available curb;
      2. Forty-five and/or sixty-degree diagonal parking: Fifteen feet of curb;
      3. Ninety-degree (perpendicular) parking: Twelve feet of curb.
    4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
- C. Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted.
1. Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the downtown parking overlay by fifty percent.
  2. Transit Oriented Development. For projects not located within the downtown parking overlay district, the minimum required number of parking stalls is reduced up to twenty-five percent when:

- a. In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius);
  - b. When adjacent to multi-family development with over eighty units; or
  - c. Within one thousand three hundred twenty feet of an existing or planned public transit street and within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).
3. Tree Preservation. The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.
4. Transportation Demand Management. The community development director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.
- A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.
5. The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.52.030 Standards for automobile parking.**

- A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce stormwater runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.
- C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the city public works stormwater and grading design standards.
- D. Dimensional Standards.
  - 1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development

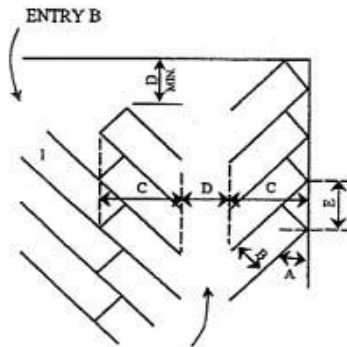
director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

2. **Alternative Parking/Plan.** Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

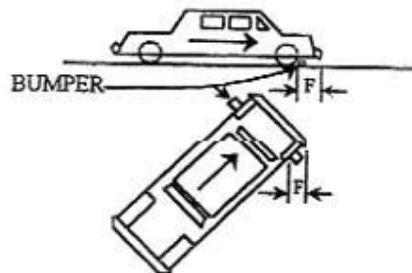
**Parking Standard**  
**Parking Angle Space Dimensions**

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.



TYPICAL PARKING LAYOUT  
ENTRY A





NOTE: SPACE 1 CONTINGENT UPON ENTRY B  
OVERHANG

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

- E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved — Carpool/Vanpool Only."

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.52.040 Bicycle parking standards.

- A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than five dwellings on-site (excluding cottage clusters housing).
- B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

**Table A Required Bicycle Parking Spaces\***

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

Use	Minimum Bicycle Parking	Minimum Bicycle Parking — Covered — The following percentage of bicycle parking is required to be covered
Multi-family (five or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)
Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Parks and open space	1 per 10 auto spaces (minimum of 2)	0%

Public parking lots	1 per 10 auto spaces (minimum of 2)	50% (minimum of 1)
Automobile parking structures	1 per 10 auto spaces (minimum of 4)	80% (minimum of 2)
Religious institutions, movie theater, auditorium or meeting room	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Libraries, museums	1 per 5 auto spaces (minimum of 2)	30% (minimum of 1)
Preschool, nursery, kindergarten	2 per classroom (minimum of 2)	50% (minimum of 1)
Elementary	4 per classroom (minimum of 2)	50% (minimum of 1)
Junior high and High school	2 per classroom (minimum of 2)	50% (minimum of 2)
College, business/commercial schools	2 per classroom (minimum of 2)	50% (minimum of 1)
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Retail stores and shopping centers	1 per 20 auto spaces (minimum of 2)	50% (minimum of 2)
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces (minimum of 2)	0%
Bank, office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Medical and dental clinic	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Eating and drinking establishment	1 per 20 auto spaces (minimum of 2)	0%
Gasoline service station	1 per 10 auto spaces (minimum of 2)	0%

\* Covered bicycle parking is not required for developments with two or fewer parking stalls.

C. Design Standards.

1. Bicycle parking facilities shall be in the form of a lockable enclosure on-site, secure room in a building on-site, a covered or uncovered rack on-site, or within the adjacent right-of-way.
2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.
3. All bicycle racks shall be designed so that:
  - a. The bicycle frame is supported horizontally at two or more places.
  - b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.

- c. The user is not required to lift the bicycle onto the bicycle rack.
- d. Each bicycle parking space is accessible without moving another bicycle.
- e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.
- f. Provides an area of six feet by two feet per bicycle.
- g. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.52.060 Parking lot landscaping.**

Purpose. The purpose of this code section includes the following:

1. To enhance and soften the appearance of parking lots;
  2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
  3. To shade and cool parking areas;
  4. To reduce air and water pollution;
  5. To reduce stormwater impacts and improve water quality; and
  6. To establish parking lots that are more inviting to pedestrians and bicyclists.
- A. Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.
- B. Development Standards.
1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
  2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
  3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.
  4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist.
  5. At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
  6. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance.
  7. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
- C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots and associated drive aisles shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

1. The perimeter parking lot are[a] shall include:
  - a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
  - b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.
- D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas (excluding drive aisles with no adjacent parking) shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:
  1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:
  2. Minimum seven-foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.
- E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce stormwater runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:
  - a. A minimum of one tree per four parking spaces.
  - b. A minimum of 1.5 shrubs per parking space.
  - c. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
- F. Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the community development director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with subsection 1 and/or 2 below.

1. General Review Standard. The alternative shall meet the standards in OCMC 17.62.015, Modifications that will better meet design review requirements.
2. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.52.080 Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

- A. It will not interfere with the maintenance or repair of any public utility;
- B. It will not restrict pedestrian or vehicular access; and
- C. It will not constitute a traffic hazard due to reduced visibility.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.52.090 Loading areas.

- A. Purpose. The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.
- B. Applicability. OCMC 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.
- C. Standards.
  - 1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.
  - 2. Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.
  - 3. The city engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:
    - a. Short in duration (i.e., less than one hour);
    - b. Infrequent (less than three operations daily between five a.m. and twelve a.m. or all operations between twelve a.m. and five a.m. at a location that is not adjacent to a residential zone);
    - c. Does not obstruct traffic during peak traffic hours;
    - d. Does not interfere with emergency response services; and
    - e. Is acceptable to the applicable roadway authority.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

## Chapter 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

### 17.58.010 Purpose.

Nonconforming situations are created when the application of zoning district to a site changes or the zoning regulations change. As part of the change, existing uses, density, or development might no longer be allowed or are further restricted. Nonconforming uses, structures and lots are those uses, structures and lots that were lawfully established but do not conform to the provisions of this title or the provisions of the zoning district in which the use, structure or lot is located. The intent of these provisions is not to force all nonconforming situations immediately to be brought into conformance. Instead, the intent is to guide nonconforming situations in a new direction consistent with city policy, and, eventually, bring them into conformance.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.58.015 Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.58.020 Lawful nonconforming lots of record.

Lots or parcels lawfully created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses comply with all other provisions of this land use code.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.58.030 Lawful nonconforming use.

A use that was lawfully established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this title may be considered a lawful nonconforming use. Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status. The continuation of a lawful nonconforming use is subject to the following:

- A. Discontinuance. If a lawful nonconforming use is discontinued for a period of one year, it shall lose its lawful nonconforming status and the use of the property thereafter shall conform with the existing provisions of this title. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use shall be deemed to have been discontinued.
- B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
- C. Destruction of a Nonresidential Use. When a structure containing a lawful nonconforming nonresidential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be prohibited if the repair cost of the structure is more than sixty percent of its assessed value.
- D. Destruction of a Residential Use. When a structure containing a lawful nonconforming residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be permitted.
- E. Intentional Destruction. When a structure containing a nonconforming use is removed or intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use shall be prohibited.

- F. Expansion. No lawful nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.58.040 Lawful nonconforming structure or site.**

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding development standard requirements in this code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

- A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.
- B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.
- C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.
  - 1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.
  - 2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.
    - a. Thresholds triggering compliance. The standards of subparagraph C.2.b below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the community development director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:
      - i. Proposed alterations to meet approved fire and life safety agreements;
      - ii. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
      - iii. Alterations required to meet seismic design requirements; and
      - iv. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.
    - b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance:
      - i. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
      - ii. Minimum perimeter parking lot landscaping;
      - iii. Minimum interior parking lot landscaping;

- iv. Minimum site landscaping requirements;
  - v. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with OCMC 17.52, Off-Street Parking and Loading;
  - vi. Screening; and
  - vii. Paving of surface parking and exterior storage and display areas.
- c. Area of Required Improvements.
- i. Generally. Except as provided in subparagraph C.2.c.ii below, required improvements shall be made for the entire site.
  - ii. Exception for Sites with Ground Leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:
    - A. The signed ground lease, or excerpts from the lease document satisfactory to the city attorney, shall be submitted to the community development director. The portions of the lease shall include the following:
      - 1. The term of the lease. In all cases, there shall be at least one year remaining on the ground lease; and
      - 2. A legal description of the boundaries of the lease.
    - B. The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and
    - C. Screening shall not be required along the boundaries of ground leases that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:
- i. Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b above.
  - ii. Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58-1. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in subparagraph C.2.b. Where this option is chosen, the following shall be met:
    - A. Before a building permit is issued, the applicant shall submit the following to the community development director:



1. A nonconforming development assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph C.2.b.
  2. A covenant, in a form approved by the city attorney, executed by the property owner that meets the requirements of OCMC 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in subparagraph C.2.b, and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date shall be within the compliance periods set out in Table 17.58-1.
- B. The nonconforming development identified in the nonconforming development assessment shall be brought into full compliance with the requirements of this title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58-1).
  - C. By the end of the compliance period, the applicant or owner shall request that the site be certified by the community development director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.
  - D. If the regulations referred to by subparagraph C.2.b are amended after the nonconforming development assessment is received by the community development director, and those amendments result in development on the site that was not addressed by the assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate nonconforming development assessment, covenant and compliance period will be required for the new nonconforming development.

**Table 17.58-1**  
**Compliance Periods for Option 2**

Square Footage of Site	Compliance Period
Less than 150,000 square feet	2 years
150,000 square feet or more, up to 300,000 square feet	3 years
300,000 square feet or more, up to 500,000 square feet	4 years
More than 500,000 square feet	5 years

**D. Conversion.** Conversion of an existing single-family detached residential unit in a residential zone to a middle housing unit with no expansion of the building is permitted. The standards of subsection C shall apply to any expansion of the structure associated with the conversion.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1005, § 1(Exh. A), 5-2-2018; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.58.060 Process to confirm the legality of a nonconforming use, lot or structure.**

Any person may request a Type I or a Type II review to confirm the legality of a nonconforming use, lot, structure or site. In order to confirm that the nonconforming use, lot, structure or site is legal, sufficient evidence shall be submitted to the city determining the following:

- A. The nonconforming use, lot, structure or site was established lawfully; and
- B. The nonconforming use, lot, structure or site has not become more nonconforming within the past twenty years from the date of application.

The applicant shall provide sufficient evidence to allow the community development director to review and confirm the legality of a nonconforming use, lot, structure or site. An applicant may request a Type I procedure, provided the applicant can provide sufficient evidence to confirm OCMC 17.58.060.A and B without discretion. If the applicant cannot provide sufficient evidence to determine OCMC 17.58.060.A and B without discretion, the applicant may apply for a Type II procedure. Applications for a Type II procedures shall be noticed to the public in a public comment period to gather additional information. If the applicant cannot show that the nonconforming use, lot, structure or site was lawfully established or has not been expanded pursuant to OCMC 17.58.060.A and B above, the use, lot, structure or site shall be determined to be illegal.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

## Chapter 17.62 SITE PLAN AND DESIGN REVIEW

### 17.62.010 Purpose.

The purposes of site plan and design review are to: Encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.62.015 Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this chapter specified below. These modifications may be approved as part of a Type II design review process.

#### A. Applicability.

1. This process shall apply to modifications to:
  - a. Landscaping in OCMC 17.62.050.A;
  - b. Vehicular connections to adjoining properties in OCMC 17.62.050.B.2;
  - c. On-site pedestrian circulation in OCMC 17.62.050.C;
  - d. Onsite utility location OCMC 17.62.050.G;
  - e. Building location in OCMC 17.62.055.D;
  - f. Building details in OCMC 17.62.055.I;
  - g. Windows in OCMC 17.62.055.J;
  - h. Parking lot landscaping in OCMC 17.52.060.
2. Modifications that are denied through Type II design review may be requested as a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.
3. Rather than a modification, applicants may choose to apply for a variance through the variance process pursuant to OCMC 17.60.020 or master plan adjustment pursuant to OCMC 17.65.070 as applicable.

#### B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and
2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### 17.62.030 When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and nonresidential uses in all zones. Site plan and design review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

**Table 17.62.030**

Existing Use	Proposed Use
Residential	Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional
Single-family or duplex	3 5 or more dwellings, except cottage cluster

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

The general standards of Section 17.62.050 do not. Only the standards of OCMC 17.62.035 apply to 3—4 plex, duplex, triplex, quadplex, cottage cluster, townhouse single family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit Type I applications.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 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 17.62.035.A, subject to administrative proceedings described in OCMC 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 and are typically processed concurrently with a building permit application. 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 increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
  - c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.
  - d. Any proposal in which modifications are proposed under OCMC 17.62.015.
2. The following projects may be processed as a Type I application:
  - a. Addition of up to two hundred square feet to a commercial, institutional, or multi-family 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 two hundred square feet in a twelve-month period shall be processed as Type II.
  - b. Addition of up to one thousand 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 one thousand square feet in a twelve-month period shall be processed as Type II.

- c. Temporary structures, excluding mobile vendors.
  - d. Removal, replacement or addition of awnings, or architectural projections to existing structures.
  - e. Addition, modification, or relocation of refuse enclosure.
  - f. Changes to amount, location, or design of bicycle parking.
  - g. Installation of mechanical equipment.
  - h. Repaving of previously approved parking lots with no change to striping.
  - i. Replacement of exterior building materials.
  - j. 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.
  - k. Addition or alteration of parapets or rooflines.
  - l. Modification of building entrances.
  - m. Addition to or alteration of a legal nonconforming single- or two-family dwelling.
  - n. Change to parking lot circulation or layout, excluding driveway modifications.
  - o. 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.
  - p. Adoption of shared parking agreements.
  - q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 13.12.
  - r. New or changes to existing pedestrian accessways, walkways or plazas.
  - s. Installation of or alterations to ADA accessibility site elements.
  - t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.
  - u. Addition of or alterations to outdoor lighting.
  - v. Demolition of any structure or portion of a structure.
  - w. Tree removal.
  - x. Type I master plan amendments under OCMC 17.65.080.
  - y. Mobile food units in one location for five hours or less as identified in OCMC 17.54.115.
  - z. ~~3—4 plex, duplex, triplex, quadplex, cottage cluster, townhouse single-family attached dwellings~~, single-family detached residential unit, ~~internal conversions~~, live/work dwelling and accessory dwelling unit.
  - aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.
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.
- B. 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 OCMC 17.62.035.A:
    - a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase 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 five 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. Mobile food units in OCMC 17.54.115.
    - e. 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.
  - 2. Application. The application for the Type II minor site plan and design review shall contain the following elements:
    - a. The submittal requirements of OCMC 17.50.
    - b. A narrative explaining all aspects of the proposal in detail and addressing each of the applicable criteria listed in OCMC 17.62.
    - 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.62.040 Items required.**

A complete application for site plan and design review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

- A. A site plan or plans, to scale, containing the following:
  - 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
  - 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;

3. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;
4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
  - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,
  - b. Unstable slopes, as defined in OCMC 17.44.020,
  - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;
5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;
7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;
8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;
11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;
12. Site access points for automobiles, pedestrians, bicycles and transit;
13. On-site pedestrian and bicycle circulation;
14. Outdoor common areas proposed as open space;
15. Total impervious surface created (including buildings and hard ground surfaces);
16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
- C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they

will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.

- D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.
- E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the public works erosion and sediment control standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.
- F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
- G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
  - 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
  - 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

- H. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the city's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.
- I. The community development director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:
  - 1. The community development director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the community development director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter



is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;

2. The community development director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the community development director shall, in the decision, explain the reasons for requiring the additional information.
- J. All new utilities shall be placed underground.
1. Service poles may be allowed on private property when undergrounding service is technically or physically infeasible.
- K. One full-sized copy of all architectural and site plans.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

### **17.62.050 General standards.**

All development shall comply with the following standards:

- A. Landscaping.
1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.
  2. The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain and minimum landscaping standard, the minimum site landscaping shall be fifteen percent of the total site area. Except as allowed elsewhere in Title 16 or 17 of this code, all areas to be credited towards landscaping shall be installed with growing plant materials.
  3. Pursuant to OCMC 17.49, landscaping requirements within the natural resource overlay district, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.
  4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
  5. Landscaping shall be visible from public thoroughfares to the extent practicable.
  6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.
- B. Vehicular Access and Connectivity.

1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.
  2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.
  3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.
  4. Parking garage entries shall not be more than half of the streetscape.
- C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:
1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
  2. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.
  3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.
  4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.
  5. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier.
- If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.
- D. All development shall maintain continuous compliance with applicable federal, state, and city standards.
- E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing off-site systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

- F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the city's transportation system plan.
- G. Screening of Mechanical Equipment. Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements:
1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.
  2. Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning and groups of multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall [be] exempt from this standard if painted.
  3. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view from the public right-of-way.
  4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.
- H. Building Materials.
1. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure:
    - a. Vinyl or plywood siding (including T-111 or similar plywood).

- b. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
  - c. Corrugated fiberglass.
  - d. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.g, or when located on properties within the general industrial district).
  - e. Crushed colored rock/crushed tumbled glass.
  - f. Non-corrugated and highly reflective sheet metal.
  - g. Tarps, except for the protection of outside storage.
2. Special Material Standards. The following materials are allowed if they comply with the requirements found below:
- a. Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
  - b. Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.
  - c. Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
  - d. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
  - e. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.
  - f. Vinyl or powder coated chain link fencing is permitted for city-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the general industrial district.
  - g. Chain link fencing is permitted in the following circumstances:
    - 1. Within city-owned parks and recreational facilities.
    - 2. On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.
- I. Temporary Structures. Temporary structures are permitted pursuant to the following standards:
- 1. Structures up to two hundred square feet:
    - a. Shall not be on a property for more than three consecutive days;
    - b. Shall not be on a property more than six times per year;
    - c. Shall comply with the minimum dimensional standards of the zoning designation;
    - d. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
    - e. Shall not disturb ingress or egress to the site; and

- f. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
- 2. Temporary structures larger than two hundred square feet may be permitted up to two times per year; and:
  - a. Structures larger than two hundred square feet up to eight hundred square feet:
    - i. Shall not be on a property for more than thirty consecutive days;
    - ii. Shall comply with the minimum dimensional standards of the zoning designation;
    - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
    - iv. Shall not disturb ingress or egress to the site; and
    - v. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
  - b. Structures larger than eight hundred square feet:
    - i. Shall not be on a property for more than seven consecutive days;
    - ii. Shall comply with the minimum dimensional standards of the zoning designation;
    - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
    - iv. Shall not disturb ingress or egress to the site; and
    - v. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
- 3. Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation.
- J. All new utilities shall be placed underground.
  - 1. Service poles may be allowed on private property when undergrounding service is technically or physically infeasible.
- K. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:
  - 1. Chapter 12.04, Streets, Sidewalks and Public Places.
  - 2. Chapter 12.08, Public and Street Trees.
  - 3. Chapter 13.04, Water Service System.
  - 4. Chapter 13.08, Sewer Regulations.
  - 5. Chapter 13.12, Stormwater Management.
  - 6. Chapter 16.12, Minimum Improvements and Design Standards for Development.
  - 7. Chapter 17.20, Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks.

8. Chapter 17.40, Historic Overlay District.
9. Chapter 17.41, Tree Protection Standards.
10. Chapter 17.42, Flood Management Overlay District.
11. Chapter 17.44, Geologic Hazards.
12. Chapter 17.47, Erosion and Sediment Control.
13. Chapter 17.48, Willamette River Greenway.
14. Chapter 17.49, Natural Resource Overlay District.
15. Chapter 17.50, Administration and Procedures.
16. Chapter 17.52, Off-Street Parking and Loading.
17. Chapter 17.54, Supplemental Zoning Regulations and Exceptions.
18. Chapter 17.58, Lawful Nonconforming Uses, Structures, and Lots.
19. Chapter 17.65, Master Plans and Planned Unit Development.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)

#### **17.62.055 Institutional, office, multi-family, retail, and commercial building standards.**

- A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.
- B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures.
- C. Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.
- D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

1. Tables, benches or other approved seating area.
2. Cobbled, patterned or paved stone or enhanced concrete.
3. Pedestrian scale lighting.
4. Sculpture/public art.

5. Fountains/water feature.
  6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
  7. Outdoor café.
  8. Enhanced landscaping or additional landscaping.
  9. Other elements, as approved by the community development director, that can meet the intent of this section.
- E. **Building Orientation.** All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
- F. **Entryways.** Entrances shall include a doorway and a minimum of four of the following elements:
1. Display windows; recesses or projections; peaked roof or raised parapet over the door; canopy of at least five feet in depth; porch; distinct materials; architectural details such as tile work and moldings; pedestrian amenities such as benches, planters or planter boxes; landscape treatments integrating arbors, low walls, trellis work; or similar elements. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.
- G. **Corner Lots.** For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:
1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.
  2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.
  3. Standards 1 and 2 above do not apply to vertically attached 3—4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.
- H. **Variation in Massing.** For street facing facades greater than one hundred twenty feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:
1. A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the façade; or
  2. A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.
- I. **Building Design Elements.**
1. All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:
    - a. Change in building material or texture;
    - b. Window or door;
    - c. Balcony; or

- d. Pillar or post.
- 2. Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:
  - a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);
  - b. Decorative cornice and/or roof line (e.g., for flat roofs);
  - c. Roof gable;
  - d. Recessed entry;
  - e. Covered canopy entry;
  - f. Cupola or tower;
  - g. Dormer;
  - h. Balcony;
  - i. Pillars or posts;
  - j. Repeating pattern of building materials;
  - k. A change in plane of at least two feet in width and six inches in depth;
  - l. Bay or oriel window; or
  - m. An alternative feature providing visual relief and detail as approved by the community development director.
- 3. Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.
- J. Windows.
  - 1. The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred-foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.

**Table 17.62.055.J**  
**Minimum Windows**

Use	Ground Floor: Front and Street Facing Facades	Upper Floor(s): Front and Street Facing Facades	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of Buildings Thereof)	15%	15%	10%	10%



2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
  3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.
  4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.
- K. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.
- L. Drive-through facilities shall:
1. Be located at the side or rear of the building.
  2. Be designed to maximize queue storage on-site.
- M. Special development standards along transit streets.
1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.
  2. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.
  3. Development Standards.
    - a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
    - i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.
    - ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
    - b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
  4. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3 of this section:
    - a. Heavy equipment sales;
    - b. Motor vehicle service stations, including convenience stores associated therewith; or
    - c. Solid waste transfer stations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.62.056 Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- A. Patio/seating area;
- B. Pedestrian plaza with benches;
- C. Transportation center;
- D. Window shopping walkway;
- E. Outdoor playground area;
- F. Kiosk area, water feature;
- G. Clock tower; or
- H. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.62.057 Multi-family usable open space requirements.

- A. Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.
- B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.
  - 1. In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.
  - 2. In nonresidential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.
  - 3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.
  - 4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.
- C. Usable Open Space Types.
  - 1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. Common open spaces may be used to meet one hundred percent of the usable open space requirement. Design standards:
    - a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.
    - b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a

minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.

1. Landscaping areas.
2. Community gardening areas.
3. Large trees expected to reach over eighteen inches dbh at maturity.
4. Seating.
5. Pedestrian-scaled lighting.
6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.
7. Paved courtyard or plaza.
8. Gazebos or other decorative shelters.
9. Play structures for children.
10. Sports courts.
11. An alternative amenity as approved by the community development director.
  - c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the city that enhance safety and privacy for both the common open space and dwelling units.
  - d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.
2. Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.
  - a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.
3. Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:
  - a. Accessible to all dwelling units.
  - b. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

#### **17.62.058 Additional public park and open space requirements in Thimble Creek Concept Plan Area—Nonresidential development.**

- A. New non-residential development creating new commercial or industrial space will contribute to the creation of the parks and open space within the Thimble Creek Concept Plan by contributing a fee in lieu to the city to support the acquisition and interim use of needed park and open space land within the concept plan boundary as follows:
  1. The fee in lieu will be set by the city commission and adopted yearly in the city's fee schedule. The fee shall only be used by the city for park, trail and open space acquisition and interim site development.
  2. The fee-in-lieu or other equivalent monetary contribution, approved by the community development director, must be paid prior to approval of the certificate of occupancy.

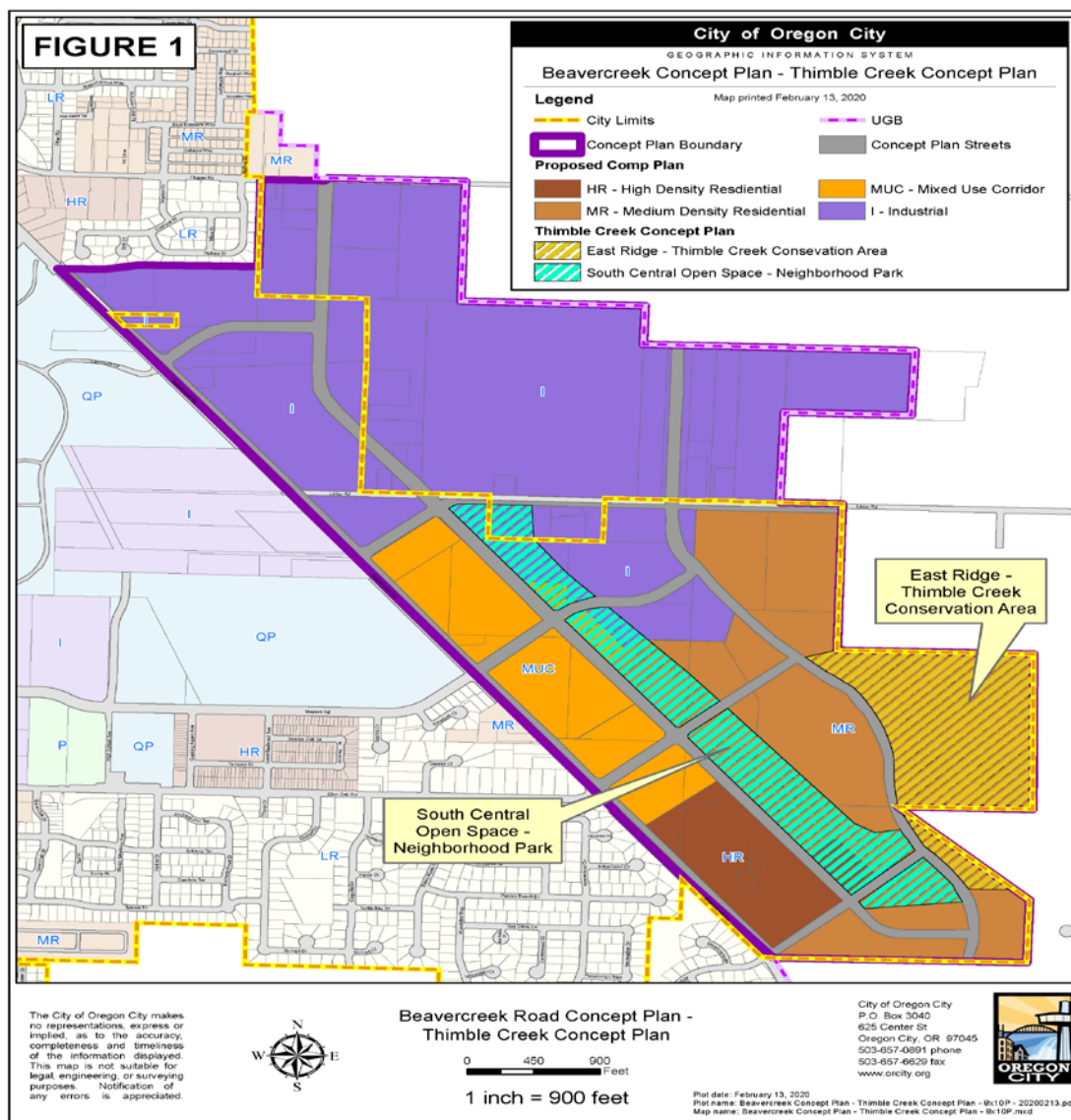
(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

**17.62.059 Additional public park and open space requirements in Thimble Creek Concept Plan Area—Residential development.**

- A. Each development within the Thimble Creek Concept Plan area that includes residential development must dedicate land for neighborhood parks and open space subject to the location requirement set forth in subsection D as follows:
  - 1. The minimum acreage of land dedicated for the South-Central Open Space-Neighborhood Park as provided in the following calculation:  $(2.6 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed}) \times (\text{four acres}) / (\text{one thousand persons})$ ;
  - 2. The minimum amount of land in acres dedicated for the East Ridge-Thimble Creek Conservation Area shall be 7.5 acres; and
  - 3. The entire acreage must be dedicated as part of the final plat or site plan development approval for the first phase of development.
- B. If a larger area for a neighborhood park or open space is proposed than is required based on the per-unit calculation described in subsection A, for the south Central Open Space Neighborhood Park, the city must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection C.
- C. The city may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection D of these provisions is not available within the development site. The calculation of the fee-in-lieu or other monetary contributions must meet the following standards:
  - 1. The amount of the fee in lieu of other monetary contributions shall be determined by a licensed, city selected appraiser retained by the applicant, who will value the excessive dedication assuming that zoning and other land use entitlement necessary for park and open space development are in place.
  - 2. The fee-in-lieu or other monetary contribution shall be paid current with public dedication.
- D. Neighborhood park and open space sites proposed for dedication must be located within the South-Central Open Space Network and East Ridge Thimble Creek Conservation Area Park locations as shown in Figure 17.62.059-1 and meet the following locational and development standards:
  - 1. South Central Open Space-Neighborhood Park.
    - a. Thirty-foot ped/bikeway string along the east side of Center Parkway to be located in a shared-use path and will not be considered part of a pearl.
    - b. Up to four pearls of various sizes spread along the open space network.
    - c. Minimum sizes pearl: Two acres minimum.
    - d. Maximum size pearl: None.
    - e. Minimum combined size of all pearls: Ten acres.
    - f. Minimum average pearl width: Two hundred feet.
    - g. Minimum average pearl depth: Two hundred feet.
    - h. At least five acres to be developed with active recreation components.
    - i. The first pearl dedicated must be at least three acres in size.
  - 2. East Ridge-Thimble Creek Conservation Area shall include:

- One-half of area between the Thimble Creek stream buffer and the four hundred ninety-foot elevation ridgeline to be open space;
- Two public viewpoints separated by at least four hundred feet with a minimum size of .35 acre at less than ten percent slope for each viewpoint. One of the viewpoints must be visible from a passing vehicle on the Ridge Parkway;
- Seven hundred-foot non-interrupted view corridor along the open space from the east edge of the Ridge Parkway; and
- Provide a pedestrian-oriented forest trail from one view-point to another along the Ridge Parkway.

Figure 17.62.059-1



(Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

## **17.62.060 Cluster housing.—DELETED**

All cluster housing shall comply with the standards in Chapter 17.20.020 in addition to the standards in this chapter.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1006, § 1(Exh. A), 7-1-2020)

Editor's note(s)—Ord. No. 21-1006, § 1(Exh. A), adopted July 1, 2020, renumbered the former § 17.62.059 as § 17.62.060.

## **17.62.065 Outdoor lighting.**

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
  - 1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
  - 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
  - 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
  - 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
  - 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.
  - 6. Encourage energy efficient lighting with new technologies such as light emitting diodes (LED) or similar to reduce ongoing electrical demand and operating costs.
- B. Applicability.
  - 1. General.
    - a. All exterior lighting for any type of commercial, mixed-use, industrial, institutional, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
    - b. The city engineer or public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
  - 2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
  - 3. Excepted Lighting. The following types of lighting are excepted from the requirements of this section:
    - a. Residential lighting for single-family attached and detached homes, and duplexes.
    - b. Public street and right-of-way lighting.

- c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
  - d. Temporary lighting for emergency or nighttime work and construction.
  - e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
  - f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
  - g. Lighting required and regulated by the Federal Aviation Administration.
- C. Design and Illumination Standards.
- 1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.
  - 2. Lighting shall be provided in parking lots and vehicular circulation areas.
  - 3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
  - 4. Lighting shall be provided at all building entrances.
  - 5. With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
  - 6. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
  - 7. Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.
  - 8. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
  - 9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
  - 10. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
  - 11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
  - 12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
  - 13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.
  - 14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.62.085 Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.**

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family detached residential units, or duplexes residences, single family attached dwellings, 3—4 plexes, internal conversions, triplexes, quadplexes, townhouses, cottage clusters or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Fully enclosed and visually screened;
- B. Located in a manner easily and safely accessible by collection vehicles;
- C. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
- D. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
- E. Maintained by the property owner;
- F. Used only for purposes of storing solid waste and recyclable materials;
- G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20, Solid Waste Collection and Disposal) and city adopted policies.

Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### **17.62.090 Implementation.**

- A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the city.
- B. In performing site plan and design review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.
- C. The site plan and design review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:
  1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40; or
  2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the natural resource overlay district regulations of OCMC 17.49, the geologic hazard overlay district regulations of OCMC 17.44, or the floodplain management overlay district regulations of OCMC 17.42 or steep slope regulations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)



## Chapter 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS

### 17.65.010 Purpose and intent.

It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.65.020 What is included in a master plan or planned unit development.

- A. A master plan or planned unit development is a two-step process that includes a general development plan and a detailed development plan. A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A detailed development plan is the phase or phases of the general development plan that are proposed for development within two years.
- B. A master plan or planned unit development identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they shall be modified through the general development plan or completed with new development.
- C. A master plan or planned unit development identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are necessary when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### 17.65.030 Applicability of the master plan or planned unit development regulations.

- A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use

review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

- B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.
- C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.
- D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.65.040 Procedure.**

- A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.
- B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.
- C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62, Site Plan and Design Review is not required.
- D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.
- E. Relationship to Other Reviews. It is the express policy of the city that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.
- F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.65.050 General development plan.**

- A. Existing Conditions Submittal Requirements.
  - 1. Narrative Statement. An applicant shall submit a narrative statement that describes the following:
    - a. Current uses of and development on the site;

- b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;
- c. A vicinity map showing the location of the general development plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible;
- d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;
- e. Previous land use approvals within the general development plan boundary and related conditions of approval, if applicable;
- f. Existing utilization of the site;
- g. Site description, including the following items. May also reference submitted maps, diagrams or photographs:
  - i. Physical characteristics;
  - ii. Ownership patterns;
  - iii. Building inventory;
  - iv. Vehicle/bicycle parking;
  - v. Landscaping/usable open space;
  - vi. FAR/lot coverage;
  - vii. Natural resources that appear on the city's adopted Goal 5 inventory;
  - viii. Cultural/historic resources that appear on the city's adopted Goal 5 inventory;
  - ix. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and
  - x. Geologic hazards pursuant to OCMC 17.44.
- h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.
  - i. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
  - ii. Transit routes, facilities and availability;
  - iii. Alternative modes utilization, including shuttle buses and carpool programs; and
  - iv. Baseline parking demand and supply study (may be appended to application or waived if not applicable).
- i. Infrastructure facilities and capacity, including the following items:
  - i. Water;
  - ii. Sanitary sewer;
  - iii. Stormwater management; and
  - iv. Easements.

## 2. Maps and Plans.

- a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch equals one hundred feet) that shows the following items. At least one copy shall be eight and one-half inches x eleven inches in size, and black and white reproducible.
  - i. Date, north point, and scale of drawing.
  - ii. Identification of the drawing as an existing conditions site plan.
  - iii. Proposed development boundary.
  - iv. All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.
  - v. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.
- b. A site plan or plans, to scale, for the general development plan site and surrounding properties containing the required information identified in OCMC 17.62.040.b, Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible.
- c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one-half inches by eleven in size, and black and white reproducible.

## B. Proposed Development Submittal Requirements.

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:
  - a. The proposed duration of the general development plan.
  - b. The proposed development boundary. May also reference submitted maps or diagrams.
  - c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
  - d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.
  - e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.
  - f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
    - i. Transportation impacts as prescribed in subsection g below;
    - ii. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;
    - iii. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall

reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.

- iv. Neighborhood livability impacts;
  - v. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.
- g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.
- h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:
- i. Address the impacts of the development of the site consistent with all phases of the general development plan; or
  - ii. Address the impacts of specific phases if the city engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
- i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:
- i. The general development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
  - ii. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected a.m. or p.m. peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
  - iii. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.
- j. For residential and mixed-use projects:
- i. Proposed minimum lot area, width, frontage and yard requirements.
  - ii. Proposed project density in number of units per acre.
  - iii. **Proposed residential types and number of each.**
2. Maps and Diagrams. The applicant shall submit, in the form of scaled maps or diagrams, as appropriate, the following information:

- a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
  - b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
  - c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
  - d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.
  - e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.
- C. Approval Criteria for a General Development Plan. The planning commission may approve an application for general development plan only upon finding that the following approval criteria are met:
- 1. The proposed general development plan is consistent with the purposes of OCMC 17.65.
  - 2. Development shall demonstrate compliance with OCMC 12.0416.12, 17.62, if applicable, and 16.08, if applicable.
  - 3. Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.
  - 4. The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.
  - 5. The proposed general development plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.
  - 6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.
  - 7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.
  - 8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.
    - a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.

- b. Minimum required open space shall be one hundred square feet per residential unit in the development.
  - c. The open space area may be in private ownership or proposed for public dedication, at the city's discretion whether to accept.
  - d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.
  - e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.
  - f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.
9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds seventy-five percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single-family detached, single family attached, duplex, 3—4 plex triplex, quadplex, townhouse, cottage cluster, and multi-family.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.65.060 Detailed development plan.**

#### **A. Submittal Requirements.**

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.
  4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.
  5. Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.
- B. Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:
1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.
  2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.
  3. The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.65.070 Adjustments to development standards.**

- A. Purpose. In order to implement the purpose of the city's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the variance process pursuant to OCMC Chapter 17.60.
- B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.
- C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:
1. Dimensional standards of the underlying zone of up to twenty percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.
  2. Site plan and design standards.
  3. Residential design standards.
  4. Increase in allowed maximum residential density of up to ten percent.
  5. Standards for land division approval.
  6. Additional uses allowed with residential projects, or residential component of projects:
    - a. Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to ten percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the



surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.

- b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts.
  - c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools.
  - d. Common public and private open space including trails.
  - e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.
- D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
- 1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above;
  - 2. To any regulation that contains the word "prohibited";
  - 3. As an exception to a threshold review, such as a Type III review process; and
  - 4. Minimum density for residential sites may not be reduced.
- E. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met:
- 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
  - 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
  - 3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;
  - 4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;
  - 5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and
  - 6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.65.80 Amendments to approved plans.**

- A. When Required. An amendment to an approved general development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.
- B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:
  - 1. A proposed expansion of the approved boundary;

2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
  3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);
  4. New uses not covered in the plan that will increase vehicle trips to the site greater than ten percent of the original amount approved;
  5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;
  6. A increase/decrease greater than ten percent in the amount of approved or required parking; and
  7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.
- C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in subsection B or D are processed through a Type II procedure.
- D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:
1. Accessory uses and structures that meet applicable development regulations;
  2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
  3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

### **17.65.090 Regulations that apply.**

An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that general development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Date	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
3.4.22 and 3.9.22 Written Comment to Planning Commission  James Hopkins	General Opposition	Oregon City should not implement requirements of the State of Oregon. These proposed code changes should go to a vote of the people.	Oregon City, as a political subdivision of the State of Oregon, is required to implement HB 2001 through code updates. If the City chooses not to move forward with the proposed code updates by June 30, 2022, the state model code adopted through OAR 660-046-0000 shall be in effect.	No response needed for this comment
3.1.2022 Written Comment to Planning Commission  Gail Priest	General Opposition	Code changes have impacts to parking, potential teardowns of existing homes, less opportunity for homeownership.	The code amendments were developed to meet the minimum compliance standards. Policy questions relating to cluster housing parking and detached units should be reviewed to see how they affect parking and teardown/infill.  Middle housing land divisions will provide a new opportunity for ownership of middle housing units currently not available in Oregon City.	
3.1.22 Written Comment to Planning Commission  James Nicitia	Middle Housing in Commercial Districts	Wishes to see allowance for more middle housing in commercial districts. Request that the Planning Commission provide direction in the 1 <sup>st</sup> package rather than waiting for a second package that may not materialize.	The staff has added an additional future policy question relating to allowing duplexes on pre-existing non-conforming single-family units in commercial districts, which is a little bit broader than what Mr. Nicita is requesting.  Middle Housing in Commercial Districts is out of scope for the June 30, 2022 amendments and would need additional time to review in a second package in October 2022 or through a separate legislative process.	

James Hopkins  
18660 Roundtree Drive  
Oregon City, Oregon 97045  
March 09, 2022

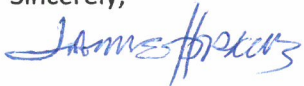
Mayor Rachel Lyles Smith  
625 Center Street  
Oregon City, Oregon 97045

Dear Ms. Mayor,

"Oregon City is required to meet the requirements of House Bill 2001"... or what?! Has the "government above" threatened to cut off financial funding to the City otherwise? The City Government should not be relying on money from either State or Federal Government. The Oregon City Government is supposed to be working in the interest of the Citizens of Oregon City, not as dictated by other governments.

Ordinance Number 22-1001 is of no interest whatsoever to the Citizens of Oregon City. Can you tell me that you would actually enjoy it if the government was to build pack-'em and stack-'em apartments on all sides of your home? Our governments are apparently focussed on turning We The People into an Orwell 1984 with no concern whatsoever for the citizens that they are supposed to represent. Governments shoving ordinances such as HB 2001 down the Peoples' throats is not appreciated and must stop! Things like HB 2001 need to at least be placed on the ballot so that the People can decide whether or not to degrade their city.

Sincerely,



James Hopkins

**From:** [James Hopkins](#)  
**To:** [Christina Robertson-Gardiner](#)  
**Subject:** Re: Ordinance Number 22-1001 (written comments)  
**Date:** Thursday, March 10, 2022 12:22:40 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

James Hopkins  
 18660 Roundtree Drive  
 Oregon City, Oregon 97045  
 March 10, 2022

Planning Division  
 698 Warner Parrott Rd.  
 Oregon City, OR 97045

Dear Oregon City Officials,

"Oregon City is required to meet the requirements of House Bill 2001"... or what?! Has the "government above" threatened to cut off financial funding to the City otherwise? The City Government should not be relying on money from either State or Federal Government. The Oregon City Government is supposed to be working in the interest of the Citizens of Oregon City, not as dictated by other governments.

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Sincerely,  
 James Hopkins

-----Original Message-----

**From:** Christina Robertson-Gardiner <[crobertson@orc.org](mailto:crobertson@orc.org)>  
**To:** James Hopkins <[cosmosmith@aol.com](mailto:cosmosmith@aol.com)>  
**Sent:** Tue, Mar 8, 2022 9:03 am  
**Subject:** RE: Ordinance Number 22-1001 (Planning File GLUA 22-0002/LEG 22-00001)

Thank you for your email- I will add this to the public comment file for the project. These changes are required by the state of Oregon- more information can be found below.

The City of Oregon City is continuing work to expand housing choices for all members of the community with zoning code updates to increase flexibility for middle housing types. These housing types tend to be smaller scale and less expensive than detached single-family dwellings and provide needed variety to accommodate Oregon City's diversity of

households. They are called middle housing because they fall somewhere between single-family homes and larger apartments. [House Bill 2001](#), passed by the State Legislature in 2019, calls for cities to allow a range of **middle housing** types, including duplexes, triplexes, quadplexes, townhouses, and cottage clusters in single-family neighborhoods. House Bill 2001 requires updates to local laws that currently limit the kinds of housing people can build. Oregon City is required to meet the requirements of HB2001 by June 30, 2022 and the City Commission has identified this project as a goal within the biennium with completion by that deadline.

The Housing Choices Code Update <https://bit.ly/OCHB2001> will help restore a greater variety of housing types that were historically incorporated into residential neighborhoods but have been outlawed for more than half a century. While detached single-family homes on one lot will remain the predominant housing type in Oregon City, code updates will create more opportunities for different types of housing to be accessible for a wider range of households.

The Legislative package will be separated between those items that must be addressed by June 30, 2022 and items that are impacted by the required revisions but may need some additional review and direction by the Planning and City Commission and could be adopted in a separate package after the June 30, 2022 deadline.

#### **Must Address**

Those items where HB 2001 provides clear direction, or there are only one or two options to choose from to implement.

#### **Should Address**

Code sections that may now be misaligned based on required code revisions; some are simple changes, others may have policy questions attached to them.

#### **Could Address**

Code sections where the city could choose to further remove barriers to middle housing or even incentivize their use.

### **1st Planning Commission Hearing: (Planning File GLUA 22-0002/LEG 22-00001)**

**When:** 7:00 p.m., March 28, 2022

**Where:** Robert Libke Public Safety Building, 1234 Linn Avenue, Oregon City 97045 and virtually unless otherwise noticed

For a full copy of the proposal one week prior to hearings, visit [www.orcity.org/meetings](http://www.orcity.org/meetings). Any interested party may testify at the hearings or submit written comments to [crobertson@orc.org](mailto:crobertson@orc.org) at or prior to the public hearings while the record is open.

#### Summary of Proposal

- Ensure duplexes and other middle housing (triplexes, quadplexes, cottage clusters,

and townhouses) are allowed on land that allows single-family houses, and that middle housing is reviewed using the same process as single-family houses.

- Establish land division processes for middle housing consistent with Oregon Senate Bill 458.

The proposed code change topics will be available at the Oregon City Planning Division (695 Warner Parrott Rd) or at <https://bit.ly/ocmiddle> on March 7, 2022

Additional information may be found by calling (503) 496-1564 or emailing [crobertson@orc.org](mailto:crobertson@orc.org). It is anticipated that these documents will be revised during the review process until final adoption by the Oregon City City Commission.

#### UPCOMING PRESENTATIONS/MEETINGS

[March 7, 2022 Citizen Involvement Committee-](#) Project overview

[March 8, 2022 City Commission Work Session-](#) *revised Housing tools beyond land use*

**March 14, 2022 Planning Commission Work Session-** *Review of proposal*

**March 28, 2022 Planning Commission Hearing - 1st Public Hearing-** *public comment encouraged via email or in person.*



[What's your Vision for Oregon City?](#)

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**From:** James Hopkins <cosmosmith@aol.com>

**Sent:** Friday, March 4, 2022 12:21 PM

**To:** Christina Robertson-Gardiner <crobertson@orc.org>

**Subject:** Re: Ordinance Number 22-1001 (Planning File GLUA 22-0002/LEG 22-00001)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am opposed to anything that would make it easier for anyone to develop pack-'em & stack-'em "middle housing" here in Oregon City.

James Hopkins  
18660 Roundtree Drive  
Oregon City, OR 97045  
503 722 3885

**From:** [James Hopkins](#)  
**To:** [Christina Robertson-Gardiner](#)  
**Subject:** Re: Ordinance Number 22-1001 (Planning File GLUA 22-0002/LEG 22-00001)  
**Date:** Friday, March 4, 2022 12:21:24 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am opposed to anything that would make it easier for anyone to develop pack-'em & stack-'em "middle housing" here in Oregon City.

James Hopkins  
18660 Roundtree Drive  
Oregon City, OR 97045  
503 722 3885



Oregon City Planning Division  
c/o C. ROBERTSON

P.O. Box 3040  
695 Warner Parrott Rd.

Oregon City OR 97045

97045-3040

C. Robertson,

3/10/22

I have enclosed an article that appeared in the Oregon City newspaper.

Ronelle Coburn explains many reasons to plan ahead before changing our neighborhoods.

I have highlighted the reasons I feel it is not the right changes for our neighborhoods.

1. on street parking
2. older homes torn down and replaced with huge complexes
3. less single dwellings  
"owning a home is an American dream"
4. developers able to buy all the property

Please consider what the citizens of Oregon City. Lets not change the oldest, historical city in Oregon.

Thank you  
Gail Priest  
14555 River Birch Place  
Oregon City OR 97045



# Coburn

■ From Page A6

units would be to take the number of all current single-family residential lots and multiply it by 3%. This would be:  $6,2708 \times 3\% = 188$  new middle housing units. Of course, not every residential property in Milwaukie is going to be rebuilt, but this number is no more nonsensical than Commissioner Edge's laughably low calculation.

As in Portland, the incentive will become huge for developers to substantially outbid individual buyers on any property, in order to scrape off the house and put in middle housing multiplexes. And in addition, our proximity to downtown Portland and lower property prices and taxes will make us subject to a developer feeding frenzy.

Of course, it's hard to precisely predict the future, but anyone who visits Sellwood has seen that dozens of homes have been replaced in just a few years. Take a look at the block of Tenino Street right behind the New Seasons for one example. And looking at the patterns of rebuilding in all Portland neighborhoods, it seems likely we'll see hundreds of units of middle housing built in Milwaukie in just the next decade.

During the Nov. 9 meeting, Commissioner Edge claimed that "all current evidence says we'll be lucky to see a quadplex built in the next 10 years."

By happenstance, I know of seven new units of middle housing that are planned (a quadplex and triplex) in Ardenwald as soon as the codes change. Using Edge's unrealistically low number, almost a third of all prospective middle housing units will be built in the first year.

In addition, there are already 1,400 new apartments in the process of being built in Milwaukie that are all slated to be completed by 2026. Any calculations that indicate an insignificant amount of housing development in the next 20 years are blatantly misleading when there are no real life examples around us of lowered or eliminated on-site parking requirements NOT turning neighborhoods into car swamps.

It's true that some streets in Milwaukie might be able to accommodate the added eight cars that just a single quadplex would likely bring, but quite a few simply cannot.

Many Milwaukie streets are narrow with many cars already parking on-street. And drive-up mailboxes and fire hydrants further constrain the on-street parking supply. Some streets only allow parking on one side. Forcing eight more cars onto such a street is a recipe for neighborhood discord. The Ardenwald neighborhood will particularly feel the impact due to its many large lots ripe for development. And Ardenwald and Historic Milwaukie are both close to MAX stations, one whose parking lot is already full before 7 a.m. and the other with no parking at

all.

On top of it all, an incremental approach to parking requirements is what residents have overwhelmingly indicated they want throughout 2021, through both written and oral public testimony, citizen petitions submitted to the Planning Commission, and the public engagement committee (CPIC), and surveys conducted by the city. It is no less than egregious that five out of seven Planning Commissioners voted to ride roughshod over the consistently expressed desires of our city's residents. In addition, these decisions have been made late at night, at the ends of long meetings, with few attendees who are invisible on Zoom, and no representation of the idea of a zero on-site parking requirement to citizens in any format, and not even any updating of existing online information, before recommending the zero parking requirement to City Council. Just before the vote, it was pointed out by a one of the two dissenting members that the Planning Commissioners are choosing to listen to outside consultants and interests over its own citizens. And the rest went ahead and blatantly overrode residents anyway.

City staff had the right idea with their original proposal for an incremental parking adjustment process to assess sites on a case-by-case basis to see if eliminating the off-street parking requirement makes sense. This is overwhelmingly what residents expressed a preference for.

Sometime in the future, if working and commuting patterns change, and perhaps more households live with only a single vehicle, and if/when Milwaukie has a viable, convenient and safe pedestrian and cycling infrastructure, it may make sense to eliminate off-street parking requirements. That's a lot of "who knows when" and "ifs." All we can say right now is that hopefully future increases in population density lead to more public transit, the resources to renovate our streets and a reduced dependency on cars.

But until that time, the City Council should listen to its residents and preserve neighborhood livability, safety and harmony, and reject the one-size-fits-all recommendation to eliminate off-street parking requirements based on historical and questionable figures that do not accurately reflect what is likely to happen as Milwaukie's housing and population densities increase.

This will be the last chance to provide your comments to the City Council at its public hearings on the evenings of March 1 and March 15. You can give oral comments in-person at these meetings and/or send in your written comments by the end of the Mondays before these meetings to [OCR@milwaukieoregon.gov](mailto:OCR@milwaukieoregon.gov).

Check the calendar at the bottom of [milwaukieoregon.gov](http://milwaukieoregon.gov) for these City Council hearing meetings and their details.

Ronelle Coburn is a resident of Milwaukie's Ardenwald neighborhood and co-founder of MilwaukieRIP.

## City set to override citizens' wishes on parking

The city of Milwaukie engaged in a lengthy public process to adopt a Vision in 2017 and an updated Comprehensive Plan in 2020.

Now the rubber meets the road in trying to turn these broad aspirational goals into code to address housing, parking and tree preservation in Milwaukie's residential areas ... a process most residents don't even know is going on. This work will impact you, especially if you live on a street that is substandard, whether narrow, without sidewalks, with decaying pavement, etc.



**MYVIEW**

Ronelle Coburn

space for each unit recommendation of the citizens' Comprehensive Plan Implementation Committee and the city staff and parking consultant.

Under the proposal now before City Council, duplexes, triplexes, quadplexes and townhomes can all be built on any residential lot, in all neighborhoods and on all streets, regardless of street conditions, with ZERO on-site parking. This would place all those cars on the street, despite the fact that a study (that could not account for whether there were more vehicles inside garages) showed that the average Milwaukie residence already has two cars.

The majority of Planning Commissioners inexplicably seemed to ac-

cept the nonsensical calculations of Commissioner Joseph Edge, that the number of new middle housing units built will be only 22 across the entire city over the next 20 years. Edge drew this conclusion by using a 3% figure reached by state legislators in a compromise over deterring efforts to expand the urban growth boundary. That percentage is suspect enough, but even accepting that only 3% of all new residential construction will be in these middle housing types, Edge's calculation is ridiculous, because he used a baseline buildable lands figure of 765 from the city's 2016 Housing Needs Analysis, which is only the number of Milwaukie's larger lots with one house (the open

space is the "buildable land").

But who says that regular sized lots with older houses won't also be scraped for middle housing development? Edge multiplied only the 765 buildable lands number by 3% to reach his prediction of 22.

But that base number is obviously far too low. There is no reason to think that middle housing will go on only onto our larger lots containing one house when every one of Milwaukie's current 6,278 residential lots will become eligible for middle housing multiplex development.

Another way to calculate the number of prospective middle housing

See COBURN / Page A7



**From:** [James Nicita](#)  
**To:** [Oregon City Planning](#); [Mike Mitchell](#); [Bob and Jean LaSalle](#)  
**Subject:** Missing Middle Housing / HB 2001 project  
**Date:** Thursday, March 10, 2022 12:45:46 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings:

My apologies in advance that I do not have email addresses for all Planning Commissioners; It appears that the City's website does not provide such addresses. I hope this might be forwarded to the full Planning Commission.

I write respectfully regarding Agenda Item #3 for the Planning Commission work session scheduled for March 14, 2020: "GLUA 22-0002/LEG 22-00001 Housing Choices Code Update Work Session," concerning HB 2001 "missing middle" housing code implementation.

I recognize that public comment will be part of the formal hearings process, but there is a potential dilemma that a particular course of action might get "baked in" as a result of the March 14 work session, and that public comment that would have been relevant under an alternative course of action will no longer be relevant after March 14.

In particular, one outcome might be that the Planning Commission would choose to focus narrowly on the question of missing middle housing in single family residential zoning, per the specific mandate of HB 2001, rather than to explore more broadly the question of missing middle housing in other zoning districts.

My purpose in writing is to offer thoughts on why, as early as possible, the Planning Commission should take the broader path of addressing middle housing in zoning districts beyond single family zoning districts.

Under the current code, there are a great number of obstacles to achieving middle housing in areas already zoned for mixed use and greater residential density. (I don't see anything in the agenda packet addressing the many problems in the mixed use zones.)

Therefore, the question arises as to whether those obstacles should be addressed either prior to, or in conjunction with, the question of facilitating middle housing in low density single family residential zones.

The consequences are significant, and include, for example:

- 1) The social cost of having to invest in new infrastructure to facilitate an increase in density in low density areas, as opposed to removing obstacles to more dense development in areas that already have infrastructure.
- 2) The impingement upon citizens who made choices and significant investments in housing precisely to live in low-density, single family zones.
- 3) The impact on natural resources, particularly watersheds, of increasing imperviousness and resulting polluted stormwater runoff in zones that are currently low density; when there remain many unrealized opportunities for increasing density in areas already zoned for such density.

I offer a single illustrative example of an obstacle in the existing code to missing middle housing.

If one walks through the areas of Oregon City - especially the older, established areas - zoned for mixed use and higher density, it is easy to perceive in the interstices of the built fabric numerous, sometimes underutilized, spaces into which it would be fairly easy to slip in a tiny house. But the current code does not really enable people to take advantage of these opportunities.

There is no minimum lot size in zones such as NC, MUC, and MUD, which therefore would be good candidates for individual single family detached tiny house development (for MUD, see e.g. the small historic houses on the south side of 14th between Main and Center streets); however, they do not allow single family detached houses, including tiny houses.

Medium density districts allow single family detached houses, but the minimum lot sizes might prevent tiny houses from being a practicable option. High density districts allow single family attached but not single family detached, and thus such zoning would typically prevent the partitioning off of a backyard of an older historic home for a small tiny house lot.

It does not seem that it would be difficult or time consuming to draft language for single family detached tiny house development. (An ADU does not fit the bill; it does not allow a young family to benefit from the appreciation of value provided by independent home ownership.) For example, a “Detached Tiny House” building type, including maximum lot size to ensure the maintenance of density, could be added to Chapter 17.20. Then the chapters describing the above-mentioned zones, or at least some of them, could be correspondingly amended to describe outright or

circumstantial use of detached tiny houses.

Again, however, this is just one of several examples of where the current code contains obstacles to missing middle housing in the very zoning districts that are supposed to be providing greater density. I and others could describe them in detail, but if the entire question is not even going to be addressed, there is no point in doing so.

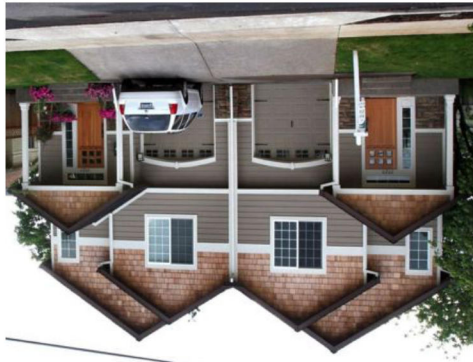
Approaching the missing middle housing issue broadly might provide a broader range of options. For example, might it be possible to “stage” HB 2001 compliance such that Oregon City demonstrates fulfillment of the goal of achieving missing middle housing in existing areas before it has to start impinging upon low density single family residential areas. If HB 2001 is too rigid for that, could Oregon City set up a political challenge where it demonstrates and quantifies fulfillment of the HB 2001 objectives in existing areas with substantial evidence, in order to arm a lobbying effort to amend HB 2001 in order to make it less rigid.

Breaking the process into two phases raises a potential but I think valid concern of follow-up. An example would be how some in Congress insisted on linking the Infrastructure Bill with the Build Back Better Bill, out of concern that if the two were not linked, if the former passed alone, the latter would be cast adrift, which is in fact what happened.

There are issues of follow up and commitment here in Oregon City as well. For example, I remember various representations that citizens were going to have to wait until a major comprehensive plan update before the City would add resources to its Goal 5 inventory. Yet that does not seem to be happening, even on the eve of Planning Commission and City Commission hearings on OC 2040. (I would love to be proven wrong, but I simply have not heard of such an inventory update.)

Thank you for your consideration of this lengthy email. I hope the Planning Commission will choose the broad path, and not the narrow one.

Jim Nicita  
Oregon City



# MIDDLE HOUSING CODE AUDIT CITY OF OREGON CITY, OR

Prepared by JET Planning, LLC  
March 3, 2022

## OVERVIEW

The purpose of this memo is to outline key policy options where direction is needed for zoning code updates supporting middle housing. The code updates must be effective by July 1, 2022 to fully comply with recent state legislation (HB 2001 and SB 458) authorizing middle housing. The City of Oregon City has already made significant progress to expand housing options through zoning code updates adopted in 2019 developed with the Equitable Housing Policy Project.

Further code updates necessary to meet HB 2001 requirements are fully detailed in the attached Code Audit Matrix. Updates are intended to:

- Directly implement state HB 2001 and SB 458 provisions.
- Maintain existing policies established in the Equitable Housing project.

Beyond these two guidelines, there are several key issues necessary for middle housing implementation where the City has some flexibility to choose between policy options. This memo provides detail on these issues to inform policy makers' direction needed to shape the draft code. For each issue, there is a 'compliance' option that preserves the status quo and/or meets the state minimum compliance standards, and one or more alternative option to modify code to enhance middle housing development feasibility if selected by policy makers. There are several additional issues that are detailed here that are related to middle housing, and which should be considered for future policy discussions and code updates outside of this project.

## BACKGROUND

The City of Oregon City is working to expand housing opportunities for its residents to comply with the spirit and specifics of recently passed state legislation directed at supporting "middle housing," that provides alternatives to traditional single-family detached dwellings and multifamily dwellings to help address statewide housing shortages. Middle housing is intended to expand upon, not replace, earlier state and local efforts to permit accessory dwelling units (ADUs) in all residential areas and other efforts to support greater variety of housing options.

Oregon City was an early pioneer in expanding middle housing options through the 2019 Equitable Housing code amendments. Among other provisions, those amendments increased permissions and feasibility for ADUs, duplexes, triplexes, quadplexes, internal conversions, townhouses, and cluster housing. Those amendments introduced a few middle housing options in low-density zones, and a broader range for medium and high-density zones. The

next step needed to meet HB 2001 requirements is to fully expand permissions for all middle housing options in the low-density zones, and to adjust dimensional, design and procedural standards for middle housing in medium-density zones. While the high-density zone is not subject to HB 2001 provisions<sup>1</sup>, minor adjustments are proposed for consistency across zones.

The Oregon Legislature passed House Bill 2001 (HB 2001) in 2019 to provide Oregonians with more housing choices, especially attainably priced housing choices. The “middle housing” addressed by HB 2001 includes duplexes, triplexes, quadplexes, townhouses and cottage clusters. The Legislature focused on these housing types as they can be more affordable, meet the housing needs of many younger people, older people, and low-income households who cannot afford or do not need a large single-family detached house, and reduce environmental impacts associated with large houses. Many of these housing types were historically permitted and built throughout the state prior to World War II, and can still be found in many older neighborhoods. HB 2001 re-legalizes these housing types, which have not been built in many cities for over 70 years due in part to restrictive zoning codes.

Under the bill, by July 1, 2022, cities in the Portland Metro region including Oregon City and large cities across the state (those over 25,000 population) must allow duplexes on all residential lots and all other middle housing types in residential areas. Additional protections apply within natural resource areas, floodplains, landslide hazard areas, and historic resource areas.<sup>2</sup>

Middle housing standards must comply with new Oregon Administrative Rules (OARs) and/or Model Code standards that implement HB 2001. The OARs set minimum requirements for all middle housing types, and the Model Code offers best practices for cities to adopt or adapt that generally go a step beyond the minimum compliance standards.<sup>3</sup> **Where there is a range of policy options between the minimum compliance standards and the Model Code standards, the policy options are detailed in this memo because they are the areas where the City has the most flexibility to set policy.**

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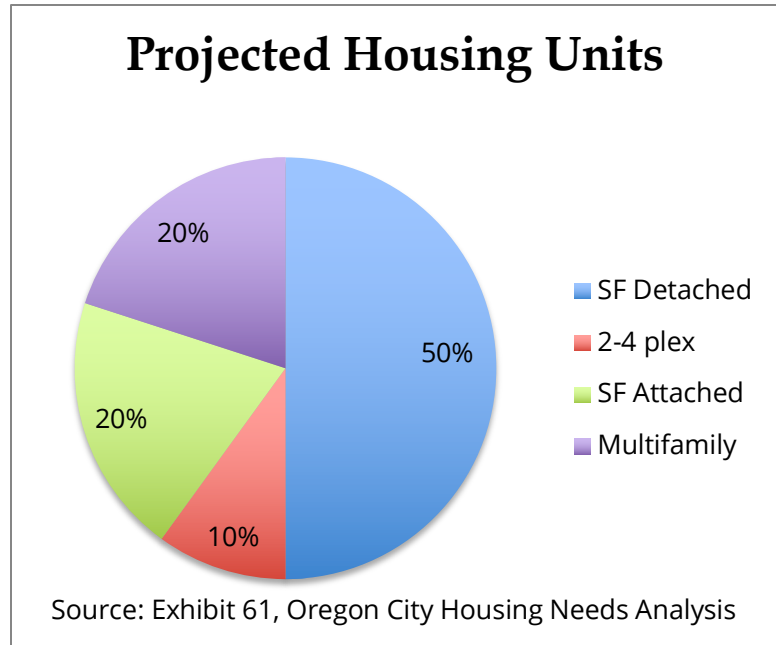
<sup>1</sup> HB 2001 only applies to middle housing in residential zones where single-family detached dwellings are permitted, and single-family detached dwellings are not permitted in the R-2 high-density zone.

<sup>2</sup> The Historic Review Board will be providing additional guidance for middle housing within the existing residential design standards in early 2022.

<sup>3</sup> The Model Code can also be used as an enforcement mechanism to apply directly in cities that fail to adopt compliant middle housing code updates by the deadline.



The middle housing code updates are also an important tool to meet Oregon City's identified housing needs, by providing opportunity for a broader range of development types across more of the city. The City adopted their Housing Needs Analysis (HNA) in December 2022 that projects the need for 7,435 new housing units between 2021-2041. Housing affordability is a significant issue in Oregon City as it is across the region, with 50% of Oregon City renter households and 28% of homeowner households identified as "cost-burdened" because more than 30% of household income is spent on housing.<sup>4</sup> While middle housing is not explicitly affordable housing, it can increase the number and variety of new housing options that ease scarcity and costs across the housing spectrum, particularly if it can support creation of smaller dwelling units more in line with needs and incomes of small households.



## REVIEW PROCESS

The code audit and policy options identification have been informed by several components:

- Consultant analysis of the existing code, relative to the adopted OARs and Model Code standards. Department of Land Conservation of Development (DLCD) staff were also consulted on interpretation questions as needed.
- Three focus groups conducted with market-rate housing developers, nonprofit housing developers, and City staff engaged in development review to understand current issues with middle housing code provisions, and future middle housing development opportunities and concerns.
- Two online surveys aimed at Oregon City residents; the initial November survey with more general questions garnered 162 responses, and the January survey focusing specifically on policy options had 83 responses. While neither survey was statistically valid due to the self-selection of respondents, the responses do provide insight into the

<sup>4</sup> City of Oregon City Housing Needs Analysis draft. [https://www.orcity.org/sites/default/files/fileattachments/planning/page/40091/draft\\_hna\\_2021\\_08\\_30\\_reduced.pdf](https://www.orcity.org/sites/default/files/fileattachments/planning/page/40091/draft_hna_2021_08_30_reduced.pdf)

opinions of a cross-section of City residents who felt strongly enough about the topic to respond.

Focus group discussion and survey questions were largely focused on policy option topics, and the input is detailed in discussion of each policy option below.

## AUDIT FINDINGS

The Middle Housing Code Audit reviewed the City's existing code to identify changes needed in addition to recent housing code updates in 2019 with the Equitable Housing project. In large part, the recent updates align with the intent of HB 2001 and additional required middle housing code updates are consistent with the existing overall policy direction. Key findings include:

- **Low density zones (R-10, R-8, R-6):** Permitted middle housing types must be broadened beyond duplexes and cluster housing to include the full range of middle housing, including dimensional and density standards that permit middle housing at the same scale as single-family detached homes.
- **Medium density zones (R-5, R-3.5):** The full range of middle housing types are already permitted, and only minor changes to dimensional and density standards are needed to accommodate middle housing.
- **High-density zones (R-2):** While many middle housing uses are already permitted in this zone, it is not subject to HB 2001. Only minor changes are proposed for consistency; future discussion may be warranted to review the purpose and scope of development within this zone relative to the expanded uses and densities permitted in other zones.
- **Design standards for middle housing:** Standards specific to each middle housing type generally address the allowed design components, but need simplification to fit within the extent allowed by HB 2001.
- **Parking requirements:** Parking ratios and requirements for middle housing types meet or exceed the range allowed by HB 2001; only the parking minimums for cluster housing need to be reduced. Further discussion about related access and driveway provisions is needed.
- **Procedures:** Administrative reviews (Type I) are already provided for several middle housing types, as required, and need to be expanded to include triplexes, quadplexes and cluster housing.
- **Land divisions:** In addition to the existing subdivision process for large developments, a new middle housing land division procedure is needed to allow expedited division of individual lots development with middle housing (such as dividing a quadplex into four separate, small lots).

- **Goal-protected areas:** Existing protections for historic areas, natural resource areas, and geohazard areas will remain in place, and will apply to any middle housing proposed. The Historic Review Board will be concurrently working on guidance about the application of existing design standards to any proposed middle housing development.

## POLICY ISSUES

Key issues where there is flexibility to craft provisions in the space between OARs and Model Code standards that best respond to Oregon City's needs are highlighted in this draft report, to focus discussion around key decision points. While the broad aspects of middle housing regulations with the greatest impact on development are set by state regulations, namely provisions around which middle housing uses to permit, where to permit them, and the dimensional and density standards that apply, these outstanding policy issues do provide some additional flexibility for the City to guide middle housing development and where desired, enhance development feasibility.

For each of these issues, this memo identifies a 'compliance' option that minimizes code and policy changes to the extent needed to meet the state minimum compliance standards, followed by alternative policy option(s) if policy makers wish to further expand middle housing development permissions. **For each identified issue, policy makers may elect to confirm the compliance option, choose to include the alternative policy option(s) in this round of code updates, or choose to continue to explore the alternative policy option(s) in future code updates,** separate from initial code update package needed to meet the June 30, 2022 deadline.

### 1. Middle Housing in Geohazard Areas

**Compliance option:** Maintain existing density standard of 2 units/acre for development within geohazard areas, effectively precluding middle housing uses.

**Alternative option:** Permit limited middle housing uses (such as duplexes and internal conversions of existing single-family detached units into 2-4 units) within geohazard areas subject to the same development footprint limitations and geoenvironmental review required of single-family detached dwellings.

Geohazard areas are an identified Goal 7 resource under state land use system, and middle housing requirements do not apply within geohazard areas if middle housing would increase potential damage to persons or property. Residential development is currently limited to two

dwelling units per acre and individual residential uses are limited by maximum grading and disturbance volumes. (See page 24 of the Code Audit.)

Potentially modest modifications to geohazard areas could include:

- Exempting internal conversion of a single-family detached unit into a duplex, triplex or quadplex provided it does not exceed the grading and disturbance volumes for other exempt actions in OCMC 17.44.035.
- Permitting a duplex where a single-family detached unit is permitted in areas with 25-35% slope under OCMC 17.44.060(H)(2), and clarifying that an ADU is permitted with any single-family detached unit and exempt from the density limitations.
- Permitting one duplex rather than only one single-family detached unit in areas over 35% slope as permitted under OCMC 17.44.060(I)(4).
- Permitting other middle housing types beyond duplexes in scenarios detailed above.

**Considerations:** The state has refined their guidance to say that geohazard areas are one area where duplexes are NOT required to be permitted on every lot where single-family detached dwellings are. Allowing additional dwelling units within hazard areas could potentially increase the number the people potentially exposed to harm, however, the exact impacts could vary depending on household sizes: smaller quadplex units, for example, are likely to house fewer occupants than a large single-family detached dwelling. Physically, the footprint of a new residential structure has the same potential impacts in a geohazard area regardless of the number of units within it; all structures require geotechnical engineering and review prior to development. Allowing duplexes and/or internal conversions of existing single-family dwellings could create additional middle housing opportunities, however, the overall impact is likely to be modest given the limited extent and difficulties of constructing within the geohazard overlay.

**Input received:** Survey feedback was mixed on this topic. In the first survey, 47% of respondents were in favor of allowing some middle housing in flood and hazard areas, 43% were opposed, and 10% were undecided. In the second survey specifically asking whether middle housing types should be permitted within the same development footprint as a single-family detached dwelling in the geohazard zone, 60% were opposed, 20% favored allowing duplexes, and 20% favored allowing any plex that fit within the allowed footprint. None of the focus groups discussed this specific topic.

## 2. Townhouse Maximum Density

**Compliance option:** Set townhouse maximum densities in low and medium density zones as required to meet state minimum compliance standards (four times the density of single-family detached dwellings in the same zone or 25 units/net acre, whichever is less).

**Alternative option:** Increase allowed townhouse maximum densities to permit 29 units/net acre (based on the required minimum lot size of 1,500 SF) in some or all low and medium density zones?

Maximum townhouse densities must be within the range allowed by state regulations, ranging between four times the maximum allowed for single-family detached units and an effective maximum density of 29 units/acre based on 1,500-SF minimum lot size in the low and medium density zones. (See pages 8 and 10 of the Code Audit.)

- For R-10 zone, allowed range is 17.6 to 29 units/acre.
- For R-8 zone, allowed range is 21.6 to 29 units/acre.
- For R-6, R-5 and R-3.5 zones, allowed range is 25 to 29 units/acre.

**Considerations:** Greater densities permit townhouse development on lots meeting the minimum 1,500-SF lot sizes; generally smaller lots translate to reduced land costs and smaller structures that together decrease rental or sale prices. Lower densities translate into effectively larger minimum lot sizes, and allow some flexibility for the size of townhouse projects to scale with single-family and middle housing in each zone, e.g. four townhouses in the R-10 zone would require a total of 10,000 SF of lot area at a maximum density of 17.6 units/acre similar to the 10,000-SF lot size required for a single-family detached dwelling or any middle housing type.

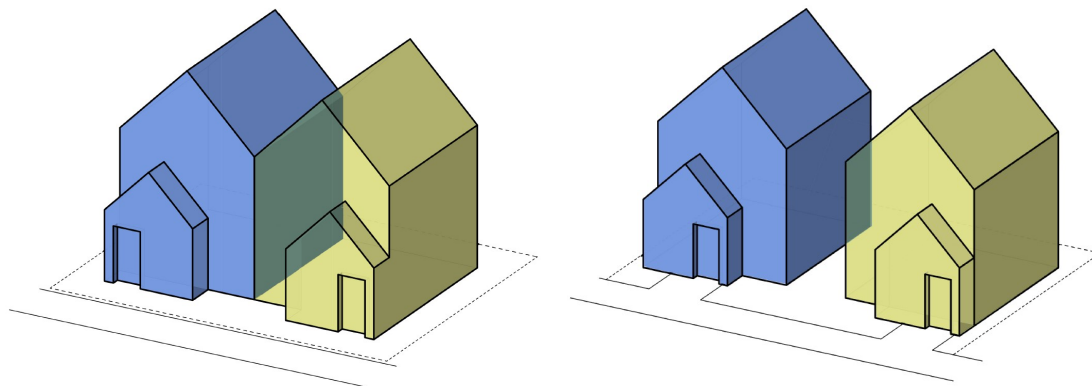
**Input received:** Nearly 60% of survey respondents favored the lower end of the density range for townhouses, with 40% supporting higher densities (split between the medium and high end of the range). The focus groups did not discuss this issue in depth; several developers discussed that typical townhouse products would fit on the required 1,500-SF minimum lot size or slightly larger, which is nearer to the high end of the density range.

## 3. Duplex, Triplex and Quadplex Configurations

**Compliance option:** Continue to require duplex, triplex and quadplex units to be attached in a single residential structure.

**Alternative option:** Permit duplex, triplex and/or quadplex units to be built as detached units within a single project. As an initial step, consider permitted detached duplexes.

Duplexes, triplexes and quadplexes are currently defined in City code as multiple units attached in a single structure. State regulations require cities to permit attached units, with the additional option to allow detached units on a single lot as a plex. (See page 4 of the Code Audit.)



*Attached side-by-side duplex example (left) compared with detached duplex option (right).*

**Considerations:** Allowing detached plex options can provide more flexibility on a site, including flexibility to add additional detached units to an existing lot already developed with a single-family detached dwelling, rather than demolition of the existing dwelling to build an attached plex. This option can be particularly useful for creating detached duplexes similar to the current option to add a detached ADU; adding more than one detached unit may be less feasible due to space constraints. Detached units without shared walls may be more appealing to some homebuyers because of privacy issues. Notably, detached unit construction can make middle housing lot divisions simpler and increase options for fee-simple ownership, though attached units are also eligible for lot divisions. Detached units may cost more than comparable attached units, without the cost savings that come from attached construction, but differences in unit size and finishes mean there are many unknowns about potential financial differences. From the perspective of neighborhood compatibility, a detached plex option could result in several smaller units on a single lot, rather than one larger structure; both scenarios would be subject to overall lot coverage standards, setbacks and height limits as well as design standards for the street-facing façade(s).

**Input received:** Over 60% of respondents in the first survey supported adding flexibility for detached units in duplexes, triplexes and quadplexes. There was strong support for adding the detached option from the developer focus group, where participants mentioned the advantages of fee-simple ownership for development and financial feasibility for both builders and homebuyers; nonprofit developers were also in favor of adding flexibility with detached configurations and noted the ability to retain an existing dwelling on site with additional detached units.

#### 4. Duplex Lot Coverage in Medium Density Zones

**Compliance option:** Maintain maximum building lot coverage for duplexes equal to that allowed for single-family detached dwellings in each zone (50-55%).

**Alternative option:** Increase maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU (60-65%).

When middle housing types were introduced in the medium density zones (R-5, R-3.5) with the Equitable Housing project, building lot coverage standards specific to each type were introduced. Generally, projects with more units were allowed greater lot coverage to make it more physically possible to fit the increased number of units on a lot. For example, a single-family detached dwelling in the R-5 zone is permitted building lot coverage of up to 50% whereas triplexes, quadplexes and townhouses are permitted up to 70% lot coverage. Within this range, duplexes are permitted the same building lot coverage as single-family detached dwellings, however, a single-family detached dwelling with an ADU is permitted additional lot coverage. Considering that both a duplex and a single-family detached dwelling with an ADU are both two total units, maximum building lot coverage for duplexes could stay the same as permitted for single-family detached dwellings in each zone (50-55%) or be increased to match the allowance for a dwelling plus an ADU (60-65%). Duplexes must be permitted at least the same lot coverage allowed for single-family detached dwellings under HB 2001, but there is no requirement to allow additional lot coverage. (See page 9 of the Code Audit.)

**Considerations:** Increasing lot coverage for duplexes would allow greater parity with ADU standards, particularly if detached duplexes are permitted, and consistency with increased lot coverage granted to other middle housing types in the medium density zones. Increased lot coverage allows for slightly larger units, with potential implications for size, consumer appeal, development feasibility and/or cost of units. Increased lot coverage could increase the overall massing of duplexes, with potential impacts on compatibility with single-family detached units, however, the massing would not exceed what is already permitted for other middle housing types. In some cases, increased lot coverage allows for a larger footprint with less height, and could allow more single-story construction.

**Input received:** This specific issue was not included in either public survey. Both market-rate and nonprofit developers generally favored flexibility in the form of increased building lot coverages for increased numbers of units.

## 5. Lot Coverage in Low Density Zones

**Compliance option:** Set maximum building lot coverage for middle housing types in low density zones equal to the allowed lot coverage for single-family detached dwellings.

**Alternative option:** Increase maximum building lot coverage for specific middle housing types in rough proportion to increased numbers of units. Specifically, consider increasing duplex lot coverage to 45%, triplex and quadplex lot coverage to 45-50% or more, and/or townhouse lot coverage to 70%.

The building lot coverage standard in the low density zones (R-10, R-8 and R-6) is currently set at 40% for single-family and duplex dwellings, and 45% with an ADU. With the introduction of middle housing options in this zone, the same building lot coverage standard could be applied to triplexes, quadplexes and townhouses, or could be increased for these types consistent with the approach in the medium density zones. Additionally, there is the same opportunity in these zones to increase allowed lot coverage for duplexes to match what is permitted for a primary dwelling and ADU, as discussed above. Middle housing types must be permitted at least the same lot coverage allowed for single-family detached dwellings under HB 2001, but there is no requirement to allow additional lot coverage. (See page 6 of the Code Audit.)

**Considerations:** See discussion above on Issue 2. Generally, the 40% lot coverage maximum is less likely to be a development limitation in zones with the largest minimum lot sizes, and is more likely to become an issue in the R-6 zone given the smaller minimum lot size (6,000 SF allows 2,400 SF of building footprint, compared to 4,000 SF allowed on a 10,000-SF minimum lot in the R-10 zone). Several specific changes that might be considered in the low density zones are:

- Consider increasing maximum lot coverage for duplexes to 45%, equivalent to that allowed for two units as a primary and ADU, for parity and greater flexibility to fit two units onto a lot (particularly in the R-6 zone where smaller lot sizes make increased coverage more desired).
- Consider increasing maximum lot coverage for triplexes and quadplexes to 45% (to match ADUs) or 50% or higher, for consistency with middle housing standards in the medium density zones that increase allowed coverage in proportion to number of units created.
- Consider increasing maximum lot coverage for townhouses to 70% in low density zones, for consistency with standards in the medium density zones. (For comparison, it is 70-80% in R-5 and R-3.5.) Given the small size of townhouse lots and lack of side yards, higher lot coverage can be more suitable for this development type.



- *Note:* No maximum lot coverage standards may be applied to cottage clusters per HB 2001 regulations.

**Input received:** Discussions about specific percentages of lot coverage were generally challenging for developers, staff and survey respondents. While both groups of developers generally favored increased lot coverage for middle housing to increase flexibility, it was unclear whether it was necessary to allow future middle housing developments without further modeling. Survey respondents were nearly evenly split between those who supported keeping the lot coverage the same for middle housing as single-family detached dwellings and those favoring an increase for middle housing types. Of those favoring an increase, half preferred a small increase equivalent to what is allowed for an ADU and half favored a larger increase. Results were similar when asked specifically about townhouses and about triplexes and quadplexes, with about half preferring to keep the single-family standard and half favoring an increase. Future discussions on this topic could potentially benefit from more illustrations of possible development scenarios under various coverage and setback standards, and/or analysis of actual middle housing developments.

## 6. Cottage Cluster On-Street Parking Credits

**Compliance option:** Maintain the minimum requirement of one off-street parking space per cottage with no reductions for available on-street parking spaces.

**Alternative option:** Make cottage cluster developments eligible to use on-street parking credits to count toward the minimum off-street parking requirements, similar to other residential and commercial development.

Off-street parking requirements for middle housing in the current code meet or are less than the allowed minimum of one space per unit under state regulations. The City standards allow on-street parking spaces to count towards minimum parking requirements for a range of residential and commercial uses, however, cottage clusters are currently the only middle housing type ineligible for on-street parking credits. (See page 21 of the Code Audit.)

**Considerations:** Allowing cottage clusters to use on-street parking spaces towards minimum parking requirements would provide greater consistency and parity with other middle housing and residential uses, including triplexes, quadplexes and multifamily housing. Generally, decreasing off-street parking requirements can increase site development feasibility and increase flexibility for developments to be designed with parking that meet residents' projected needs. On-street parking credits are a recommended approach in the Model Code to decrease the amount of site area required to be devoted to off-street parking—and thus

increase the site area available for residential uses—if there is available on-street parking. Allowing on-street parking to count towards parking minimums could increase pressure on existing on-street parking supply, particularly in neighborhoods with limited parking availability relative to demand.

**Input received:** Nearly 75% of respondents in the second survey did not support allowing cottage clusters to count on-street parking towards the minimum parking requirements. Nonprofit developers generally reported that the current parking minimums were workable for their developments, and did not identify on-street parking credits as a top priority. City staff pointed out that allowing on-street spaces to count towards parking could be perceived to lock the City into maintaining the on-street parking, and decrease flexibility for future changes like lane reconfigurations.

## 7. Garage Options for Cottage Clusters

**Compliance option:** Maintain existing option for 600-SF (shared) detached parking garages/structures and option for small attached garages that count towards total gross floor area as two options for garage parking with cottage clusters.

**Alternative option:** Explicitly permit up to 200-400-SF detached garages for individual cottages exempt from gross floor area limitations, clarifying that 600-SF structures must be shared in common parking areas; and/or exempt up to 200-SF attached garages for individual cottages from the gross floor area limitations.

Traditional cottage cluster development has emphasized separation of vehicular and residential areas, with parking located in shared parking clusters at the perimeter of the site. The current cottage cluster standards permit shared parking areas, as well as detached parking garages/structures up to 600-SF; these are presumably meant to be shared structures within the shared parking areas, but the code does not specify. Individual attached garages are also permitted though they must be “subordinate” to the dwelling, i.e. small-scale, and count towards the allowed gross floor area which ensures the overall scale of cottages remains consistent.

Alternatively, the cottage housing standards could incorporate the Model Code provisions to permit attached garages up to 200 SF exempt from the allowed gross floor area, and specifically allow for up to 400-SF detached garages with individual cottages with clarification that only shared parking structures are permitted up to 600 SF. (See page 21 of the Code Audit.)

**Considerations:** Residents and developers of some earlier projects around the state have reported that shared parking areas are inconvenient and deter would-be residents. Developers pushed heavily in the state rulemaking process to make attached and detached garage options for individual cottages more feasible by permitting them exempt from cottage size requirements for greater flexibility. Current city regulations for detached structures are unclear and could be taken advantage of to construct individual 600-SF detached garages exempt from cottage size limitations. Current regulations requiring attached garage space to be counted within the cottage size limitations maintain overall massing of cottage developments, but effectively discourage attached garages that take up valuable floor area desired for living space. Driving cottage clusters towards shared parking areas by limiting individual parking areas could result in lower interest to develop cottage clusters, however, it could support the cloistered residential character of any cottage clusters that do get built.

**Input received:** There was no discussion on this issue in either the focus groups or public surveys.

## FUTURE POLICY ISSUES

Several additional policy issues merit future discussion to more fully integrate middle housing into the spectrum of residential development options, however, none of these issues require action as part of this middle housing code amendment project.

### A. Multiple ADUs per Lot

With the introduction of up to four units per lot under middle housing provisions, consider the future role for ADUs and how ADU standards compare to plex standards. Consider whether to permit multiple ADUs per lot for greater parity with new provisions for plexes, which could be written to require one attached and one detached unit, or in any combination. While there is significant overlap between two ADUs with a primary dwelling and a triplex (each three units that could be attached or detached), there could be value in permitting multiple options for greater flexibility and encouraging preservation of the existing dwelling. (See page 17 of the Code Audit.)

### B. High Density Zone Development Standards

With the introduction of middle housing at greater densities in the low and medium densities zone, there could be a broader discussion about the purpose and standards for the high density R-2 zone. Because the R-2 zone does not permit single-family detached dwellings, it is not subject to HB 2001 and no changes are currently under consideration.

Following this round of code amendments, the medium density zone will eclipse the high density zone by permitting development at 25 or more units per acre, compared to a 22 units/acre maximum density in the R-2 zone, and middle housing types will be permitted on smaller lots in the low and medium density zones than in the R-2 zone.

- Consider reducing minimum lot size for middle housing types in R-2 to match or be less than corresponding minimum lot sizes in medium density zones.
- Consider increasing minimum densities for middle housing in R-2 above the current 22 units/acre limit for parity with maximum density for middle housing that will be allowed in other zones.
- Consider whether to increase maximum density for multi-family residential as well to match or exceed the scale of permitted middle housing.

Additionally, the introduction of middle housing types in all residential zones merits further discussion of which housing types should be a priority in the R-2 zone. Now that townhouses will be permitted in all low and medium-density zones, it may be more appropriate to target limited R-2 sites for multifamily and other alternatives. Multifamily can be the least expensive housing type in the R-2 zone, and needed to meet a segment of the City's housing needs, but could struggle to compete against townhouses if they continue to be permitted outright. Consider whether townhouses in R-2 should continue to be permitted outright, prohibited, or only permitted as part of a master plan/PUD. Respondents in the second survey were fairly split on whether to continue permitting townhouses in R-2, with 53% in favor of limiting them and 47% in favor of continuing to permit them. (See pages 11-12 of the Code Audit.)

### **C. Lot Averaging for Subdivisions**

Consider whether and how lot averaging should apply to middle housing options beyond duplexes, and whether lot averaging remains a useful tool for new developments along with middle housing opportunities. If a development can now effectively include more middle housing units on a lot otherwise intended for single-family detached dwellings, and those middle housing lots can be divided to create individual units on significantly smaller lots, then the modest lot size reductions available through averaging may be less compelling for new development. Additional complexities include how to average different minimum lot sizes for different types of development, such as 5,000-SF lots permitted for single-family detached dwellings and 7,000-SF lots permitted for quadplexes in the R-5 zone. (See page 2 of the Code Audit.)

## **D. Affordability Incentives**

More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements, both to improve feasibility of those projects and to explicitly encourage affordable housing development. Several options are mentioned above as alternative options, including additional lot coverage allowances, increased townhouse density and on-street parking credits. (See items 2, 4, 5 and 6 above.) Depending on the initial direction to include any of those alternative options in this round of code updates, future discussion could include more comprehensive consideration of which alternatives to offer for all development and which alternatives could be targeted to support and encourage affordable projects. Discussion should also consider the ratio of market-rate and affordable units required to be eligible for any incentives. Discussions with affordable and market-rate developers would be critical to understand interest in building affordable or mixed-income middle housing projects, and which regulatory incentives would be most supportive of desired development.

## Oregon City Municipal Code Audit for Compliance with Middle Housing Requirements March 3, 2022

Item #1.

This audit table provides a detailed analysis of the current state of the City's code relative to new middle housing requirements for Large Cities under ORS 197.758 (HB 2001 codified) as implemented through OAR Chapter 600, Division 046 and middle housing land division requirements under SB 458. The audit addresses applicable standards for duplexes, triplexes, quadplexes, townhouses and cottage clusters. Audit findings are coded as follows:

	Meets or exceeds statutory requirements, no revision needed
	Meets or exceeds statutory requirements, revision optional
	Minor revision needed to comply with applicable OARs, as cited, that are largely policy neutral and/or administrative in nature
	Revision needed to comply with applicable OARs, as cited, required policy update
	Compliance and alternative policy options available to address needed update, pending direction by policy makers
	<i>Further discussion possible on future code revisions beyond this project, not needed to meet OARs</i>

Code Section & Topic	Status	Recommended Update or Options
16.08 – Land divisions—process and standards	Revision needed: Add subsection detailing applicability, procedures, and approval criteria for middle housing land divisions and expedited land divisions, and relationship to other standards and procedures in the code, to clearly implement SB 458.	New standards should permit middle housing expedited land division of duplexes, triplexes, quadplexes, townhomes (up to six attached units) and cottage clusters (four to 12 units) on an existing lot. This does not allow for large-scale new subdivisions of middle housing, but rather division of an existing lot for a single middle housing development to facilitate fee-simple ownership of the resulting units. Standards should detail relevant procedure including relationship to middle housing development building permit review, applicable standards including exemptions from other standards throughout code, and standards that apply to any future lots created through this process, such as limitation on further lot divisions and development of additional units.

Code Section & Topic	Status	Recommended Update or Options
16.08.010 – Purpose and general provisions for land divisions	Minor revision needed: Add “middle housing land divisions” to list of allowed land division options. (SB 458)	
16.08.045 – Frontage width requirement	Exceeds requirements, revision optional: A 20-foot frontage width requirement currently applies to all residential types, except cluster housing. No alternative frontage width standard applies to cluster housing. Cluster housing may be subject to the same standards as single-family detached units. (OAR 660-046-0220(4)(b))	Consider whether to extend the same minimum 20-foot frontage width standard to cluster housing that applies to other residential types.
16.08.050 – Flag lots	Exceeds requirements, revision optional: No limitations on middle housing types on flag lots provided access requirements are met; however, townhouses specifically may be prohibited on flag lots. (OAR 660-046-0220(3)(b))	Maintain existing provisions without additional limitation on townhouses.
16.08.065 – Lot size reduction	Revision needed: Allow duplexes on any lots created through lot averaging in addition to single-family detached units, because duplexes must be permitted on all lots where single-family detached units are permitted. (OAR 660-046-0105(1))	<b>Further discussion:</b> Consider whether and how lot averaging should apply to middle housing options beyond duplexes, and whether lot averaging remains a useful tool for new developments along with middle housing development and land division opportunities.
16.08.095 – Prohibition on private restrictions	Minor revision needed: Update list of housing types that may not be prohibited by new CC&Rs to include all middle housing types. (ORS 93.277)	
16.12.011 – Applicability of minimum public improvement	Exceeds requirements, no revision needed: The same public works exceptions offered to single-family detached units are also offered to duplexes as required, as well as for triplexes,	

Code Section & Topic	Status	Recommended Update or Options
requirements	quadplexes and townhouses. (OAR 660-046-0120(7))	
16.12.035.A – Minimum Driveway Spacing Standards	Revision needed: Exempt driveways for triplexes, quadplexes, and townhouses from the intersection spacing requirements to meet requirement that middle housing types be subject to the same access standards as single-family detached units. (OAR 660-046-0220(2)(e)(E), 660-046-0220(3)(f)(C))	Add option for two driveways per lot for plexes and cottages, tied to spacing standards here.
<i>Ibid</i>	Meets requirements, revision optional: Cottage clusters subject to intersection spacing requirements; not required to be subject to the same access standards as single-family detached units. (OAR 660-046-0220(4))	Consider driveway spacing standards for cottage clusters, which are not required to match those of single-family detached units. Consider whether to exempt cottage clusters as well, to apply the existing spacing standard, or to develop a new standard. <i>(Consult with Development Services.)</i>
16.12.035.D – Driveways for properties with multiple frontages	Meets requirements, revision optional: The same access standards for properties with multiple frontages are applied to single-family detached units and middle housing types. (OAR 660-046-0220(2)(e)(E), 660-046-0220(3)(f)(C))	Confirm that this permits two driveways on corner lots. Consider how standards should address cottage clusters as well. <i>(Consult with Development Services.)</i>
16.12.035.E – Driveway approach size standards	Revision needed: Apply the same minimum driveway widths to duplexes, triplexes, quadplexes and townhomes as applies to single-family detached units. (OAR 660-046-0220(2)(e)(E), 660-046-0220(3)(f)(C))	Consider whether to retain distinction between 10-ft minimum width in the medium density zones and 12-ft minimum width in the low density zones that currently applies to single-family detached units. Consider which minimums to apply to cottage clusters. Maintain existing maximum driveway widths; require lots with multiple driveways to cumulatively meet the maximum standard.
17.04.006 - 3—4 plex residential definition	Revision needed: Update to separate and match state triplex and quadplex definitions. (OAR 660-046-0020)	<b>Policy options:</b> Consider whether to retain requirement for all units to be attached as permitted by OARs, or add option for units to be detached structures on a single lot for additional



Code Section & Topic	Status	Recommended Update or Options
		flexibility.
17.04.197 - Cluster housing definition	Revision needed: Update to match state cottage housing definition with reference to minimum density and maximum building footprint. (OAR 660-046-0020)	Consider whether to retain “cluster housing” term or switch to “cottage cluster.” Consider whether “cluster dwelling” definition is needed in addition to “cluster housing” definition, to distinguish the individual units from the larger project. Add “cottage cluster project” definition of multiple cottage clusters comprising a single, larger project. (Note MHLA only application to a single cottage cluster, not cottage cluster project.)
17.04.260 – Corner duplex definition	Revision needed: Delete and combine with “duplex” definition. (OAR 660-046-0020)	Note: There is no longer any distinction needed between corner and interior duplexes because they are regulated the same under HB 2001.
17.04.333 – Duplex definition	Meets requirement, revision optional. (OAR 660-046-0020)	<b>Policy options:</b> Consider permitting detached structures as a duplex as well as attached structures, which provides additional flexibility, facilitates middle housing land divisions per SB 458, and can reduce pressure for demolition of existing dwelling units onsite.
17.04.603 - Internal conversion (for existing single-family detached residential units) definition	Revision needed: Delete and combine with definitions for duplexes, triplexes and quadplexes. (OAR 660-046-0020)	Note: There is no longer any distinction needed between plex units created through conversion and duplex, triplex and quadplex units because they are regulated the same under HB 2001.
17.04	Revision needed: Add definition of “middle housing” to include all types. (OAR 660-046-0020)	
17.04.1135 – Single-family attached residential units definition	Meets requirements, no revision needed. (OAR 660-046-0020)	Consider a change to the term “townhouse” for simplicity.
17.04.1140 –	Meets requirements, no revision needed.	

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Single-family detached residential units definition	(OAR 660-046-0020)	
17.08.020 - Permitted uses in low-density residential districts	Revision needed: Add duplex, triplex, quadplex and single-family attached residential units as permitted uses. Delete corner duplexes and internal conversions. (OAR 660-046-0205(1) and (2))	
17.08.030 – Master plans in low-density residential districts	Revision needed: Delete section allowing single-family attached residential units in master plans, as they will be permitted outright in the districts. (OAR 660-046-0205(2))	
17.08.040 – Dimensional standards in low-density residential districts: Minimum lot sizes	Revision needed: Specify minimum lot sizes for each middle housing type that comply with HB 2001. (OAR 660-046-0120(1), 660-046-0220(2)(a), (3)(a), (4)(a))	Require the same minimum lot size for duplexes, triplexes and single-family detached units in each zone. (OAR 660-046-0120(1), 660-046-0220(2)(a)(A)(ii)) Require the same minimum lot size for quadplexes, cottage clusters and single-family detached units in the R-10 and R-8 zones; add 7,000-SF minimum lot size for quadplexes and cottage clusters in the R-6 zone. (OAR 660-046-0220(2)(a)(B), (4)(a)) Add 1,500-SF minimum lot size for townhouses in all districts. (OAR 660-046-0220(3)(a)) Note that maximum density limits below 29 units/acre may result in de facto large minimum average lot sizes.
17.08.040 – Dimensional standards in low-density residential districts: Maximum height	Meets requirements, no revision needed: Uniform 35-foot height limit applies to all dwellings in these districts including middle housing. (OAR 660-046-0120(4), 660-046-0220(2)(d), (3)(e))	Could add reference to 25-ft maximum height for cluster housing in 17.20.020(D)(3).
17.08.040 –	Revision needed: No maximum lot coverage	Exempt cottage clusters from lot coverage maximums.

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Dimensional standards in low-density residential districts: Maximum building lot coverage	standards can apply to cottage clusters. (OAR 660-046-0220(4)(g))	
<i>Ibid</i>	Meets requirements, revision optional: While the same maximum lot coverage standards may be applied to duplexes as applies to single-family detached units, consider allowing the same lot coverage for a duplex as is permitted for a single-family detached unit and an ADU. (OAR 660-046-0120(6))	<b>Policy options:</b> Maximum lot coverage is currently set at 40% for single-family dwellings and 45% with an ADU. Consider increasing maximum lot coverage for duplexes to 45%, equivalent to that allowed for two units as a primary and ADU, for parity and greater flexibility to fit two units onto a lot (particularly in the R-6 zone where smaller lot sizes make increased coverage more desired).
<i>Ibid</i>	Meets requirements, revision optional: While the same maximum lot coverage standards may be applied to triplexes and quadplexes as applies to single-family detached units, consider whether it should be increased for greater flexibility. (OAR 660-046-0220(2)(f))	<b>Policy options:</b> Consider increasing maximum lot coverage for triplexes and quadplexes to 45% (to match ADUs) or 50% or higher, for consistency with middle housing standards in the medium density zones that increase allowed coverage in proportion to number of units created.
<i>Ibid</i>	Meets requirements, revision optional: While the same maximum lot coverage standards may be applied to townhouses as applies to single-family detached units, consider increasing maximum lot coverage for townhouses given the significantly smaller lot sizes. (OAR 660-046-0220(3)(g))	<b>Policy options:</b> Consider increasing maximum lot coverage for townhouses to 70% in low density zones, for consistency with standards in the medium density zones. (For comparison, it is 70-80% in R-5 and R-3.5.) Given the small size of townhouse lots and lack of side yards, higher lot coverage can be more suitable for this development type.
17.08.040 – Dimensional standards in low-density residential districts: Minimum lot width and depth	Meets requirements, no revision needed: Minimum lot widths and depths for duplexes, triplexes, quadplexes and cottage clusters can be the same as for single-family detached units.	

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<i>Ibid</i>	Revision needed: Add 20-ft minimum lot width for townhouses in all districts. (OAR 660-046-0220(3)(b))	
17.08.040 – Dimensional standards in low-density residential districts: Minimum setbacks	Meets requirements, no revision needed: Setbacks for duplexes, triplexes and quadplexes must be the same as for single-family detached units. (OAR 660-046-0120(3), 660-046-0220(2)(c))	
<i>Ibid</i>	Revision needed: Add 0-ft minimum interior side yard setback for townhouses in all districts. (OAR 660-046-0220(3)(d))	
<i>Ibid</i>	Revision needed: Add 10-ft minimum front and rear setbacks for cottage clusters in all districts. (OAR 660-046-0220(4)(d))	
17.08.050 – Density standards in low-density residential districts: Minimum net density	Meets requirements, no revision needed: The same minimum density standards apply to single-family detached units and to middle housing types. (OAR 660-046-0220)	
<i>Ibid</i>	Revision needed: Cottage clusters must meet a minimum density of 4 units/acre, which is greater than current 3.5 units/acre that applies in R-10 zone. (OAR 660-046-0220(4)(c))	Add minimum density of 4 units/acre for cottage clusters in R-10 zone.
17.08.050 – Density standards in low-density residential districts: Maximum net density	Revision needed: Maximum densities apply to duplexes, triplexes, quadplexes and cottage clusters, and must be exempt from maximum density. (OAR 660-046-0120(2), 660-046-0220(2)(b), 660-046-0220(4)(c))	Note: The minimum lot sizes for each middle housing type will set de facto maximum densities.
<i>Ibid</i>	Revision needed: Maximum densities limit	<b>Policy options:</b> Consider what increased density to permit for

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	townhouses to less than the allowed range of up to 25-29 units per acre. (OAR 660-046-0220(3)(c))	townhouses within the range allowed by OARs, which is based on a multiple of the maximum allowed for single-family detached units and an effective maximum density of 29 units/acre based on 1,500-SF minimum lot size. For R-10 zone, allowed range is 17.6 to 29 units/acre. For R-8 zone, allowed range is 21.6 to 29 units/acre. For R-6 zone, allowed range is 25 to 29 units/acre.
17.10.020 - Permitted uses in medium-density residential districts	Meets requirements, no revision needed: All middle housing types are permitted. (OAR 660-046-0205(1) and (2))	Minor revision needed to delete corner duplexes and internal conversions, which are unnecessary.
17.10.040 - Dimensional standards in medium-density residential districts: Minimum lot sizes	Revision needed: Specify minimum lot sizes for each middle housing type that comply with HB 2001. (OAR 660-046-0120(1), 660-046-0220(2)(a), (3)(a), (4)(a))	Require the same minimum lot size for duplexes and single-family detached units in both districts, eliminate separate duplex lot standards. (OAR 660-046-0120(1)) Reduce minimum lot size for townhouses to 1,500 SF in both districts. (OAR 660-046-0220(3)(a)) Reduce minimum lot size for triplexes in both districts to 5,000 SF. (OAR 660-046-0220(2)(a)(A)) Reduce minimum lot size for quadplexes and cottage clusters in both districts to 7,000 SF. (OAR 660-046-0220(2)(a)(B), OAR 660-046-0220(4)(a))
17.10.040 - Dimensional standards in medium-density residential districts: Maximum height	Meets requirements, no revision needed: Uniform 35-foot height limit applies to all dwellings in these districts including middle housing. (OAR 660-046-0120(4), 660-046-0220(2)(d), (3)(e))	Consider whether to reference 25-ft maximum height for cottage clusters in 17.20.020(D)(3).
17.10.040 - Dimensional standards in medium-density residential districts:	Meets requirements, revision optional: The same maximum lot coverage standards apply to duplexes as to single-family detached units. (OAR 660-046-0120(6))	<b>Policy options:</b> Maximum lot coverage is currently set at 50-55% for single-family dwellings and duplexes, whereas a single-family dwelling with an ADU (also a total of two units) is allowed 60-65% maximum lot coverage. Consider increasing maximum lot coverage for duplexes to match that allowed for a primary and

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Maximum building lot coverage		accessory dwelling unit.
<i>Ibid</i>	Exceeds requirements, no revision needed: Lot coverage maximums for triplexes, quadplexes and townhouses are greater than for single-family dwellings. (OAR 660-046-0220(2)(f) and (3)(g))	Increased lot coverage enhances development feasibility for these housing types, particularly townhouses with no side yards.
<i>Ibid</i>	Revision needed: Exempt cottage clusters from maximum lot coverage standards. (OAR 660-046-0220(4)(g))	
17.10.040 – Dimensional standards in medium-density residential districts: Minimum lot width and depth	Meets requirements, no revision needed: Minimum lot widths and depths for duplexes, triplexes, quadplexes and cottage clusters can be the same as for single-family dwellings.	
<i>Ibid</i>	Revision needed: Add 20-ft minimum lot width for townhouses in all districts. (OAR 660-046-0220(3)(b))	
17.10.040 – Dimensional standards in medium-density residential districts: Minimum setbacks	Meets requirements, no revision needed: Setbacks for duplexes, triplexes and quadplexes must be the same as for single-family dwellings. (OAR 660-046-0120(3), 660-046-0220(2)(c))	
<i>Ibid</i>	Meets requirements, no revision needed: Includes 0-ft minimum interior side yard setback for townhouses in all districts. (OAR 660-046-0220(3)(d))	
<i>Ibid</i>	Revision needed: Perimeter setbacks for cottage clusters may not exceed 10 ft, and current rear	Add 10-ft minimum rear setbacks for cottage clusters in all districts.

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	setback is 20 ft. No changes needed to front and side setbacks to meet standard. (OAR 660-046-0220(4)(d))	
17.10.050 – Density standards in medium-density residential districts: Minimum net density	Meets requirements, no revision needed: Minimum density for both zones exceeds required minimum of 4 units/acre for cottage clusters. (OAR 660-046-0220(4)(c))	
<i>Ibid</i>	Meets requirements, no revision needed: The same minimum density standards apply to single-family detached units and to middle housing types. (OAR 660-046-0220)	
17.10.050 – Density standards in medium-density residential districts: Maximum net density	Revision needed: Exempt duplexes, triplexes, quadplexes and cottage clusters from maximum density and allow minimum lot size to control. (OAR 660-046-0120(2), 660-046-0220(2)(b), (4)(c))	
<i>Ibid</i>	Revision needed: Increase townhouse maximum densities. (OAR 660-046-0220(3)(c))	<b>Policy options:</b> Townhouse densities can be set within a range allowed by OARs, set relative to the density for single-family detached units, an allowed maximum of 25 units/acre, or an effective maximum density of 29 units/acre based on 1,500-SF minimum lot size. For both districts, consider whether to set maximum density at 25 or 29 units/acre.
17.10.060 – Conversion of existing duplexes	Further review needed.	Determine whether section remains relevant with introduction of middle housing lot divisions, or if it is restricted to duplexes existing prior to implementation of new ordinance.
17.10.070 – Additional	Further review needed for Southern Perimeter Transition standards in subsection (C).	Revise or eliminate restriction on middle housing uses for lots along Southern Perimeter, and introduce differentiated minimum

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standards for the Thimble Creek Concept Plan Area		lot sizes for middle housing uses that comply with relevant OARs. Consider whether alternative standards that are more neutral towards housing types could be introduced to achieve intended perimeter transition goals consistent with Thimble Creek Concept Plan, such as continuing to require 40-ft setback for all housing types from the perimeter.
17.12 – High Density Residential Districts	Generally, note that because single-family detached units are not permitted in this zone, middle housing uses are not subject to HB 2001 provisions and no changes are required. However, minor changes are recommended for consistency. Further discussion is merited to more fully reconsider the role of the R-2 zone as the high-density zone, given that HB 2001 provisions are more flexible than current R-2 provisions for some middle housing types.	
17.12.020 - Permitted uses in high-density residential districts	Revision optional: Zone already permits all middle housing types but consider whether to continue to permit townhouses.	<b>Further discussion:</b> Consider whether townhouses in R-2 should continue to be permitted outright, prohibited, or only permitted as part of a master plan/PUD. Now that townhouses will be permitted in all low and medium-density zones, it may be more appropriate to target limited R-2 sites for multifamily and other alternatives. Multifamily can be the least expensive housing type in the R-2 zone, and needed to meet a segment of the City's housing needs, but could struggle to compete against townhouses if they continue to be permitted outright.
<i>Ibid</i>	Minor revision needed: Delete corner duplexes and internal conversions for consistency.	
17.12.040 – Dimensional standards in high-density residential districts: Minimum lot sizes	Revision optional: Consider reducing minimum lot sizes for middle housing types for consistency with HB 2001 reductions in other zones.	<b>Further discussion:</b> Consider reducing minimum lot size for middle housing types to match or be less than minimum lot sizes in medium density zones.
17.12.040 – Dimensional standards in high-density residential	No revision needed.	Consider whether to reference 25-ft maximum height for cluster housing in 17.20.020(D)(3).



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districts: Maximum height		
17.12.040 – Dimensional standards in high-density residential districts: Maximum building lot coverage	No revision needed.	
17.12.040 – Dimensional standards in high-density residential districts: Minimum lot width and depth	No revision needed.	
17.12.040 – Dimensional standards in high-density residential districts: Setbacks	No revision needed.	
17.12.050 – Density standards in high-density residential districts: Minimum net density	No revision needed.	
17.12.050 – Density standards in high-density residential districts: Maximum net density	Revision optional: The current 21.8 units/acre maximum density is less than the maximum densities for middle housing that will be permitted in the low and medium density zones.	<b>Further discussion:</b> Consider increasing minimum densities for middle housing for parity with maximum density for middle housing that will be allowed in other zones. Consider whether to increase maximum density for multi-family residential as well to match the scale.
17.12.050(C) – Affordable housing	Revision optional: Current 20% density bonus for affordable housing has been superseded by new	Consider future revisions to address SB 8 implications (outside of this project).

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density bonus	50% density bonus (and 24 feet additional height) for affordable housing awarded under new SB 8 legislation.	
17.12.060 – Additional standards for Thimble Creek Concept Plan Area	Revision optional.	Consider recalibrating the Sustainability Density Bonus to reflect any changes to maximum density standard.
17.14 – Single-Family Detached and Duplex Residential Design Standards	Generally, the same clear and objective design standards may be applied to single-family detached residential units and duplexes, provided that the requirements do not scale with the number of units, e.g., that requirements are not doubled for duplexes. Only minor changes are recommended for this section. (OAR 660-046-0125(1))	
17.14.020 - Applicability	Minor revision needed: Delete reference to corner duplexes in subsection (B) for consistency.	
17.14.020 – Applicability	Revision needed: Add subsection exempting duplexes created through conversion of existing single-family detached unit from complying with standards of this chapter. (OAR 660-046-0125(2))	
17.14.025 – Review process	Meets requirements, no revision needed: Duplexes are subject to a Type I review concurrent with building permit application, the same as required for single-family detached units. (OAR 660-046-0115)	Consider adding administrative cross-reference to applicable Type I site plan and design review process in OCMC 17.62.035.
17.14.030 – Residential design options	Minor revision needed: Update references for “a dwelling” to encompass duplexes as well. (OAR 660-046-0125(1))	Replace “a dwelling” in each requirement with “a dwelling or duplex” or “a primary residential structure” to clarify that requirements are not per dwelling but per residential structure, which may contain one or two dwelling units. Consider implications if detached duplexes are permitted and multiple structures could be permitted along the street-facing façade.

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17.14.035 – Corner lots and through lots	Revision needed: Apply the same standards for single-family detached units and duplexes on corner lots, and delete reference to corner duplexes. (OAR 660-046-0125(1))	Expand the design provisions for single-family detached units on corner lots and through lots to encompass duplexes as well.
17.14.050 – Main entrances	Minor revision needed: Delete reference to corner duplex in subsection (A) for consistency.	
17.14.060 – Corner duplexes	Revision needed: Delete section. (OAR 660-046-0125(1))	Apply standards for single-family detached units on corner lots in 17.14.035 instead.
17.14.080 – Residential lot tree requirements	Meets requirements, no revision needed: The same tree standards apply to single-family detached units and duplexes, as required for all landscaping standards (classified within “design standards” more broadly). (OAR 660-046-0125(1))	
17.14.090 – Street trees	Meets requirements, no revision needed: Planting requirements are based on lot width rather than number of dwellings. (OAR 660-046-0125(1))	Consider whether to update applicability to include other middle housing types for clarity, given that the townhouse and triplex/quadplex standards in 17.16.050(C) require compliance with this section as well.
17.16 – Single-family attached and 3-4 plex residential design standards	Generally, design standards for townhouses, triplexes and quadplexes can be the same as standards for single-family detached units, can adopt the Model Code standards, or can be less restrictive than either of those options. Design standards must not be more restrictive than those applied to single-family detached units. Throughout this chapter, simplify requirements for townhouses, triplexes and quadplexes to match requirements for single-family detached units by deleting several requirements as detailed below or expand design standards to apply to single-family detached units as well. (OAR 660-046-0225(1))	
17.16.010 – Purpose for single-family attached and 3-4 plex residential design standards	Revision optional: Consider revising description to better align with updated standards.	
17.16.020 –	Meets requirements, no revision needed: The	The required Type I review for these residential types is

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Applicability for single-family attached and 3-4 plex residential design standards	same Type I review type is required as for single-family detached units. (OAR 660-046-0215)	combined with building permit review, as is specified for single-family detached units in 17.14.025. Consider adding cross-reference to minor site plan and design review standards in OCMC 17.62.035.
17.16.030 – Single-family attached dwelling design standards	Revision needed: The number of design elements required for townhouses in subsection (B) must be the same as or less restrictive than the requirement for single-family detached units, or incorporate Model Code design standards. (OAR 660-046-0225(1))	Consider how the design standards for single-family detached units, which require a different number of design elements based on the width of the structure and the placement and proportions of the garage, could be applied directly to townhouses. Five or fewer design elements could likely be required as the same or less restrictive than the single-family detached unit requirements. Alternatively, apply Model Code design provisions that specify one design element per townhouse. (Chapter 4(C)(2))
<i>Ibid</i>	Revision needed: The requirement for garage placement behind or equal to the front façade in Subsection (C) is more restrictive than the requirements for single-family detached units. (OAR 660-046-0225(1))	Consider eliminating this standard, applying the same standard to single-family detached units, or requiring a different of required design elements in 17.14.040 based on garage placement identical to single-family detached units.
<i>Ibid</i>	Revision needed: The requirement for a porch or transition area in Subsection (D) is more restrictive than the requirements for single-family detached units. (OAR 660-046-0225(1))	Consider eliminating this standard and replacing with Model Code provisions for entry orientation to create a connection to the street. (Chapter 4(C)(1)) Alternatively, the same standard could be applied to single-family detached units.
<i>Ibid</i>	Exceeds requirements, no revision needed: Subsection (E) permitting up to six attached units meets requirement to allow at least four attached units. (OAR 660-046-0205(4)(c))	
17.16.040 – Driveway access and parking for	Meets requirements, revision optional: The options for garages on the front façade of townhouses or consolidated rear or side access	Consider adding language in subsection (A) that shared driveways between two adjacent townhouse lots are encouraged, and adding graphic Figure 23 from Model Code to illustrate. Note

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single-family attached units	comply with the Model Code. Minor clarifications could be added. (Model Code Chapter 4(C)(4))	that while garages on the front façade are only required to be permitted for lots over 15 feet per the Model Code, the minimum lot width for townhouses in all zones in proposed at 20 feet and thus the standard is not necessary. Consider adding language in subsection (B) that side and rear access arrangements are optional unless subsection (A) cannot be met.
17.16.050 – Outdoor space and tree requirements for single-family attached units and 3-4 plexes	Revision needed: Requirement for private outdoor living area in subsection (A) is greater than what is required for single-family detached units, and is not explicitly permitted in the Model Code. (OAR 660-046-0225(1))	Delete requirement for private outdoor living area for triplexes, quadplexes and townhouses, or add the same requirement for single-family detached units.
<i>Ibid</i>	Meets requirements, no revision needed: Residential lot and street tree requirements in subsections (B) and (C) are the same for townhouses, triplexes and quadplexes as single-family detached units. (OAR 660-046-0225(1)(c))	
17.16.060 – 3-4 plex development requirements	Revision needed: Design standards in subsections(A)(1) and (2) requiring compliance with townhouse or multifamily design standards do not comply with Model Code provisions or design standards for single-family detached units. (OAR 660-046-0225(1))	Replace with Model Code design standards addressing entryway orientation, minimum window coverage, and location of garage and off-street parking areas (Chapter 2(C)), or align with design elements required for single-family detached units in 17.14.040.
<i>Ibid</i>	Exceeds requirements, revision optional: Minimum requirement for total of 2 off-street parking spaces in subsection (B) complies with allowed parking for triplexes and quadplexes. (OAR 660-0220(2)(e))	Consider relocating to Chapter 17.52 with all off-street parking requirements.
<i>Ibid</i>	Meets requirements, no revision needed: Limitations in residential zones for garage and	

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	off-street parking areas not to exceed 50% of the lot width in subsection (C) meets the Model Code. (Chapter 2(C)(4))	
<i>Ibid</i>	No changes needed to requirements for mixed-use and commercial zones in subsection (D), exempt from HB 2001.	
<i>Ibid</i>	Revision needed: Remove requirements for private outdoor living area consistent with rationale for townhouses in Section 15.16.050(A). (OAR 660-046-0225(1))	
<i>Ibid</i>	Revision needed: Add required exemption from design standards for triplexes and quadplexes created through conversion of existing single-family detached dwelling. (OAR 660-046-0225(2))	
17.16	Revision optional: Triplexes, quadplexes, townhouses and cottage clusters can be required to demonstrate that "sufficient infrastructure," that meets locally adopted levels of service can serve the proposed development. (OAR 660-046-0220(2)(g), (3)(h) and (4)(i))	Add sufficient infrastructure standards to review requirements for applicable middle housing types.
17.20.010 – Accessory dwelling units	Revision needed: Remove off-street parking requirements for ADUs in subsection (D)(7) to meet HB 2001 prohibition on parking requirements. (ORS 197.312(5)(b)(B))	
<i>Ibid</i>	Revision optional: Limitation of one ADU per single-family detached unit (total of two units) is more restrictive than new middle housing allowances of up to four units on a lot.	<b>Further discussion:</b> Consider whether to permit two ADUs per lot for greater parity with new provisions for triplexes. Could be required as one attached and one detached, or in any combination. While there is significant overlap between two ADUs with a primary dwelling and a triplex (each three units that could be attached or detached), there could be value in permitting multiple options for greater flexibility

Code Section & Topic	Status	Recommended Update or Options
		<i>and encouraging preservation of the existing dwelling.</i>
17.20.020 – Cluster housing	Consider whether to relocate this section in 17.16 and retitle the chapter ‘Middle Housing Design Standards.’ Chapter 17.20 could be retitled ‘Additional Residential Design Standards.’	
17.20.020.A – Applicability for cluster housing	Revision needed: Delete requirements to comply with standards in Chapters 17.62 and 17.52, which are beyond the Model Code standards for cluster housing or standards applied to single-family detached units. (OAR 660-046-0225(1) and 660-046-0220(4))	
<i>Ibid</i>	Revision needed: Revise review requirement to specify a Type I process, the same that applies to single-family detached units. (OAR 660-046-0215)	
<i>Ibid</i>	Minor revision needed: Replace reference to Title 16 land division option with middle housing land divisions consistent with SB 458.	
17.20.020.B – Intent for cluster housing	No revision needed: Intent will continue to align with cottage cluster standards throughout the section, as revised.	
17.20.020.C – Density standards for cluster housing	Revision needed: Delete density maximums in all zones except R-2; no maximum density can be applied to cottage clusters. (OAR 660-046-0220(4)(c))	Consider related revision to increase or remove density maximums for cottage clusters in R-2 not subject to HB 2001.
<i>Ibid</i>	Meets requirements, revision optional: Reference to minimum net density standards in base zones will meet or exceed requirement for a minimum density of 4 units/acre for cottages, once base zone standards are amended. (OAR 660-026-0020(2))	
17.20.020.D – Dimensional standards for	Revision needed: Add required 900-SF maximum building footprint standard. (OAR 660-046-0220(4)(e))	

Code Section & Topic	Status	Recommended Update or Options
cluster housing		
<i>Ibid</i>	Revision needed: Reduce perimeter setbacks so that none exceed 10 feet in lieu of defaulting to underlying zone. (OAR 660-046-0220(4)(d))	
<i>Ibid</i>	Revision needed: Remove maximum building coverage limits. (OAR 660-046-0220(4)(g))	
<i>Ibid</i>	Revision needed: Remove minimum roof slope, as it does not apply to single-family detached units. (OAR 660-046-0225(1))	
<i>Ibid</i>	Revision needed: Remove minimum lot sizes for clusters on a single lot, use standards proposed in base zones. (OAR 660-046-0220(4)(a))	
<i>Ibid</i>	Meets requirements, no revision needed: 25-ft height limit meets requirements. (Model Code Chapter 5(B)(6))	Consider whether to locate height standard here within the cottage cluster standards, or amend in the base zones as discussed above.
<i>Ibid</i>	Meets requirements, no revision needed: 10-ft separation between dwelling units meets requirements. (OAR 660-046-0220(4)(d))	
<i>Ibid</i>	Meets requirements, no revision needed: Minimum of 4 and maximum of 12 units per group, with no limit on number of groups per site, meets requirements. (OAR 660-046-0205(4)(d))	
<i>Ibid</i>	Meets requirements: Maximum size of 1,500 SF, maximum average size of 1,000 SF meet requirements to allow a minimum of 900-SF of floor area per cottage. (OAR 660-046-0220(4)(e))	



Code Section & Topic	Status	Recommended Update or Options
<i>Ibid</i>	Revision needed: Delete minimum lot sizes, lot widths, and minimum setbacks for individual lots within a cluster housing development; individual lots must be permitted as a middle housing lot division provided that they meet the overall standards for the cottage cluster project. (SB 458)	Note that 10-ft separation between units will be required for the entire project site, as well as 10-ft perimeter setbacks per OAR 660-046-0220(4)(d).
17.20.020.E – Open space for cluster housing	Revision needed: Revise requirement from 400 SF of open space to the maximum 150 SF of common courtyard space allowed per cottage unit. (Model Code Chapter 5(C)(2)(c))	
<i>Ibid</i>	Revision needed: Replace common courtyard design standards in subsection (E)(2) with the Model Code design standards that are less restrictive. (Model Code Chapter 5(C)(2))	
17.20.020.F – Porches for cluster housing	Revision needed: Delete requirement for porches with minimum dimensions, as similar standard does not apply to single-family detached units. (OAR 660-046-0225(1))	
<i>Ibid</i>	Revision optional: Add Model Code design standards for cottage orientation, community buildings, and pedestrian access. (Model Code Chapter 5(C)(1), (3), (4))	Standards address additional site design issues and address some of the general concepts previously addressed in standards proposed for deletion.
17.20.020.G – Dwelling types for cluster housing	Exceeds requirements, no revision needed: Permits detached cottages as well as attached units depending on base zones. (OAR 660-046-0020(2))	Consider whether additional definition is needed for attached units within a cluster housing project, given that the state definition of “cottage housing” explicitly allows only detached units.
17.20.020.H – Architectural Details for cluster	Revision needed: Delete architectural detail standards that are not reflected in Model Code nor applied to single-family detached units.	Consider whether some modification of the residential design elements in 17.14.040 could or should be applied to individual cottages, provided standards are the same as or less restrictive

Code Section & Topic	Status	Recommended Update or Options
housing	(OAR 660-046-0225(1))	than those applied to single-family detached units.
17.20.020.I – Parking for cluster housing	Meets requirements: One space per unit minimum meets the allowed ratio. (OAR 660-046-0220(4)(f)(A))	Generally, consider whether to retain parking standards within cottage cluster standards or relocate to OCMC 17.52 that comprehensively addresses parking, and how best to clarify relationship with parking standards in OCMC 17.52.
<i>Ibid</i>	Meets requirements, revision optional: Cottage clusters are not eligible to count on-street parking towards requirements; on-street parking credits may, but are not required to, be offered for cottage clusters. (OAR 660-046-0220(4)(f)(C))	<b>Policy options:</b> Consider whether to extend on-street parking credit option to include cottage clusters, as recommended in Model Code. Cottages are currently the only form of middle housing that cannot use the on-street parking credits.
<i>Ibid</i>	Meets requirements, no revision needed: Clusters of parking spaces may be limited to five or fewer parking spaces. (Model Code Chapter 5(C)(6)(a))	
<i>Ibid</i>	Revision needed: Decrease width of landscaping between parking clusters from 9 ft to 4 ft. (Model Code Chapter 5(C)(6)(a)(iii))	
<i>Ibid</i>	Exceeds requirements, revision optional: Allowance for up to 600-SF detached parking structures/garages is greater than 400-SF maximum in Model Code. Detached garage area may not be counted towards maximum footprint. (Model Code Chapter 5(C)(6)(d)(iii) and (7))	<b>Policy options:</b> Consider differentiating requirement to allow 600-SF (or greater) structure for shared parking garage (which was likely the intention), and capping detached garages for individual units at 400 SF. Current code would seemingly permit a 600-SF detached garage with each unit, exempted from the gross floor area calculations, which does not seem to be the intent.
<i>Ibid</i>	Meets requirements, revision optional: Attached garages are permitted and counted towards the building maximum footprint, but up to 200 SF of attached garage space may be exempted from a cottage's maximum footprint. (OAR 660-046-0220(4)(e))	<b>Policy options:</b> Consider whether to exempt up to 200 SF of attached garage space from maximum building footprint and maximum floor area to allow greater flexibility for an attached, one-car garage.
17.20.020.J –	Meets requirements, no revision needed:	Consider deleting and referencing fence standards in OCMC

Code Section & Topic	Status	Recommended Update or Options
Fences for cluster housing	Standards are the same as apply to single-family detached units. (OAR 660-046-0225(1)(c))	17.54.100 instead.
17.20.020.K – Existing dwelling unit on-site for cluster housing	Meets requirements, no revision needed: Allows existing home to remain as part of cluster, exempt from unit size calculations. (OAR 660-046-0230(3))	
17.20.030 – Internal conversions	Revision needed: Delete requirement for eligible dwellings to be at least 20 years old; all single-family detached units are eligible for conversion. (OAR 660-046-0230)	Consider whether to retain and update this section as a compilation of standards that apply to middle housing conversions, or delete this section and locate applicable standards within each of the specific middle housing types, e.g. a subsection in the triplex and quadplex standards. If retained, could be relocated to proposed OCMC 17.16, Middle Housing Design Standards.
<i>Ibid</i>	Revision needed: Delete requirement for 2,500-SF of lot area per unit and apply minimum lot sizes for duplexes, triplexes and quadplexes instead. (OAR 660-046-0120(1), 660-046-0220(2)(a))	
<i>Ibid</i>	Revision needed: Delete design standards as conversions must be exempt from all design standards. (OAR 660-046-0225(2))	
<i>Ibid</i>	Revision needed: No minimum parking standards can be applied to conversions; delete off-street parking minimums. (OAR 660-046-0220(2)(e)(F))	
17.20.050 – Manufactured home park	Minor revision needed: Add clarification that manufactured homes can be placed as cluster housing (up to six) exempt from the standards of this section. If detached plexes are permitted, clarify that two to four units placed as a duplex,	

Code Section & Topic	Status	Recommended Update or Options
	triplex or quadplex are exempt. (ORS 446.055)	
17.21 – Single-Family Residential Standards—Park Place Concept Plan Area	Minor revision needed: Generally, the same standards applied to single-family detached units can be applied to middle housing types consistent with this chapter. (OAR 660-046-0225(1))	For clarity: <ul style="list-style-type: none"> <li>• Revise title to “Residential Standards.”</li> <li>• Expand applicability to apply to all middle housing types.</li> <li>• Replace references to “home” and “house” with “dwelling unit” for neutrality.</li> <li>• Revise standards to apply on a per lot rather than per unit basis.</li> </ul>
17.21 – Single-Family Residential Standards—South End Concept Plan Area	Minor revision needed: Generally, the same standards applied to single-family detached units can be applied to middle housing types consistent with this chapter. (OAR 660-046-0225(1))	For clarity: <ul style="list-style-type: none"> <li>• Revise title to “Residential Standards.”</li> <li>• Expand applicability to apply to all middle housing types.</li> <li>• Replace references to “home” and “house” with “dwelling unit” for neutrality.</li> <li>• Revise standards to apply on a per lot rather than per unit basis.</li> </ul>
17.40 – Historic Overlay District	Meets requirements, no revision needed: Protective measures that relate to the integrity of a historic resource or district consistent with Goal 5 can be applied to middle housing in the same manner as they apply to single-family detached units. (OAR 660-046-0010(3)(a)(B))	Note: The Historic Review Board will be providing additional guidance for middle housing within the existing residential design standards in early 2022.
17.41 – Tree protection, preservation, removal and replanting standards	Meets requirements, no revision needed: Tree protection standards are classified as landscaping standards within the broad category of “design” standards. The same or less restrictive design standards that apply to single-family detached units may be applied to middle housing. Middle housing types will be exempt from compliance with this chapter, ensuring that the same standards as single-family detached units are	Tree protection standards are applied to land divisions and site plan reviews (Type II decisions), neither of which will apply to middle housing types through procedural updates proposed herein. While development of middle housing on <i>individual lots</i> will be exempt from compliance with this chapter, the initial creation of lots through the subdivision process will still be subject to tree protection provisions.

Code Section & Topic	Status	Recommended Update or Options
	applied. (OAR 660-046-0125(1), 660-046-0225(1)(c))	
17.42 – Flood Management Overlay District	Meets requirements, revision optional: Flood hazard areas require the same residential development standards for all residential construction, and include no limitations specific to middle housing. (OAR 660-046-0010(3)(c)(A))	Note: There are no low or medium density residential areas within the flood hazard areas, so these standards will not apply.
17.44 – US— Geologic Hazards	Meets requirements, revision optional: Middle housing types are effectively limited but not outright prohibited in areas with 25 to 35% slope by the allowed density of two units per acre. No middle housing is required to be permitted in Goal 7 natural hazard areas including geologic hazard areas. (OAR 660-046-0010(3)(c)(B))	<p><b>Policy options:</b> Given that all residential uses are limited by maximum grading and disturbance volumes, consider whether limitations should continue to apply per dwelling unit or per residential structure (which could contain multiple dwelling units as duplex, triplex or quadplex). Allowing a plex in place of single-family detached unit would create the same physical impact to the site, though could increase the risk to the number of people and property within the hazard area. Consider:</p> <ul style="list-style-type: none"> <li>• Exempting internal conversion of a single-family detached unit into a duplex, triplex or quadplex provided it does not exceed the grading and disturbance volumes for other exempt actions in OCMC 17.44.035.</li> <li>• Permitting a duplex where a single-family detached unit is permitted in areas with 25-35% slope under OCMC 17.44.060(H)(2), and clarifying that an ADU is permitted with any single-family detached unit and exempt from the density limitations.</li> <li>• Permitting one duplex rather than only one single-family detached unit in areas over 35% slope as permitted under OCMC 17.44.060(I)(4).</li> <li>• Permitting other middle housing types beyond duplexes in scenarios detailed above.</li> </ul>
17.48 – Willamette River Greenway	Meets requirements, no revision needed: Middle housing is permitted in the Willamette Greenway,	Although the standards within the Overlay District are discretionary, they may be applied to middle housing to

Code Section & Topic	Status	Recommended Update or Options
Overlay District	provided that it is reviewed for consistency with Goal 15 as implemented through the City's Overlay District standards. (OAR 660-046-0010(3)(f))	implement Goal 15.
17.49 – Natural Resources Overlay District	Generally the standards and review procedures required within the NROD are not in conflict with middle housing requirements; natural resource protections will continue to apply to all residential areas.	
17.49.090 – Uses allowed under prescribed conditions in NROD	Revision needed: Duplexes must be permitted in natural resource areas where single-family detached units are permitted, subject to the same natural resource protective measures; other middle housing types may be limited. (OAR 660-046-0010(3)(A)(a))	Expand provision in 17.49.090.B to permit a new single-family detached or duplex on a highly constrained vacant lot of record. Consider whether to permit other middle housing on constrained lots as well, subject to a maximum disturbance area of 3,000 square feet. (OCMC 17.49.120.A)
17.49.240 – Density transfer in NROD	Revision needed: Clarify how density transfer provisions apply to middle housing on lots built outside of the NROD.	Tables 17.49.240.A, B and C specify allowed minimum lot sizes and setbacks that apply to reduced size lots permitted through density transfer for single-family detached units, single-family attached units, and duplexes. Revise to ensure single-family detached units and duplexes are permitted subject to the same standards, align townhome standards with those elsewhere (e.g., smallest lot size allowed is 1,800-SF whereas 1,500 SF will be permitted in all zones), and add standards for triplexes, quadplexes and cottage clusters.
17.50.030 – Summary of the city's decision-making process	Minor revision needed: Update summary table to reflect changes in procedures elsewhere in the code.	
17.50.030.E – Expedited land division	Minor revision needed: Update applicability and scope of expedited land division to encompass middle housing land divisions.	
17.52.010 – Applicability of off-street parking and	Exceeds requirements, no revision needed: Single-family detached units, townhomes, and duplexes are exempt from off-street parking	

Code Section & Topic	Status	Recommended Update or Options
loading	requirements; required parking does not exceed allowed parking requirements for duplexes and townhomes of one off-street space per unit. (OAR 660-046-0120(5), 660-046-0220(3)(f))	
17.52.020.A – Number of automobile spaces required	Exceeds requirements, no revision needed: Minimum requirement for two off-street parking spaces (total) for a triplex or quadplex do not exceed allowed parking requirement of one space per unit for triplexes and quadplexes. On-street parking credits are also allowed. (OAR 660-046-0220(2)(e))	
17.52.030.A – Standards for automobile parking	Meets requirements, no revision needed: Groups of four or fewer parking spaces, such as would serve triplexes and quadplexes, are allowed to back into adjacent street, which ensures that the same standards apply to middle housing types as apply to single-family detached units. (OAR 660-046-0220(2)(e)(E))	
17.52.040.B – Bicycle parking standards	Meets requirements, no revision needed: All middle housing types are exempt from bicycle parking requirements, which only apply to multifamily development with 5+ units. Because no bicycle parking applies to single-family detached units, none can be required of middle housing. (OAR 660-046-0210(3))	
17.52.060 – Parking lot landscaping	Revision needed: Clarify or expand landscaping exemptions for parking lots with 5 or fewer stalls as needed to ensure that parking areas for triplexes and quadplexes are not subject to additional standards beyond those that apply to single-family detached units.	

Code Section & Topic	Status	Recommended Update or Options
	(OAR 660-046-0220(2)(e)(E))	
17.58.030 – Lawful nonconforming use	Meets requirements, no revision needed: Nonconforming uses (e.g. a single-family detached unit in a nonresidential zone) are not subject to middle housing standards, which only apply within residential areas. (OAR 660-046-0230(1))	
17.58.040 – Lawful nonconforming structure or site	Revision needed: Add exception here or in middle housing standards that conversion of existing nonconforming single-family detached structure to a plex is exempt from standards for expansion of nonconforming structures. (OAR 660-046-0230(1))	
17.62.030 – When required for site plan and design review	Revision needed: Middle housing must be subject to the same clear and objective review process as single-family detached units; cottage clusters and conversion from single-family detached unit or duplex to three or more units in all zones are currently subject to site plan and design review. (OAR 660-046-0215)	Exempt cottage clusters and conversions to triplexes or quadplexes from site plan and design review in the low and medium density residential zones. Consider whether to similarly exempt those developments in the high density zone as well for parity, though not required by OARs. Consider administrative clarifications to better differentiate when site plan and design review applies and when minor site plan and design review applies. Clarify that minor site plan and design review for single-family detached units and middle housing is subject only to standards in OCMC 17.62.035.
17.62.060 – Cluster housing for site plan and design review	Minor revision needed: No additional standards for cluster housing review needed, must be subject to same review process as single-family detached units. (OAR 660-046-0215)	Administrative clarification needed to delete unnecessary cross-reference.
17.62.085 – Refuse and recycling standards	Revision needed: Exempt cottage clusters along with all other middle housing types from refuse and recycling area requirements, to ensure only the same standards that apply to single-family	



Code Section & Topic	Status	Recommended Update or Options
	detached units apply to cottage clusters. (OAR 660-046-0225(1)(c))	
17.65 – Master Plans and Planned Unit Developments	Meets requirements, revision optional: A discretionary PUD alternative to a permitted land division is permitted. However, PUD standards should be updated to reflect inclusion of middle housing in residential zones permitted outright and at higher densities. (OAR 660-046-	<p>Consider modest revisions to existing standards to reflect expansion of middle housing including:</p> <ul style="list-style-type: none"> <li>• Require information on the proposed number and type of units, in addition to overall density. (OCMC 17.65.050.B.1.j)</li> <li>• Include cottage clusters within the list of residential uses. (OCMC 17.65.050.C.9)</li> <li>• Clarify how the allowed 10% increase in density applies to a mix of residential uses, given that some middle housing uses have no maximum densities. (OCMC 17.65.070.C.3)</li> </ul> <p>Longer term, PUDs may become less appealing in light of additional by-right options to develop middle housing in residential areas at higher effective densities, which may guide further revisions to this chapter.</p>

## TECHNICAL MEMORANDUM

DATE: March 17, 2022

TO: Christina Robertson-Gardiner | City of Oregon City

FROM: Kevin Chewuk and Alex Correa | DKS

SUBJECT: Oregon City Middle Housing Analysis

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This memorandum documents the evaluation of potential transportation impacts for increased residential density (duplexes, triplexes, quadplexes, cottage clusters, and townhomes) that is allowed under the recent House Bill (HB) 2001, which was passed by the Oregon Legislature in 2019. The allowance of the denser housing type, called middle housing, could cause an increase in the trip generation in Oregon City during the p.m. peak hour as it allows a higher number of housing units per acre than what is currently allowable. Therefore, this memorandum will compare trip generation estimates based on previous land use assumptions to trip generation estimates based on denser middle housing allowed under HB 2001 to estimate the impacts, if any, to Oregon City streets and intersections. The trip generation representing the allowance of middle housing reported in this memorandum is conceptual as it is being used to estimate the extent of potential impacts to streets in the City.

Even though HB 2001 does not require cities to show compliance with the Transportation Planning Rule (TPR), Oregon City chose to pursue additional analysis, through this memo, to ensure that their adopted plans are sufficient and can account for the potential increase in units in the Low and Medium Density Dwelling Districts.

### SUMMARY OF FINDINGS

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The assumed increase in residential trips resulting from a middle housing shift is not expected to have a significant effect on the transportation system in Oregon City. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. This middle housing shift will occur gradually over time and will be dispersed throughout the UGB, so no intersection will experience all the added trips. The findings of the 2035 TSP will not change because of the middle housing shift and there is no anticipated need to add projects to the TSP as a result. Middle housing built on lots created through the land use process will continue to be analyzed as part of development review and a proposal's Transportation Impact Analysis (TIA).

## CURRENT AND FUTURE HOUSEHOLDS

**Error! Reference source not found.** shows that in 2021, Oregon City had 14,778 households within its Urban Growth Boundary (UGB). The current Oregon City Transportation System Plan (TSP) includes a horizon year of 2035 and plans for an additional 6,207 households within the Oregon City UGB, for a total of 20,985 households by 2035<sup>1</sup>. A more recent housing needs analysis completed by the City also projects housing needs through 2041<sup>2</sup>. This study estimates the need for an additional 1,228 households within the Oregon City UGB beyond the TSP horizon year (or an additional 7,435 households between 2021 and 2041), for a total of 22,213 households by 2041. Because the TSP horizon year is 2035, the potential transportation impacts for the increased residential density will be assessed against that.

**TABLE 1: HOUSEHOLDS IN THE OREGON CITY UGB**

YEAR	HOUSEHOLDS	HOUSEHOLD CHANGE (FROM 2021)
<b>2021</b>	14,778 *	-
<b>2035</b>	20,985 **	+6,207
<b>2041</b>	22,213 *	+7,435

Source: \* Oregon City Housing Needs Analysis.  
December 2021.

\*\* Oregon City TSP. Adopted 2013.

## EXISTING HOUSING TYPES

As shown in Table 2, the households in 2021 were composed of about 73 percent single-family detached units, 8 percent single-family attached units, 6 percent in duplexes, triplexes, and quadplexes, and 13 percent in multi-family housing with 5 or more units.

<sup>1</sup> Oregon City Transportation System Plan. Appendix E. Travel Demand Model Assumptions. DKS Associates. Note the TSP estimate for household growth has been adjusted from the current 2021 household total; the TSP included a base year of 2010 with 13,022 households and estimated total growth of 7,963 households through the horizon year of 2035.

<sup>2</sup> Oregon City Housing Needs Analysis. December 2021. ECONorthwest.

**TABLE 2: OREGON CITY HOUSEHOLDS BY HOUSING TYPE (2021)**

HOUSING TYPE	EXISTING HOUSEHOLDS (2021) *	SHARE **
<b>Single-Family Detached Units</b>	10,788	73%
<b>Single-Family Attached Units</b>	1,182	8%
<b>Duplexes, Triplexes, and Quadplexes</b>	887	6%
<b>Multi-family (5 or more units)</b>	1,921	13%
<b>Total</b>	<b>14,778</b>	<b>100%</b>

Source: \* Oregon City Housing Needs Analysis.  
December 2021.

\*\* 2015-2019 American Community Survey.

## HOUSING TYPE SHIFTS

Based on HB 2001 guidance from the Oregon Department of Land Development and Conservation (DLCD), a 3 percent increase in housing capacity was assumed in the UGB resulting from zoning code changes to comply with HB 2001<sup>3</sup>. This shift was assumed to occur via 3 percent of existing single-family detached units being replaced with middle housing, and 3 percent of the future housing unit growth being constructed as middle housing. For the purposes of estimating a reasonable worst-case scenario, the middle housing was all assumed to be constructed as quadplexes, meaning an existing or would-be single-family detached unit replaced with 4 attached units.

Table 3 reports the assumed reasonable maximum potential increase in middle housing units and subsequent decrease in single-family housing units for TSP horizon future year 2035. As shown, an additional 382 housing units are expected because of middle housing between 2021 and 2035, with 81 existing single-family units assumed to be replaced with infill of 81 quadplexes totaling about 324 units, and 47 would-be new single-family units constructed instead as 47 new quadplexes totaling about 186 units. This middle housing infill and new development will be dispersed throughout UGB and will occur gradually over time through 2035.

<sup>3</sup> HB 2001 Interpretation and Implementation. Oregon DLCD.

**TABLE 3: ASSUMED OREGON CITY UGB HOUSING TYPE SHIFTS**

		<b>MIDDLE HOUSING CAPACITY INCREASE (+3%)</b>	<b>SINGLE FAMILY HOUSING STOCK DECREASE (-3%) *</b>	<b>NET CHANGE IN HOUSEHOLDS</b>
<b>Existing Single-Family Housing (2021)</b>	10,788 units	+324 units	-81 units	+243 units
<b>New Housing Growth (2021 to 2035)</b>	+6,207 units	+186 units	-47 units	+139 units
<b>Total Change through 2035</b>		<b>+510 units</b>	<b>-128 units</b>	<b>+382 units</b>

Note: \* For the purposes of estimating a reasonable worst-case scenario, the single-family unit shift to middle housing was all assumed to occur as quadplexes, meaning 1 single-family detached unit replaced with 4 attached units.

## TRIP GENERATION

Trip generation is the method used to estimate the number of vehicles that are added to the roadway network by proposed new development during a specified period (i.e., a.m. or p.m. peak). The a.m. and p.m. peak periods are typically when the highest hourly volume of traffic occurs during an average weekday and are commonly required analysis periods in Transportation Impact Analyses (TIAs) for new developments in the City. Trip generation rates used for single-family and middle housing trips are taken from the Trip Generation Manual<sup>4</sup>.

The estimated net increase in trip generation as a result of the middle housing shift is shown in Table 4. As shown, if the estimates for conversion of single-family housing to middle housing occur and all those units are built, an additional 170 p.m. peak hour trips would be generated in the Oregon City UGB. These trips will be disbursed throughout the UGB, so no intersection will experience all the added trips.

**TABLE 4: POTENTIAL PM PEAK HOUR TRIP GENERATION INCREASE (2035)**

	<b>HOUSING UNIT CHANGE</b>	<b>PM PEAK HOUR VEHICLE TRIP CHANGE</b>
<b>Single-Family Housing (Decrease)</b>	-128	-120
<b>Middle Housing (Increase)</b>	+510	+291
<b>Total Change through 2035</b>	<b>+382</b>	<b>+170</b>

<sup>4</sup> Trip Generation Manual, 11th Edition, Institute of Transportation Engineers (ITE), 2021. Average rates for ITE Land Use 210 (single-family detached housing) and ITE Land Use 215 (single-family attached housing).

## CONCLUSION

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The assumed increase in residential trips shown in Table 4 is not expected to have a significant effect on intersections in the UGB. A reasonable worst-case scenario assuming the addition of middle housing would result in just 170 additional p.m. peak hour trips when compared to the TSP horizon year analysis in 2035. These trips are distributed throughout the UGB, so no intersection will experience all the added trips and will not have a significant effect on the transportation system. The findings of the 2035 TSP will not change because of the middle housing shift, including the established citywide circulation needs.

New subdivisions will continue to be analyzed as part of development review and a proposal's Transportation Impact Analysis (TIA) to establish localized needs (e.g., safe access, connectivity). It is recommended that the TIA guidelines for new development be revised to include an additional scenario that allows for a reasonable worst-case development scenario to be analyzed. This scenario would assume a potential increase in housing capacity would occur from a middle housing shift to a level beyond the proposed development. It would be used to provide clarity for identifying transportation system needs resulting from the potential middle housing development that may occur from the zoning code changes.

**TECHNICAL MEMORANDUM**City of Oregon City | HB 2001 Utility Analysis  
WE#1524A

DATE: June 29, 2021

TO: Christina Robertson-Gardiner, AICP

CC: Dayna Webb, PE, Oregon City

FROM: Wes Wegner, PE, Wallis Engineering

RE: Water, Sanitary Sewer, and Stormwater System Implications of HB2001

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**PROJECT PURPOSE AND INTRODUCTION**

The purpose of this memorandum is to determine the impact of increased housing density within certain residential zones on the water supply and distribution system, the sanitary sewer collection system, and the stormwater system. Wastewater treatment is provided by the Tri-City Sewer District and potable water supply is provided by the South Fork Water Board; both of which are not assessed in this memorandum.

**EXECUTIVE SUMMARY**

House Bill 2001 (HB2001) addresses the shortage of Division 46 Middle Housing in Medium and Large Cities. As a large city, Oregon City is required to meet the new standards set forth in the 2019 law. The additional middle housing units include duplexes, triplexes, townhouses, and cottage clusters – these types of units allow for multiple dwellings on a single Lot or Parcel. These housing types already exist within City limits, but frequently have not been allowed in many neighborhoods. The code amendments set forth to meet the requirements of HB2001 mandate that middle housing be allowed in both existing and proposed developments in low- and medium-density residential zones.

HB2001 requires Oregon City to provide “sufficient infrastructure” to meet demand increases related to allowing middle housing in residential zones. This memorandum provides an assessment of the water, sanitary sewer, and stormwater infrastructure implications of the code amendments contained in HB2001. HB2001 guidance projects a planning level infill growth of 3% and greenfield growth of 3%. The analysis in this memorandum is based on that growth rate. The City does not meet the threshold to request an Infrastructure-Based Time Extension by June 30, 2021 using the growth rate dictated in HB2001 to analyze the adequacy of infrastructure.

This memorandum identifies specific infrastructure components in the water supply and distribution, sanitary sewer collection, and stormwater conveyance systems that will likely be impacted by density increases driven by HB2001. A summary of the infrastructure impacts is described below:

- HB 2001 is not anticipated to impact water distribution pipe sizing, as fire flow capacity is not expected to change. However, the estimated 3% demand increase across low- and medium-density residential zones will create additional storage needs, particularly in the Upper Zone. The City has also identified an existing transmission deficiency between the Henrici Reservoir and the Mountainview pump station that may need to be expedited based on potential HB 2001 demand increases.
- System wide, HB 2001 is not expected to significantly impact the sanitary sewer system because the majority of peak flow is due to infiltration and inflow. However, existing components with

limited capacity, including the Parish Road Pump Station and the Settler's Point Pump Station, should be monitored. If growth is significantly greater than the assumptions in the previous master plans, additional capacity and improvements may be needed sooner than expected.

- Additional greenfield development is not expected to impact the City's stormwater system, because development will likely be greater than the threshold for onsite stormwater management requirements. Infill growth may result in increased stormwater flow if impervious surfaces are less than the onsite stormwater management threshold, and these will need to be assessed on an individual basis. However, infill represents significantly less potential development than greenfield throughout the UGB and is not anticipated to substantially increase stormwater runoff collected by the City's stormwater conveyance system.

Timelines and design criteria for Capital Improvement Projects should be reconsidered as the actual, and not assumed, impacts of HB 2001 are understood with greater reliability. No immediate deviation from current master planning recommendations is warranted as the growth rates assumed in the respective Master Plans are still assumed to be reasonably valid. It is also relevant to note that the Master Planning growth assumptions over the planning period account for significantly more growth within the Urban Growth Boundary than the HB 2001 changes will represent in the near term.

The projected 3% growth increase used to analyze the infrastructure components for this memorandum is not based on historical data, as would normally be the case for master planning level efforts. Growth rates are assumed for this analysis and there remains a high level of uncertainty regarding the actual growth impacts. Basing the need for capital improvements and expenditure on unreliable or unconfirmed data would potentially raise additional concerns and questions regarding the validity of the infrastructure master plans. Therefore, it is recommended that the City actively monitor growth and metric changes as a result of HB 2001 to determine if the assumptions made in the various infrastructure Master Plans and this memorandum are significantly flawed. The collected long-term data should be analyzed at a recommended minimum frequency of once per year. If the analyzed growth metrics resulting from HB 2001 show a significant variance from the master planning assumptions, a re-evaluation of master planning documents should be considered but not until such time that confirmed growth data can be evaluated.

As HB 2001 will allow a large spectrum of dwelling unit options within future developments, the City should also pursue procedures, as part of the HB code amendment process, to evaluate a minimum amount of missing middle housing dwelling units in any infrastructure analysis completed during the land use review process. Larger missing -middle development proposals should be analyzed for project-specific compliance.

## PLANNING ASSUMPTIONS

For the purposes of the memorandum, low- and medium-density residential zones will refer to R-10, R-8, R-6, R-5, and R-3.5 zones as described in the most recent update of the City's Zoning Ordinance. Growth in these zones is anticipated to occur at a 3% density increase for infill growth and a 3% density increase for greenfield development based on a growth estimates set forth by HB 2001 guidance. Greenfield development assumptions include the three designated concept areas: Park Place, Thimble Creek, and South End.

The specific requirements of HB 2001 dictate that the City must provide "sufficient infrastructure" for this additional development. "Sufficient infrastructure" is defined as:

- Connection to a public sewer system capable of meeting established service levels.



- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

This memo analyzes the City-owned water system, sanitary sewer collection system, and stormwater system to determine if they represent “sufficient infrastructure” to meet the requirements of HB 2001.

## WATER DISTRIBUTION SYSTEM

Analysis of the water storage and distribution system is based on the *2012 Water Distribution System Master Plan (WDSMP)* prepared by West Yost Associates and the *2020 Amendment* prepared by MurraySmith.

The storage requirements set forth in these planning documents are as follows (*WDSMP Table 4-1*):

- Equalization – 25% of the maximum daily demand (MDD) for the given storage or pressure zone
- Emergency – 100% of the MDD for the given storage or pressure zone
- Fire flow – based on the specific use within the given storage or pressure zone
- A combination of these three components dictates the total storage required in each storage or pressure zone

### Fire Flow

Capacity of the water system to accommodate future growth within the City is in large part controlled by its ability to provide adequate fire volumetric storage and fire flow to all developable areas. The fire flow requirements identified in the 2012 WDSMP for residential units are as follows: single family residential units require a sustained fire flow of 1,500 gallons per minute for two hours, while multi-family residential units require a sustained fire flow of 1,500 gallons per minute for three hours. All water service zones within the City provide, at a minimum, capacity to achieve fire flow for multi-family units. As such, the changes proposed as part of HB 2001 do not affect the required fire flow to any water zones defined in the WDSMP.

Fire flow requirements are also the dictating criteria for pipe sizing in the water distribution network, because the maximum daily demand associated with residential use is considerably less than the required fire flow capacity. Furthermore, the maximum daily demand increase associated with HB 2001 and summarized below is an even smaller proportion of the total flow capacity required for adequate fire flow. Thus, impacts to pipe sizing as evaluated in the WDSMP for future growth are not anticipated to be impacted by the additional development contemplated by HB 2001.

### Maximum Daily Demand

The remaining storage requirements are dictated by the maximum daily demand within a storage or pressure zone. These values will be affected by a density increase within existing and proposed residential areas. There are currently approximately 8,850 existing residential meters within the existing low- and medium-density residential zones. An infill growth of 3% would lead to an additional 266 meters. Assuming each meter represents an equivalent dwelling unit (EDU), the infill growth results in an additional 266 EDUs.

Greenfield development will mainly occur along the outskirts of the City but within the UGB. However, there are unconstrained vacant lands throughout the City's established low- and medium density

residential zones that could potentially see development. In total, 2,396 of a total of 3,990 acres zoned for low- and medium-density residential housing have been developed as of 2008, as per the 2012 WDSMP (WDSMP Table 3-11, Table 3-14). If the remaining 1,594 acres are developed, an additional 5,508 EDUs would be created based on the normalized unit demand factor of 1050 gallons per acre per day established in the 2012 WDSMP (Table 3-12) and the 287 gallons per day per EDU established in the 2020 Amendment (Demand Summary p. 6). A 3% density increase in this greenfield development category would lead to 175 EDUs of estimated greenfield growth beyond the current WDSMP's assumptions.

In addition to infill growth and greenfield development within the UGB, growth will also occur in the three designated concept areas: Park Place, South End, and Thimble Creek. The concept areas have established estimates for total low- and medium-density development. These totals, based on the concept area planning documents, are as follows: 1,041 EDUs for Park Place, 2,299 EDUs for South End, and 1,023 EDUs for Thimble Creek. A 3% density increase across these three concept areas will result in 131 additional EDUs.

The density increases for infill development, greenfield development within the UGB, and concept area development is estimated to result in an additional 572 EDUs. This will result in a MDD increase of 0.38 million gallons per day (mgd). To meet storage requirements, 125% (equalization and emergency storage) of the MDD must be provided through either storage or pump capacity. The additional storage required to meet HB 2001-related density increases throughout the UGB is 0.48 million gallons (MG).

## Impacts to Water Distribution System

As discussed above, there are not expected to be any impacts to the water distribution piping system, as pipe sizing is primarily dictated by fire flow requirements. However, there may be impacts to the water storage and transmission infrastructure.

The City is currently assessing options to address storage deficiencies in the Upper pressure zone. The 2020 WDSMP Amendment projects a 2040 storage deficiency of 6.5 million gallons across the Henrici and Boynton reservoirs (2020 WDSMP Amendment, Table 6). A new 250-gallon-per-minute pump station and 1.75-million-gallon reservoir near the Fairway Downs area (2020 WDSMP Amendment, Table 17) are intended to relieve some of this storage deficiency and serve future development in the Fairway Downs and Thimble Creek areas. The Upper pressure zone contains a large proportion of low- to medium-density residential zoning and thus might make up a disproportionate amount of the added demand from increased density. Therefore, storage projections may need to be re-evaluated to account for additional growth to HB 2001. If the proportion of growth within the Upper zone remains the same as existing, the density increase will result in an additional MDD of 0.29 mgd. This would result in an additional 0.36 MG of storage required. As the City experiences growth throughout the Upper zone, the design capacity of the new pump station and reservoir will need to be re-examined and confirmed prior to implementing the recommended improvements.

During peak summer demand, the City also experiences challenges keeping the Henrici reservoir filled and the Boynton standpipe from overflowing. Attempts to maintain reservoir levels by increasing flow from the Mountainview pump station have caused high pressure complaints from the customer base near the pump station. Construction of the Mountainview to Henrici transmission line currently in the Capital Plan (2020 WDSMP Amendment, Appendix F) will provide supply resiliency and will allow the City to utilize existing assets more effectively while addressing pressure issues experienced by customers. The first phase of this new transmission line is under construction as part of the Molalla Avenue project. However, the desired resiliency will not be experienced until the additional phases of the project are completed. The timeline for implementation of the remaining sections and completion of the full transmission line should continue to be prioritized to provide relief from summer season demand issues.

The need for this capital improvement will increase in importance if HB 2001 results in additional growth and density as projected.

## SANITARY SEWER COLLECTION SYSTEM

Analysis of the sanitary sewer collection system is based on the *2014 Sanitary Sewer Master Plan* (SSMP) prepared by Brown and Caldwell. The SSMP relies on a hydraulic model developed by Brown and Caldwell, which was used to model the sanitary sewer system during a 10-year, 24-hour storm event.

### Peak Flow Analysis

Without augmentation of the hydraulic model, it is not possible to make an analytical assessment of the impact of the HB 2001-related density increases. For two reasons, it is not currently recommended that the City re-model the system. As mentioned previously, the 3% growth projection is an assumed growth estimate and is not based on collected data. The additional expenditure to remodel the system based on assumed growth data does not seem warranted. Secondly, an order-of-magnitude estimate can be made using available data, and the result shows very little impact to the collection system. The order-of-magnitude estimate can be made by assuming the same increase in EDUs as established in the water distribution system analysis described above. The SSMP established residential base flow rate of 80 gallons per capita per day and assumed 2.5 residents per EDU (SSMP, Table 3-2). With an additional 572 EDUs, the base flow will increase 0.1 million gallons per day (mgd) beyond the SSMP projections. The SSMP measured a base flow rate of 4.99 million gallons per day (mgd) within the existing system (SSMP, Table D-1). This measurement is now outdated, and current and future base flow rates are assumed to be higher. The increase in density due to HB 2001 only represents an increase in the existing, 2008-measured base flow rate of 2%. This will represent an even smaller component of future base flow rates, which are not summarized in the SSMP.

However, sewer collection systems are designed to convey peak wet weather flow rates, which are significantly greater than base flows due to the impact of infiltration and inflow. The SSMP modeled the sewer collection system under peak wet weather conditions during a 10-year, 24-hour storm. The peak flow rates are projected to be 37.6 million gallons per day (mgd) (SSMP, Appendix E-1). The additional EDUs are not expected to add any additional infiltration and inflow. The increase in peak flow rates is therefore expected to be equal to the additional base flow, plus a peaking factor to account for diurnal flow variations. Assuming a peaking factor of 1.5 (typical value for similar cities), the additional EDUs will increase the peak flow by an estimated maximum of 0.15 million gallons per day (mgd). This is an increase of approximately 0.4%.

### Pump Station Capacity

The SSMP identifies two pump stations that have existing or future capacity concerns: the Parrish Road PS and the Settler's Point PS (SSMP Appendix B). The Parrish Road PS has sufficient capacity for current flows but is anticipated to receive significant future flow from the South End Concept Area. The South End Concept Area has a higher chance to be impacted by HB 2001 than similar proposed developments due to the quantity of projected greenfield development into medium- to low-density housing. Density increases beyond the concept plan proposal and throughout the basin should be monitored by City to determine the need and timing for capacity upgrades to the pump station.

The Settler's Point PS experiences high peaking factors that warrant additional scrutiny. Suspected high levels of I/I inflow from the contributing basin cause flow rates to reach the existing pump station capacity, and projected future flows will further exceed the capacity. A planned I/I project to address these peaking factors has been included in the SSMP. Until the I/I issues are addressed, any density

increases that contribute flow to the basin should be monitored by the City and included in the annual report of middle housing projects. Additional development in the basin could push the pump station beyond its wet weather capacity. A capacity increase for the pump station may be warranted if I/I abatement projects are unable to keep up with the additional demand should significant development occur.

## Impacts to Sanitary Sewer System

System wide, the increase in density due to HB 2001 is not expected to have a significant adverse impact on the sanitary sewer collection system. Base flows are not expected to increase substantially, and peak flows are impacted primarily by infiltration and inflow. The small increases in base flow and peak flow are not likely to change any conclusions of the *SSMP* regarding sewer and pump station sizing. However, on a neighborhood basis, it is possible that certain sewers will need to be upsized if growth occurs faster than assumed in the *SSMP*, and the pump stations discussed above should be monitored closely. It is recommended to revisit planning level assumptions as part of the next sanitary sewer master plan update.

It is also possible that density increases reduce the total I/I levels in the system. Home laterals are a common source of I/I, especially as they age. The infill and greenfield development associated with HB 2001 may create opportunities to repair or replace home service laterals that would not otherwise be addressed during I/I reduction projects. While this impact may amount to a negligible reduction, the new service laterals will, at the very least, not contribute additional I/I.

## STORMWATER SYSTEM

All new development and redevelopment that results in 5,000 square feet of new or replaced impervious surface is required to meet the City's *2015 Stormwater Grading and Design Standards* (Standards). This threshold will apply to all greenfield development and infill development with significant impervious surface creation. Developments above the threshold will trigger the following design criteria (*Oregon City Stormwater Grading and Design Standards Chapter 4*):

- **Flow Control Requirements:** the post-development flows must match predevelopment peak flows between 42% of the 2-year peak flow rate up to the 10-year peak flow rate. For the purposes of this requirement, the predevelopment condition refers to the historical vegetation which existed at the site prior to urban settlement.
- **General Conveyance Requirement:** development within a lot or parcel shall not cause flooding of adjacent or downstream properties. Developments for which this standard applies must implement surface infiltration facilities for collected runoff according to the LID requirement.
- **LID Requirement:** The goal is to prioritize the use of surface infiltration facilities to the maximum extent practicable to mimic the natural stormwater runoff conditions of the pre-developed site and recharge the groundwater. This should be done with surface infiltration to the maximum extent practicable, or onsite retention and infiltration where surface infiltration options are insufficient.

Stormwater and grading design standards are applied to each development as part of the City's development process and the responsibility for compliance falls on the developer including constructing the infrastructure necessary to meet the Standards. It is important to note that greenfield development affected by HB 2001 will likely surpass impervious surface thresholds and will therefore require the developer to mitigate runoff impacts. Additionally, because much of the greenfield area in the City is no longer forested and likely already contributes flow to the City's stormwater system, the flow control

requirement applied to new developments will result in a net decrease in runoff entering the City's stormwater infrastructure up to the design storm.

Developments with small increases to impervious surfaces (less than 5,000 square feet), including infill driven by the code changes allowed by HB 2001, are only required to provide erosion prevention and sediment control (*Oregon City Stormwater Grading and Design Standards Chapter 1*). Any infill development will likely contribute flow to the City's stormwater infrastructure. However, as mentioned in the water distribution system analysis, infill represents significantly less potential development than greenfield throughout the UGB and is not anticipated to substantially increase stormwater runoff collected by the City's stormwater conveyance system. Thus, density increases allowed by the code changes will not adversely impact the City's stormwater system as they will be assessed individually based on development proposals.

## CONCLUSIONS

The assumptions used to analyze the existing water, sewer, and stormwater systems are based on the long-term planning documents developed over the last decade(s) by the City and various consultant engineering firms. These documents provide a roadmap for growth, development, and capital improvement projects that relies on sound engineering judgment, historical trends, hydraulic modeling, and growth assumptions. While the documents provide an adequate illustration of a hypothetical future for Oregon City, the realities of growth and development are challenging to predict. As a point of fact, the 3% infill development and 3% greenfield development used to estimate the HB 2001-related density increases are conservative estimates chosen to provide an adequate margin for growth under the new code changes. The projections included in this memo may prove to be conservative and the actual impacts of higher-density development could vary significantly from those assessed. The greenfield development that will occur in the various concept areas and throughout the UGB represent a much more significant impact to the City's existing infrastructure than missing middle housing development can realistically generate. However, this memo should serve as an opportunity to revisit the assumptions and trends that drove development of the WDSMP/Amendment and SSMP. To reiterate, unlike master plans, the growth estimates in the memorandum are not based on any historical trends. It is recommended that the City of Oregon City monitor the impacts of missing middle housing development on a yearly basis in order to determine if any master planning assumptions warrant re-evaluation. As development and growth occurs, or fails to occur, over the next few years, the City should revisit the schedule and scope of capital improvement projects to meet demand in areas with known or predicted insufficiencies. The most critical areas are:

- **Water:** Capacities of the new 250-gallon-per-minute pump station and 1.75-million-gallon reservoir near the Fairway Downs area should be re-examined to meet additional demand allowed by the code amendments. Additionally, transmission waterline improvements in the Upper Zone should be prioritized and the timeline for the various phases of the project may need be re-examined to provide supply resiliency in the Upper Zone as demand increases.
- **Sewer:** Continuation of I/I reduction programs, particularly in the South Zone. Capacity concerns at the Parrish Road pump station and Settler's Point pump station may warrant capacity increases. Re-assess timeline of capital improvement projects for sewer upsizing as demand increases within the various basins.

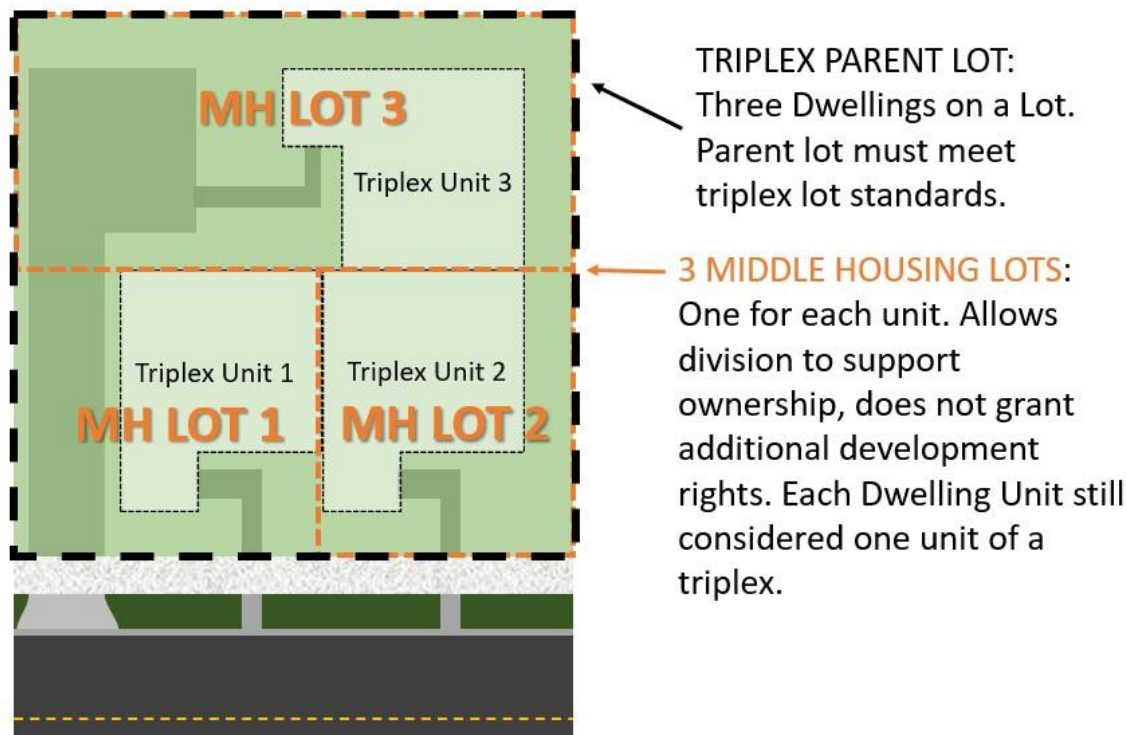
These conclusions are also applicable to water and sanitary sewer system implications of the code amendments as proposed in support of the Equitable Housing project that were assessed in the 2018 memo prepared by Wallis Engineering, titled "Water and Sanitary Sewer System Implications of

Proposed Code Amendments for Equitable Housing”. The code amendments included in this project encourage increased housing densities and lead to a projected 160 additional EDUs. The increased densities encouraged by this project will additionally augment the need to re-evaluate and reprioritize capital improvement projects based on development growth.

If the City maintains its commitment to the improvement schedules described in the *WDSMP/Amendment* and *SSMP* while responding dynamically to the challenges described in this memo, the City will be able to provide “sufficient infrastructure” to meet demand increases related to increased housing density.

*P:\15\1524A HRB 2001 Utilities Analysis\400 Design\408 Reports\408.1 Wallis\HB2001\_Water Sewer Utility Impact Memo.docx*

## Middle Housing Land Division (SB 458) Frequently Asked Questions



### What is Senate Bill 458?

Senate Bill 458 was adopted by the Oregon Legislature in 2021. The bill allows lot divisions for middle housing that enable them to be sold or owned individually.

Essentially, Senate Bill 458 allows for lot divisions of a “parent lot” solely for ownership opportunities of middle housing units. For example, if a side-by-side duplex used the lot division, you could purchase one side of the duplex and the land around it.

### How does this bill relate to the Middle Housing project?

The bill is a follow-up to House Bill 2001 - the bill that legalizes middle housing in many cities throughout the state. Senate Bill 458 requires jurisdictions to allow middle housing lot divisions for any HB 2001 middle housing type (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) built in accordance with ORS 197.758.

### When does it go into effect?

Senate Bill 458 applies to middle housing land divisions permitted on or after June 30, 2022.

### Does Senate Bill 458 only apply to new construction?

SB 458 requires a middle housing lot division application submit: “A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5)”. This means that any lot division proposal will need to demonstrate compliance with both applicable building code and HB 2001 middle housing code in order to be eligible for a lot division under SB 458. While middle housing built after implementation

will meet these criteria, middle housing built prior to implementation may not be eligible.

**How would this work if the City allowed detached middle housing units?**

The Senate Bill lot division would work the same with detached middle housing as it would for attached middle housing. So long as the “parent lot” met the Middle Housing criteria (including frontage, lot size, lot coverage, etc), then the lot could be divided for ownership opportunities.

**What is the difference between a Partition and Senate Bill 458?**

A Partition is a type of land use process that creates new legal lots. Those new legal lots would be granted full development rights. The Senate Bill 458 lot division allows the creation of new lots within a legal “parent lot” solely for the purpose of ownership opportunities. The new lots created from Senate Bill 458 are not granted additional development rights and must be maintained to meet the criteria applicable to the “parent lot”.

**Could I add an ADU on a lot to my unit of Middle Housing?**

No, the Senate Bill 458 lot division does not grant additional development rights to the middle housing lot. Even if you owned a unit of middle housing on its own lot, it would still be considered middle housing—not as a new single detached unit.

**Could I add additions to my house? Such as increasing the square footage?**

You could add additions if the development would still meet criteria applied to the “parent lot”. This includes criteria such as height, lot coverage, and open space requirements.

**Has anywhere else done this?**

Yes, one example is the City of Seattle. The State of Oregon is the first state to enact such legislation, though.

**Does SB 458 require local jurisdictions to approve vertical divisions (i.e. divisions in which one or more units of middle housing is not on the ground floor) of middle housing in addition to horizontal divisions?**

No, Senate Bill 458 does not speak to vertical divisions of middle housing and requires that each resultant lot or parcel contain exactly one unit. Therefore, cities are not required to allow vertical divisions of middle housing.













## GLUA 22-0002/LEG 22-00001 Housing Choices Code Update

### Supporting Documents and Links

#### Supporting Documents

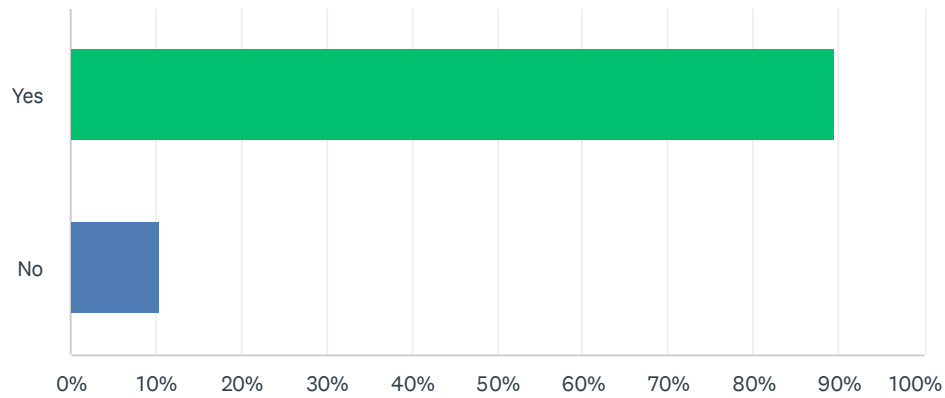
-  [HB 2001](#)
-  [HB 2001 Overview](#)
-  [HB 2001 Technical Overview](#)
-  [660-046-0000 Division 46 Middle Housing in Medium and Large Cities Rules as adopted by LCDC](#)
-  [HB2001 Large Cities Middle Housing Model Code.](#)
-  [HB2001 Water and Sewer Utility Impact Memo- June 29, 2021](#)
-  [HB 2001 FAQ](#)
-  [Middle Housing and Goal 5 Historic Resources Guidance](#)

#### Links

- [DLCD HB 2001 Project Page](#)
- [LEG 18-0001 Oregon City Equitable Housing Project- Adopted 2019](#)
- [SB 458- Middle Housing Land Division](#)
- [Housing Needs Analysis](#)
- [How the US made affordable homes illegal The rules that keep American housing expensive.](#)
- [Ending Single-Family Zoning Is Not a Stand-Alone Solution](#)
- [Racial Equity in Planning](#)

## Q1 Do you currently live in the City of Oregon City?

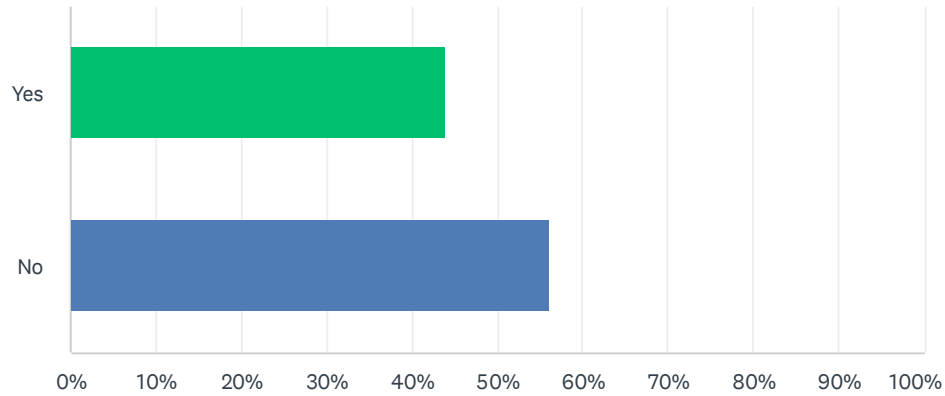
Answered: 162 Skipped: 12



ANSWER CHOICES	RESPONSES	
Yes	89.51%	145
No	10.49%	17
TOTAL		162

## Q2 If you don't live in Oregon City, are you hoping to become an Oregon City resident within the next five years?

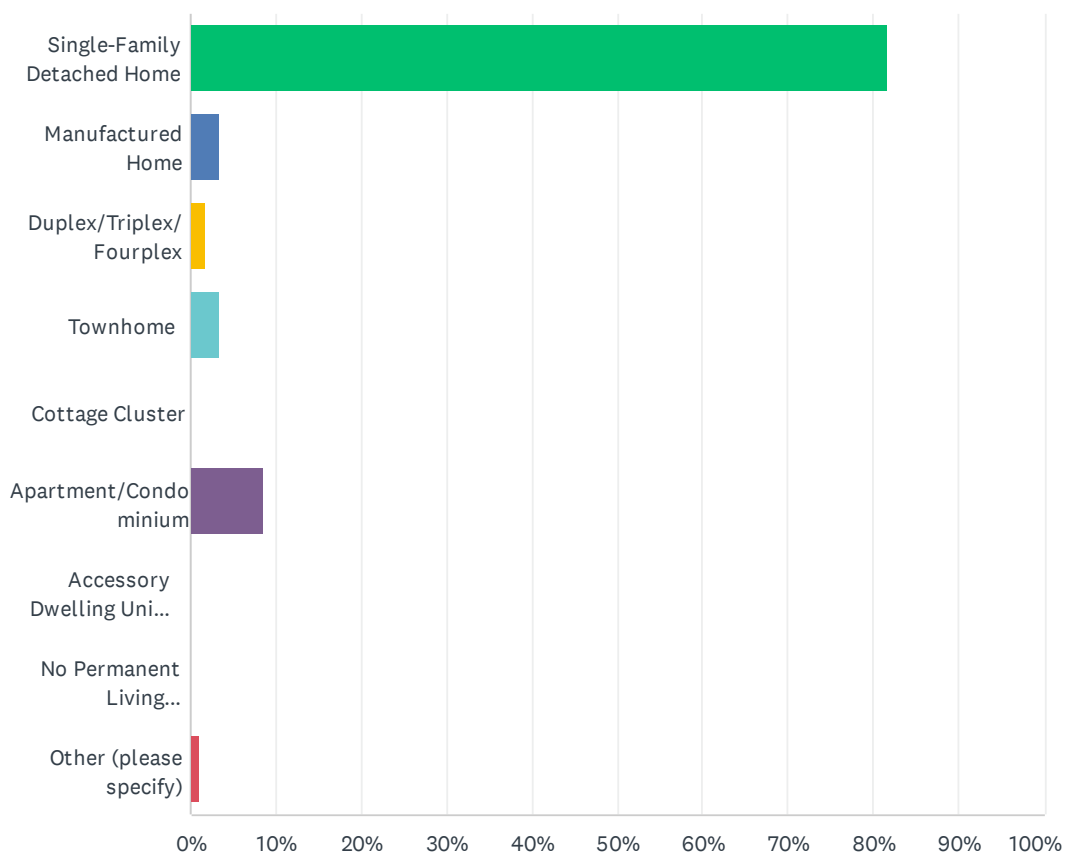
Answered: 50 Skipped: 124



ANSWER CHOICES	RESPONSES	
Yes	44.00%	22
No	56.00%	28
TOTAL		50

## Q3 What type of housing do you currently live in?

Answered: 174 Skipped: 0



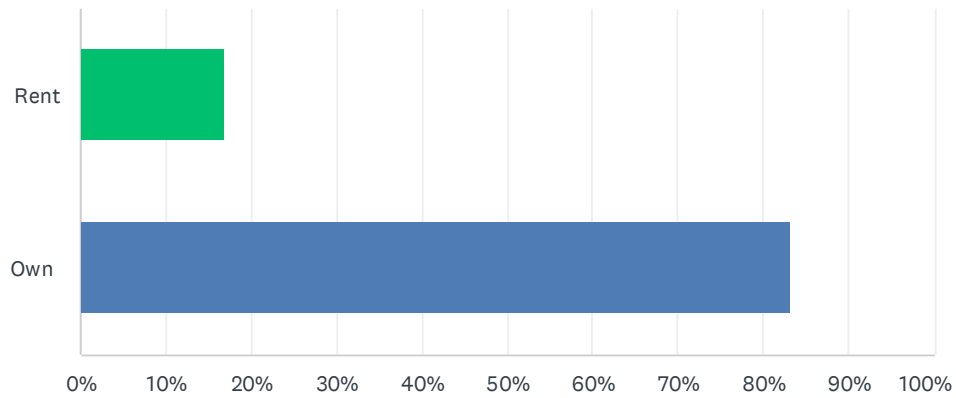
ANSWER CHOICES	RESPONSES	
Single-Family Detached Home	81.61%	142
Manufactured Home	3.45%	6
Duplex/Triplex/Fourplex	1.72%	3
Townhome	3.45%	6
Cottage Cluster	0.00%	0
Apartment/Condominium	8.62%	15
Accessory Dwelling Unit (ADU)	0.00%	0
No Permanent Living Arrangement	0.00%	0
Other (please specify)	1.15%	2
<b>TOTAL</b>		<b>174</b>

#	OTHER (PLEASE SPECIFY)	DATE
1	Single family home in Beaver Creek	11/9/2021 5:43 PM



## Q4 Do you rent or own?

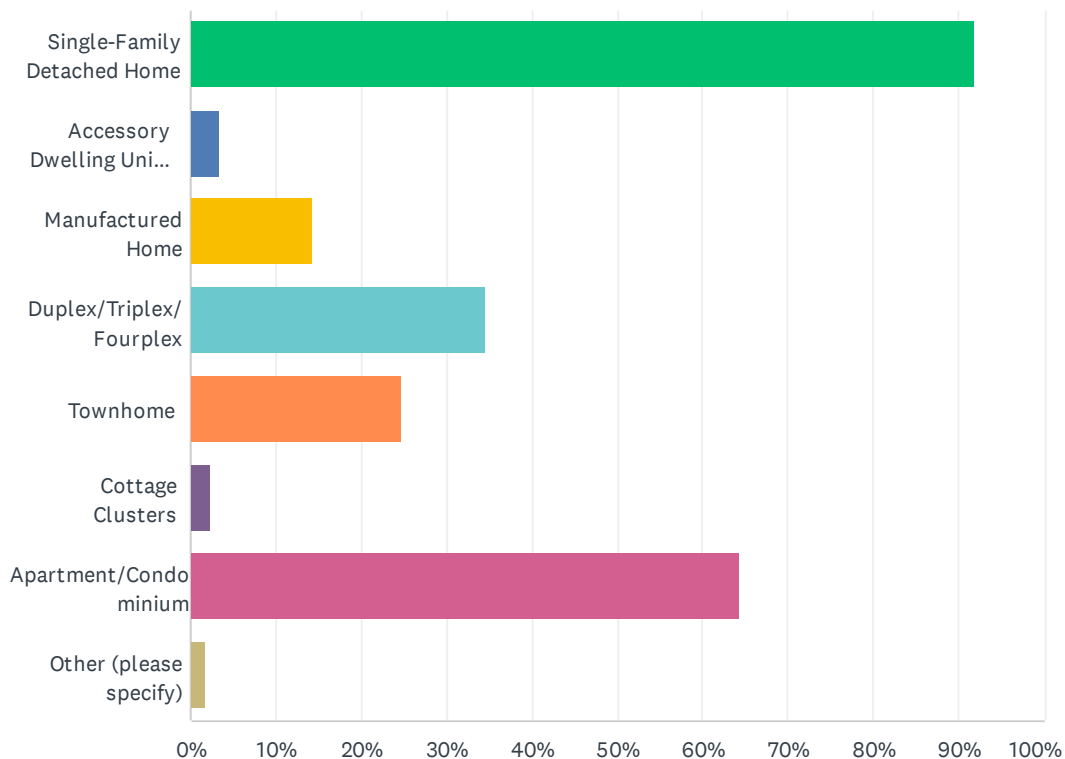
Answered: 172 Skipped: 2



ANSWER CHOICES	RESPONSES	
Rent	16.86%	29
Own	83.14%	143
TOTAL		172

## Q5 Which types of housing have you lived in previously? Check all that apply.

Answered: 174 Skipped: 0



ANSWER CHOICES	RESPONSES
Single-Family Detached Home	91.95% 160
Accessory Dwelling Unit (ADU)	3.45% 6
Manufactured Home	14.37% 25
Duplex/Triplex/Fourplex	34.48% 60
Townhome	24.71% 43
Cottage Clusters	2.30% 4
Apartment/Condominium	64.37% 112
Other (please specify)	1.72% 3
Total Respondents: 174	

#	OTHER (PLEASE SPECIFY)	DATE
1	My car	11/9/2021 7:11 PM
2	My car	11/9/2021 6:41 PM
3	Single wide mobile home	10/5/2021 12:05 PM

## Q6 Please share your experience trying to find a home to meet your household needs in Oregon City or elsewhere.

Answered: 102 Skipped: 72

#	RESPONSES	DATE
1	We had a great experience finding our home in Oregon City. The housing market it hot, so we had to act fast once we found it. We moved to Oregon City because we like that it's mainly single family homes. We do not want to be surrounded by apartments, fourplexes, and other multi family dwellings. If we did, we would have stayed in a more urban area.	11/13/2021 9:02 AM
2	Affordability.	11/12/2021 7:18 AM
3	Housing is too expensive.	11/11/2021 6:22 PM
4	It's too expensive and there isn't enough options.	11/11/2021 5:27 PM
5	Many housing options available in OC that would fit my needs while house shopping but many were outside my means in terms of cost	11/11/2021 4:07 PM
6	It was difficult to find a single story gone four years ago. We were irbid multiple times.	11/11/2021 2:53 PM
7	We found it difficult to find a home with a 2 car garage with a clearance of 8ft.	11/11/2021 2:29 PM
8	We want to find a house with a big yard for our kids to play in. This is nearly impossible in the John McLoughlin SD.	11/11/2021 2:22 PM
9	We bought at the bottom of the housing market 10 years ago and are happy with our choice. We previously rented a duplex in OC and rented a single family home just south of the city limits before buying in the city.	11/11/2021 10:04 AM
10	Very hard not affordable	11/11/2021 8:22 AM
11	We purchased our first home in OC in 2001. We sold it in 2005 to buy a larger home. We will stay here for now. We could move to land with property like we would want to with the prices as they are now.	11/10/2021 8:30 PM
12	Prices are way too high and there's a lack of single-level homes in this city or even around the area	11/10/2021 12:02 PM
13	Would like to move back to Oregon City. I have been gone since 2005. Looking for a smaller home/one level. Cottage type, Tiny home etc.	11/10/2021 11:41 AM
14	Large enough lot to put my RV without a lot of land. Nice size rooms, no split levels.	11/10/2021 11:20 AM
15	We hope to find a newer single story home on a nice lot no less than 2000 sq ft. Unfortunately builders keep building 2 story houses. Seniors do not want stairs.	11/10/2021 10:37 AM
16	WAY too expensive.	11/10/2021 10:16 AM
17	I move to Oregon City 4 years ago and it was relatively easy to find housing and my income bracket. I am fortunate to be able to afford a single family home, previously I have always rented and it was very challenging to find affordable options until I was able to save enough to buy a home in my 40s.	11/10/2021 10:15 AM
18	It's gotten too expensive. I would like to retire someday (I'm at full retirement age in 2 months!) but can't until I can find a place to live where I can still buy food after the mortgage/rent. Oh, and medical insurance. Medicare isn't as cheap as I'd been led to believe. I would also like to be able to eventually give up my car and walk to the grocery store, etc. So don't put all the affordable places in out of the way areas or by the freeway. :(	11/10/2021 9:31 AM
19	Fairly easy but cost meant we didn't get the luxury we would have liked	11/10/2021 9:07 AM
20	The current market does not allow me to move within oregon city.	11/10/2021 4:49 AM



# Oregon City Housing Choices Code Update Survey

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21	Good	11/10/2021 2:51 PM
22	First home was purchased in Portland in 2006 for \$200k. After living in it for 12 years we were able to have equity to then buy our second home in Oregon City.	11/9/2021 10:45 PM
23	There are already many options, it was easy to find something that fit our needs.	11/9/2021 10:32 PM
24	It's hard, I mean California moved here, I'm from here and there's just not enough houses or duplexes for everyone	11/9/2021 7:11 PM
25	The state of Oregon is definitely very expensive to live. We found that in Oregon City, prices were a little more affordable. We've also experienced that there a lot of people in this city that live in apartments, townhomes, duplex, triplex, fourplex. I'm surprised that the city is looking to build more.	11/9/2021 7:09 PM
26	Luckily I got mine before the fagaformians came here and ruined Oregon	11/9/2021 6:41 PM
27	Few options for middle class people.	11/9/2021 6:18 PM
28	Been in same home over 40 years, so don't have any current experience.p	11/9/2021 3:57 PM
29	Only want to live in SFR. Never had trouble finding one	11/9/2021 2:30 PM
30	Impossible to find something decent	11/9/2021 2:24 PM
31	Would love newer single level home in more of a price range for families that might include amenities like common area, park, club house, or pool/spa	11/9/2021 1:59 PM
32	We were able to find our home back in 2011 using a real estate agent.	11/9/2021 1:55 PM
33	It was hard to find a large home with a large lot. As we are interested in keeping larger lots in the neighborhood	11/9/2021 1:54 PM
34	I made the egregious error of selling the single family home that I owned in OC last June (2020). My intention was to immediately buy a slightly larger home to accommodate a growing family. Then the Covid housing market went crazy. A year later I am still no able to find a house in OC that is available to buy. It's insane because my partner and I make over 100K a year and I have over 130k in proceeds from my previous home ready to put towards a new home. My credit is excellent. My work history as well. And there is nothing to buy. Nothing I can afford. Anything that is being built is either huge over kill (3000 sq and over) or has no yard and is right on top of the house next door. Why can't middle of the road homes be built? Single family 1500-1800 square feet? Medium size yard, large enough for a medium or small dog?	11/9/2021 1:39 PM
35	It's very expensive for a two income household.	11/9/2021 1:38 PM
36	Chose mfg home because stick built was out of my price range.	11/4/2021 7:59 PM
37	Difficult to find affordable single story housing as I age.	11/4/2021 12:58 PM
38	The hardest part was beating the other buyers	11/4/2021 12:20 PM
39	I have a home so I haven't been looking since 1978.	11/1/2021 8:06 PM
40	Have not had a problem finding a home to meet my needs	11/1/2021 4:36 PM
41	I had no issues but I've lived in my home a long time.	11/1/2021 4:20 PM
42	Im currently looking to get back into a home but proces are way to expensive for the size and quality of homes. I was previously in a 1400sqft home in the mcloughlin neighborhood. But moved into an apartment to save for the purchase of a home here in oregon city.	10/25/2021 10:21 AM
43	Very difficult due to supply and demand.	10/25/2021 6:23 AM
44	The 2014 market was very tight. Took a few months.	10/24/2021 11:38 PM
45	It's EXTREMELY difficult to find affordable housing in OC. I'm a single mom of two kids and would need 3 bedroom. I can't afford to purchase a home, most homes and even townhomes, exceed \$400K. Most apartments in OC are very rundown, slumlords for landlords, and not worth the price to rent. I can barely afford the apartments I live at, which is Pioneer Ridge Apartments. It's a two bedroom and I sleep on a mattress in the dining room area.	10/24/2021 9:51 PM
46	Took some time for some, researched and stayed positive on finding the right place.	10/24/2021 4:29 PM

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47	There are not a lot of homes available currently but I know Oregon Coty is building a lot of new houses.	10/24/2021 4:28 PM
48	I had no issue finding a home. I am concerned that the building of multi living complexes is creating road way pain points without addressing the direct accessing to highways and exits out of/into oregon city. There are few entrances into or out of the city than Portland. Very limited back road access. Adding multi family units adds to the gridlock.	10/24/2021 12:46 PM
49	Had to buy outside of OC when we had wanted to stay.	10/24/2021 11:54 AM
50	Increasing rents/prices	10/23/2021 3:24 AM
51	Would like to buy, but prices are soo high.	10/22/2021 11:24 PM
52	easy years ago when we bought. Total shitshow when looking with our now adult child.	10/18/2021 11:03 AM
53	No problem	10/18/2021 10:01 AM
54	No problem.	10/18/2021 9:32 AM
55	Way too far away from family.	10/17/2021 6:24 PM
56	Bought our hone in June 2017. Little inventory, high demand.	10/17/2021 1:05 PM
57	Only issue was finding a home with a larger lot size.	10/17/2021 12:13 PM
58	In 1999 it was very easy. Brand new homes were way under \$200,000 and the cost of everything was low enough that a \$50,000 income afforded a Good life. In 2013 we were able to buy a few homes to renovate and sell for \$98k, \$136k, and \$156k. The current prices seem temporarily inflated.	10/17/2021 11:59 AM
59	It's impossible to buy a home with out credit and I can't get a mortgage on what I am paid but yet can get approved to rent for way more money a month than it would be to buy a home. This needs to change. Why can't I buy a home for \$400 dollars less a month than it is to rent? Stop making poor people who work hard poorer.	10/17/2021 9:29 AM
60	Lived here for 8 years had no trouble finding a great home for our family	10/17/2021 9:04 AM
61	We purchased our home 5 years ago, even then the market was getting harder for buyers. Had to widen our search. We were hoping for a bigger yard and a garage but we've been very happy in our home in OC	10/17/2021 7:48 AM
62	Home ownership currently is not affordable with salary/wages for the area.	10/17/2021 7:35 AM
63	I like OC because of the big lots and beautiful homes.	10/16/2021 11:14 PM
64	Too expensive too dated no yards poorly maintained	10/16/2021 9:40 PM
65	We found our home almost 29 years ago. It was easy and affordable.	10/16/2021 8:28 PM
66	My needs are common, and I bought my home nearly 20 years ago: piece of cake then.	10/16/2021 7:22 PM
67	Price price price. Either u get government housing or you pay out your ass in rent	10/16/2021 4:43 PM
68	It's almost impossible right now. For my family I need 3 bedrooms. I can't find anything I can afford.	10/16/2021 4:29 PM
69	My experience is from the last 30 years. The housing market has always been a challenge. You have to know someone who knows someone in order to get a rental. To buy a house, you need to be pre approved for a loan and keep a close eye on the market so that when the house you can afford becomes available, you can jump at the chance to buy it.	10/16/2021 4:20 PM
70	It's impossible and really expensive. I need a real house with garage and fenced in backyard.	10/16/2021 1:27 PM
71	My experience was pretty easy.	10/16/2021 12:11 PM
72	Moved during Covid-19. Housing was limited but we were able to find a home that fits our needs and neighbors that have been kind.	10/16/2021 11:57 AM
73	Purchasing affordable housing since 2012 , when we started looking to purchase in the Oregon City area, has been difficult. There simply is not enough available housing on the market driving up the cost of housing in the area. Young families, like mine when we purchased just	10/14/2021 11:30 AM

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outside OC city limits, were forced to move out further and increase our housing budget just to complete with other buyers.

74	At the time, I moved here there were very few rentals. I wanted to rent until I was able to find a house in the historic districts.	10/11/2021 10:01 PM
75	Cost Balance of privacy and support.	10/11/2021 5:59 PM
76	I had no problem finding a home back in 2003. Still in same house.	10/11/2021 5:43 PM
77	Too few options	10/11/2021 5:03 PM
78	As a multigenerational household is if difficult to find enough space in a single unit, or enough separate units close to each other at affordable prices.	10/11/2021 4:32 PM
79	Income to cost ratio.	10/10/2021 5:29 PM
80	It took us a long time to find housing in our price range. We searched many cities along I-5 and I-205 and settled in OC.	10/9/2021 9:21 PM
81	I want to purchase a home. My income is high enough and I have enough savings. Since I am single and have no kids, I have struggled to find a small enough house to purchase in Oregon City. I have never owned a car, so I would prefer the house that I purchase to not have a garage or off-street parking. I have not found a house in Oregon City that has no garage or off-street parking. I may have to move out of Oregon City to purchase a house somewhere else.	10/9/2021 2:15 PM
82	I love it. We moved from Hillsboro to Oregon City/Beavercreek area. I appreciate the space and privacy and would like to keep it this way.	10/9/2021 12:23 PM
83	Everything is extremely expensive, forcing us to look outside of Oregon City for purchasing our next home.	10/9/2021 9:41 AM
84	No problem	10/9/2021 6:57 AM
85	I bought a cheap fixer upper 20 years ago. Very easy to find.	10/9/2021 6:33 AM
86	When searching for our home in 2013, it was hard to find plain, no frills houses for our family of 4. We wanted to pay for square footage, not granite and hardwood.	10/8/2021 11:40 PM
87	Limited houses were available when I bought mine in 2017	10/8/2021 10:38 PM
88	Finding an adequate home in Oregon City was very easy for me when I purchased early summer 2020.	10/8/2021 9:50 PM
89	We looked for about 3 months before finding exactly what we wanted, in the school area that we wanted.	10/8/2021 9:21 PM
90	We built 21 years ago	10/8/2021 8:41 PM
91	The house was in the paper for sale. Visited the home and bought	10/7/2021 11:19 AM
92	I want a real community place to live, a place where neighbors can have shared gardens, shared tools, a community space to even share meals and so on; all with adequate private space for main living. Whether it's officially cooperative cohousing or not, I want this sort of integrated life with walkable grocery store and other amenities, a sense of place, and character (not every house being identical). It is way too hard to find this sort of thing in the U.S., even in Oregon. The segregation of residential and commercial is too extreme. We have massively dense city centers that switch suddenly to suburban sprawl with nothing in between, no modestly-dense normal human-scale places. The few that exist are so desirable they are unaffordable. I'm very glad to have found a place in Oregon City where all the homes are different, there are some duplexes, apts, and single-family homes, and we can walk to Grocery Outlet. But there's still not enough real community space and resources, and there's too much loud motor-vehicle traffic.	10/7/2021 9:08 AM
93	I have lived in multiple homes in Oregon City. Our first home was an apartment on Meyers Rd. Since then, I have lived in a manufactured home, remodeled a 1900 house, built a new home, and completed a minor partition while living in the existing home.	10/7/2021 6:36 AM
94	An apartment that is affordable for someone receiving social security and disability. That has close access (1/2 mi or less) to a frequent travel bus line. Also close access to grocery shopping, parks, and other necessities. Feeling safe to ride a bike, walk, and cross the street	10/7/2021 1:26 AM

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# Oregon City Housing Choices Code Update Survey

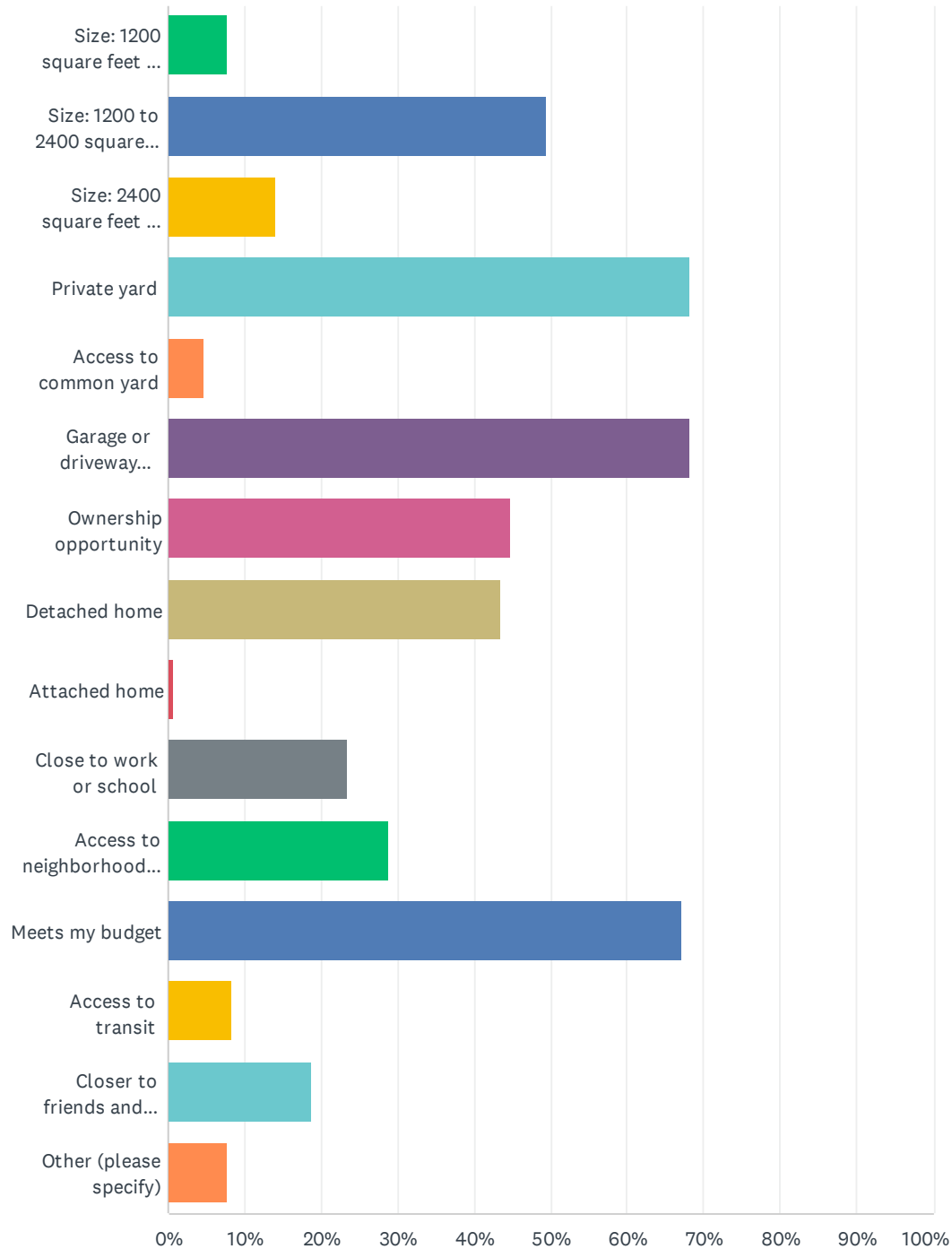
Item #1.

at traffic controlled intersections. A person should not be subjected to almost being hit by two different vehicles in the same intersection. One was turning right and the other was turning left, both on a green light while the signal to cross was lighted up at the intersection of Holmes and Molalla.

95	More difficult finding larger lots to live on and have some space	10/6/2021 1:09 PM
96	We moved here 10 years ago and were able to find housing that met our needs and budget very easily. Even though the value of our home has doubled, we are not interested in selling as would not be able to find something comparable now.	10/6/2021 10:11 AM
97	It is difficult to find something in the city at an appropriate price.	10/6/2021 9:38 AM
98	In 2018, I found my house right away. I'm aware this is not normal. I had an enormous amount of luck.	10/6/2021 4:44 AM
99	When we bought our home in O. City 15 years ago, we were actually downsizing from a 2900 sq.ft.house on 1/2 acre. We ended up buying a 1600 sq.ft. house on a small lot in the Canemah neighborhood. Many of the houses in Canemah are smaller, on smaller lots. There's even a lot that is 1200 sq.ft... the lot, not the house, which is even smaller.	10/5/2021 9:53 PM
100	No Problem	10/5/2021 8:05 PM
101	We have lived in three single-family homes since moving here in 1970.	10/5/2021 12:05 PM
102	Very difficult to find affordable housing, 1 bedroom units in particular are almost impossible to get.	10/1/2021 11:57 AM

## Q7 What characteristics are important to you in a home? Select your top three characteristics.

Answered: 170 Skipped: 4



# Oregon City Housing Choices Code Update Survey

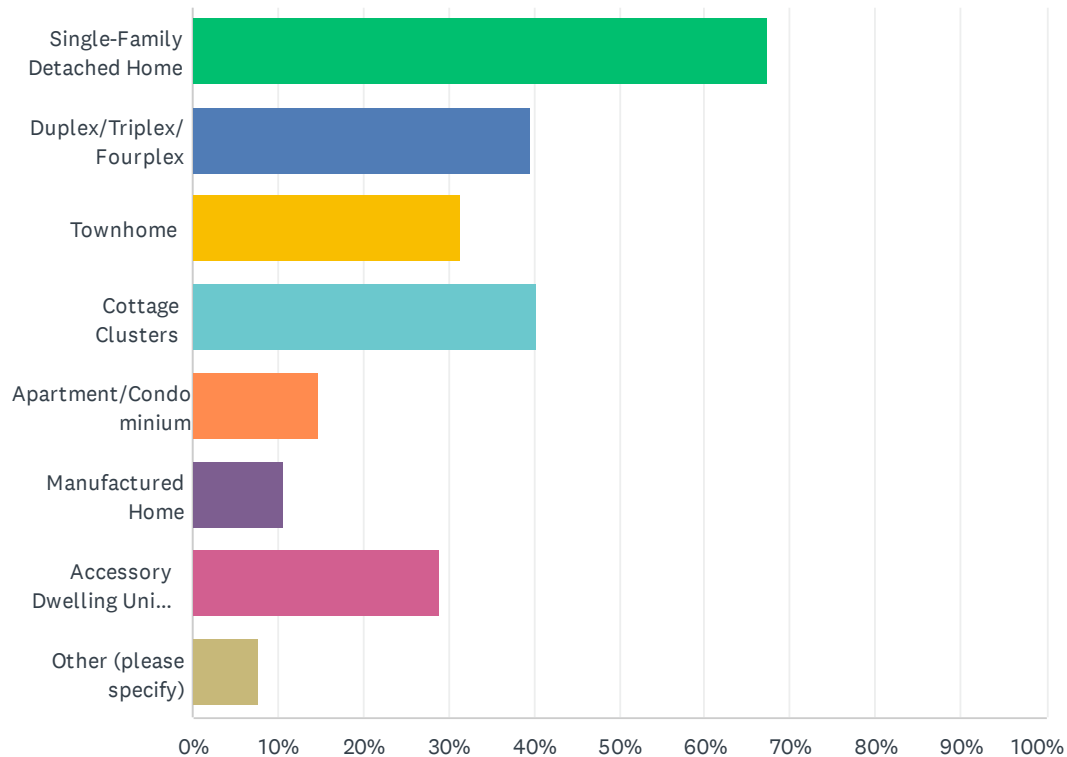
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ANSWER CHOICES	RESPONSES	
Size: 1200 square feet or less	7.65%	13
Size: 1200 to 2400 square feet	49.41%	84
Size: 2400 square feet or more	14.12%	24
Private yard	68.24%	116
Access to common yard	4.71%	8
Garage or driveway parking	68.24%	116
Ownership opportunity	44.71%	76
Detached home	43.53%	74
Attached home	0.59%	1
Close to work or school	23.53%	40
Access to neighborhood amenities (shopping, parks)	28.82%	49
Meets my budget	67.06%	114
Access to transit	8.24%	14
Closer to friends and family	18.82%	32
Other (please specify)	7.65%	13
Total Respondents: 170		

#	OTHER (PLEASE SPECIFY)	DATE
1	Ample off street parking, protecting the city's history instead of disregarding the property rights of residents and ignoring city code when it's convenient for big money builders.	11/11/2021 10:04 AM
2	In or near Oregon City. Beaver creek or Redland or Canby options	11/10/2021 10:37 AM
3	Large lot size that will accommodate shop and RV	11/10/2021 9:07 AM
4	Sidewalks, safe, away from busy or loud roads	11/9/2021 10:32 PM
5	Privacy. Quiet. Safety. Low crime.	10/20/2021 9:25 AM
6	Affordable	10/17/2021 10:44 PM
7	Away from transit lines	10/17/2021 9:04 AM
8	Big lot and big house.	10/16/2021 11:14 PM
9	in a historic district	10/11/2021 10:01 PM
10	Not having people or homes stacked on top of each other like cheaply built lego homes serving as human storage facilities and increasing the wealth of the already too rich asshats that own most of everything anyway.	10/10/2021 5:29 PM
11	A quiet neighborhood with good neighbors who keep there home reasonably well kept up.	10/6/2021 3:13 PM
12	Sense of safety	10/6/2021 4:44 AM
13	Safety and stable neighborhood	10/5/2021 8:05 PM

**Q8 Thinking about the housing needs of you and your family and friends, what housing types would you like to see more of in Oregon City? Check all that apply.**

Answered: 169 Skipped: 5



ANSWER CHOICES		RESPONSES	
Single-Family Detached Home		67.46%	114
Duplex/Triplex/Fourplex		39.64%	67
Townhome		31.36%	53
Cottage Clusters		40.24%	68
Apartment/Condominium		14.79%	25
Manufactured Home		10.65%	18
Accessory Dwelling Unit (ADU)		28.99%	49
Other (please specify)		7.69%	13
Total Respondents: 169			

#	OTHER (PLEASE SPECIFY)	DATE
1	Shelters for the homeless	11/13/2021 8:46 AM
2	senior housing - not assisted	11/12/2021 1:06 AM

# Oregon City Housing Choices Code Update Survey

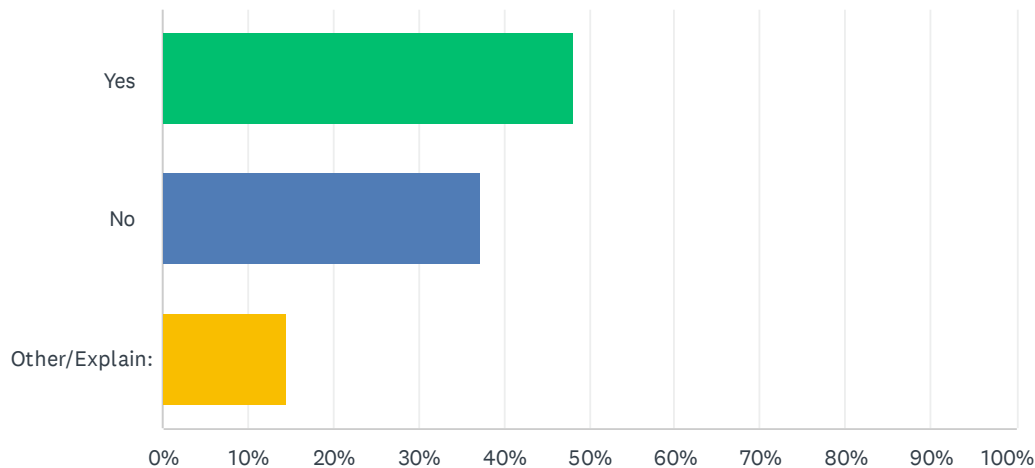
Item #1.

3	I'm a real estate broker who works mostly in this area. The types of homes in short supply are: single level homes and single family homes that are affordable.	11/9/2021 5:43 PM
4	Affordable Single Level Ranch Homes for Seniors	11/9/2021 4:23 PM
5	Tiny houses	10/25/2021 6:34 AM
6	It's overcrowded now. We are seeing more and more house less allowed to camp. Our water pressure is terrible now. Our internet slowed. Traffic is getting crazy. We moved out of Portland to OC 15 years ago to escape the gun violence, and ugliness of renters rows and crime. Now it seems OC is becoming more like Portland. If it continues we'll likely move further out.	10/20/2021 9:25 AM
7	Mother-in-law suiteis	10/17/2021 1:22 PM
8	Affordable	10/16/2021 9:40 PM
9	Short term rental homes (aka - Air BnB)	10/11/2021 5:03 PM
10	Developments/neighborhoods that include a wide mix of housing types	10/11/2021 4:32 PM
11	cooperative cohousing developments, both cottage style and others like apt/condo style	10/7/2021 9:08 AM
12	For new developments, middle housing may be viable if traffic patterns are taken into account. Current roads and access is already very crowded at many points in the day.	10/6/2021 3:13 PM
13	I'm more interested in quality over quantity. I'd prefer new development to fit with the character of the city rather than the cookie-cutter approach.	10/6/2021 4:44 AM



## Q9 In general, should the City allow more flexibility to increase development feasibility and the number and type of dwelling units that can be built in residential neighborhoods?

Answered: 158 Skipped: 16



ANSWER CHOICES	RESPONSES	
Yes	48.10%	76
No	37.34%	59
Other/Explain:	14.56%	23
TOTAL		158

#	OTHER/EXPLAIN:	DATE
1	We don't like them and moved to Oregon City to get away from them	11/13/2021 9:05 AM
2	Yes as long as residents are involved and houses match well with the neighborhoods. That wetlands and trees are preserved.	11/12/2021 7:24 AM
3	I think that builders should be required to include small parks for each of the new sub divisions. Especially if it's an apartment building.	11/11/2021 2:25 PM
4	In detached houses neighborhood keep all the same. No mixing in of other kinds.	11/10/2021 10:40 AM
5	Should not be mixed into single dwelling neighborhoods, but having planned communities with a mix of these dwelling units types is ok.	11/9/2021 10:54 PM
6	YES, but I think spread throughout. I think huge groups of multi dwellings congregated together such as The Landing is disgusting and an eye sore. The parking is horrendous. Parking needs to be considered for each unit. And off street parking should be encouraged.	11/9/2021 1:46 PM
7	Off street parking and minimum lot size for type of build should be of paramount importance.	11/6/2021 12:27 PM
8	I want landuse restrictions redone to stop the five acre rule on close in parcels.	10/18/2021 11:06 AM
9	Only in a few areas. Not well established neighborhoods	10/18/2021 8:55 AM
10	Yes if rent is regulated. Increasing density will not keep rents low. The market regulates them.	10/17/2021 12:03 PM

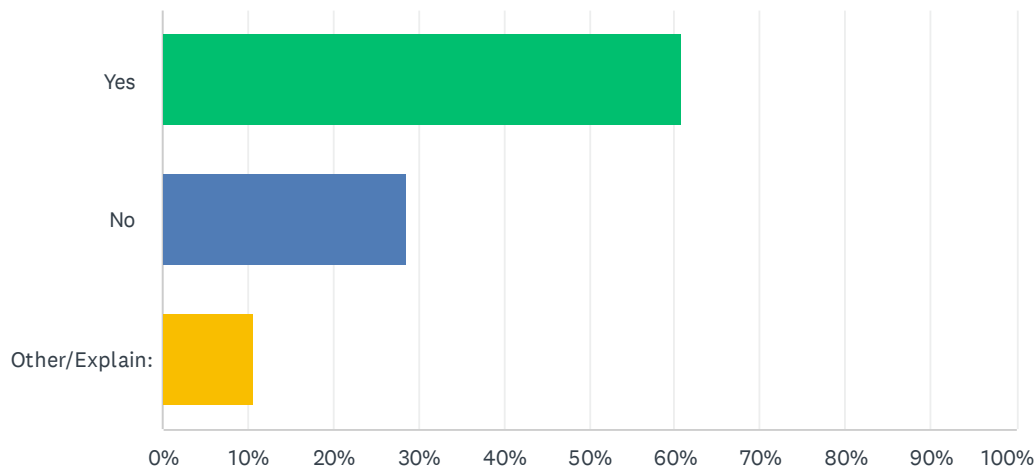
# Oregon City Housing Choices Code Update Survey

Item #1.

11	We need better infrastructure and school space before adding more homes.	10/17/2021 11:11 AM
12	ADU's with bigger sq ft determined by property sq ft, not existing home sq ft. There are a lot of large lots with small homes. They should be allowed to have detached homes/ADU's of 1000sqft. Mother-in-law homes shouldn't have to be held to 60% of existing home.	10/17/2021 7:44 AM
13	If road conditions will not be negatively affected and schools could keep up with the population increase	10/17/2021 6:41 AM
14	It depends - barns or sheds, the city should not be involved. ADU's of course.	10/16/2021 8:36 PM
15	Environment and safety should be a priority, but flexibility but creating opportunities for middle housing is very important	10/16/2021 12:06 PM
16	This is difficult because it will be helpful to have more housing available within the city limits, however, it is also important to maintain the character and not over crowd areas already established and without plans to offer increased infrastructural support in the community. Question: if flexibility is offered will the surrounding infrastructure be able to support the increase in residents, young families, children, elderly... needs are dependent on what population the housing is aimed at attracting/serving. Will schools, parks, stores, roads, hospitals be supported/improved?	10/14/2021 11:50 AM
17	it depends on where it is- some area in OC are better suited for increased density than others	10/11/2021 10:09 PM
18	No. Not in already well-established areas.	10/10/2021 5:37 PM
19	Not in established residential neighborhoods	10/9/2021 7:00 AM
20	The McLaughlin Historic neighborhood and the Canemah National Registered Historic District are important to Oregon City because of their history, as well as for Oregon City's tourism purposes. People come to see Oregon City to see The McLaughlin neighborhood, as well as the only historic riverboating/fishing community left fairly intact in the entire state of Oregon, which is what Canemah is. There needs to be flexibility when addressing middle housing in these neighborhoods. It would be more appropriate in the McLaughlin neighborhood, which is much larger, and already has a much larger and wider array of housing types and businesses within it. It would be far less appropriate in the Canemah Historic District because it would damage its standing as a National Registered Historic District, and because it is a much smaller area, with few lots left to develop. Teardowns of historic houses are not allowed by existing city code, which means that it would not be possible to tear down most of the houses on single family lots in Canemah to put duplexes or other middle housing on them. In addition, now that the redevelopment of the Blue Heron Paper Mill has begun, I believe it is important to maintain the integrity of the the historic riverboat/fishing community of Canemah as it pertains to the Willamette Falls area and the uses both stettlers and native peoples made of the Willamette River and the falls.	10/5/2021 10:42 PM
21	Keep neighborhoods together and not negatively impacting values.	10/5/2021 8:14 PM
22	This question is confusing. I don't understand it.	10/5/2021 7:53 PM
23	In increasing density there will be an increase in vehicular traffic, based on past history, unless some thing it done to mitigate it at the start.	10/5/2021 12:19 PM

**Q10 HB 2001 permits attached duplexes, triplexes, and fourplexes on every lot that permits single-family dwellings in all residential neighborhoods, subject to the same standards as single-family dwellings. Should the City also permit these dwellings to be detached? (For example, a triplex could be three separate buildings rather than one building.)**

Answered: 158 Skipped: 16



ANSWER CHOICES	RESPONSES	
Yes	60.76%	96
No	28.48%	45
Other/Explain:	10.76%	17
<b>TOTAL</b>		<b>158</b>

#	OTHER/EXPLAIN:	DATE
1	As long as there is enough parking on the property and not on the street.	11/12/2021 7:24 AM
2	Only so long as there is space for each separate building to have its own driveway. We have way too many cars parked on residential streets because they lack driveways.	11/11/2021 2:32 PM
3	Only if they have their own lot and off street parking	11/10/2021 9:16 AM
4	no preference	11/10/2021 8:11 AM
5	Not in all single-family neighborhoods, but have planned communities separate. Or, allow input from surrounding existing neighbors.	11/9/2021 10:54 PM
6	Because there's no privacy. Build detached homes	11/9/2021 7:14 PM
7	As long as adequate parking is provided, whether the buildings touch each other or not is irrelevant.	11/9/2021 12:21 PM
8	Yes, but again, minimum lot size should be considered	11/6/2021 12:27 PM
9	No preference. I personally would not want to share a wall or yard with anyone.	10/20/2021 9:31 AM
10	That would result in mini houses without sufficient yard space.	10/17/2021 1:22 PM

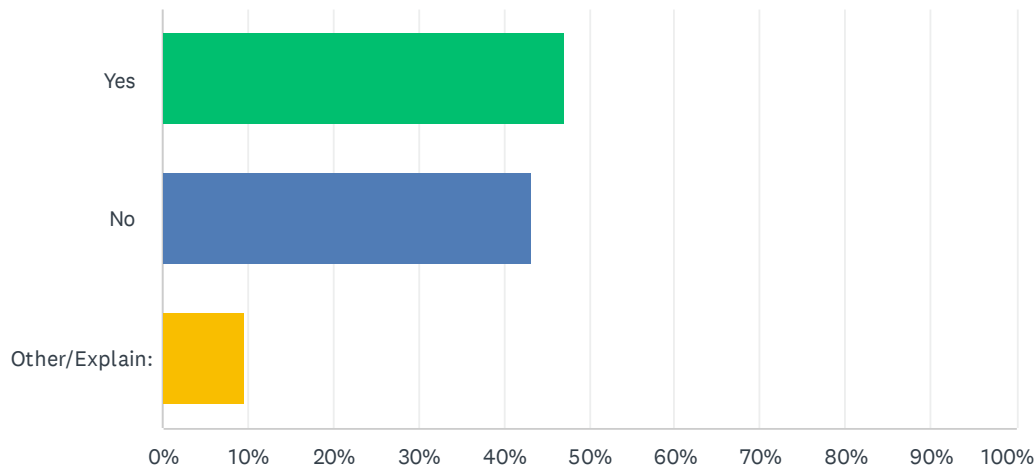
# Oregon City Housing Choices Code Update Survey

Item #1.

11	City of Portland is allowing developers to tear down a single family residence to build and fully develop (100%) the lot with a multi-story multi-family housing development. No development for parking. This destroys the neighborhood feel and make parking very difficult in front of your home. Oregon City should never try to be like Portland.	10/16/2021 8:36 PM
12	I don't really understand what this question is asking. How is this different than the cottage cluster?	10/16/2021 4:26 PM
13	If it's not attached it isn't a triplex in lenders eyes	10/16/2021 1:08 PM
14	Single family detached housing only in the historic areas.	10/10/2021 5:37 PM
15	detached would be better, as long as lot coverage percentage can be upheld.	10/6/2021 3:05 PM
16	Increase minimum parking requirements	10/5/2021 7:53 PM
17	There could be construction cost savings (Sound walls, fire walls not required)	10/5/2021 12:19 PM

Q11 HB 2001 requires that duplexes be permitted on all lots, including those in areas subject to natural hazards, such as flooding, hillsides, and landslides, where single-family detached dwellings are permitted. Should the City consider permitting some other middle housing development (duplex/triplex/quadplex, townhouses, cottage clusters) if the development meets flood and geological hazard review process requirements?

Answered: 155 Skipped: 19



ANSWER CHOICES	RESPONSES	
Yes	47.10%	73
No	43.23%	67
Other/Explain:	9.68%	15
TOTAL		155

#	OTHER/EXPLAIN:	DATE
1	Our city does not consider environmental issues including geo hazard or wetlands, this city needs to. I say no if you don't consider wetlands, trees, or honor environmental code.	11/12/2021 7:24 AM
2	Not in historical areas or where parking would be limited	11/12/2021 1:11 AM
3	Only so long as there is space for each separate building to have its own driveway. We have way too many cars parked on residential streets because they lack driveways.	11/11/2021 2:32 PM
4	Only cottage clusters	11/11/2021 10:06 AM
5	It should be reviewed and neighbors should have input as it could affect their home value.	11/9/2021 10:54 PM
6	No, housing should not be built in flood zones, what a stupid question.	11/9/2021 7:14 PM
7	Why is anyone allowed to build on a flood plane or known landslide risk area?	11/9/2021 12:21 PM
8	No buildings should be permitted in those areas.	10/17/2021 1:33 PM
9	New housing types should be allowed in all cases; all conditions, same as SFR	10/11/2021 5:05 PM

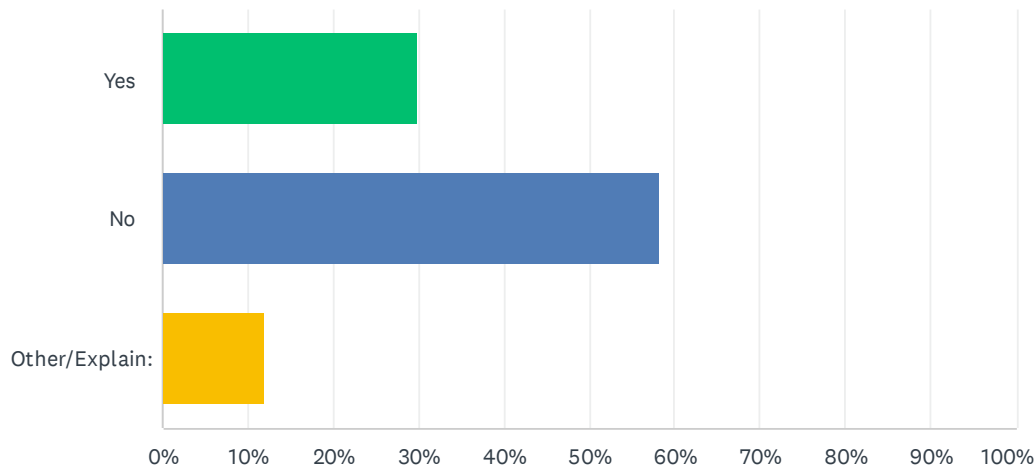
# Oregon City Housing Choices Code Update Survey

Item #1.

10	Why? So you can stack more people in one place and displace them all when, not if, the next natural disaster comes?	10/10/2021 5:37 PM
11	No. I think it exposes the city to higher liability in the event of a natural hazard.	10/6/2021 3:27 PM
12	I can only speak for the neighborhood I live in, which has multiple overlays, including historic, flood, earthquake and geohazard. It has been the experience of those of us who live at the bottom of Canemah bluff that we are affected by changing water flows every time a new structure is built uphill from us. My house has been personally affected the last few years by by waterflow changes (which has caused flooding in both my front and back yard) caused by recent building directly above me on the bluff. The more buildings, the more problems occur. It's simple gravity, if you displace water with an impermeable object like a house, it will simply find another way to flow down hill. It seems illogical as well as foolhardy to build anywhere in Oregon City where there are natural hazards such as flooding, and landslides. Putting multi family housing in those areas seems to me that you are only raising the risk of harming more people, rather than fewer.	10/5/2021 10:42 PM
13	geologic hazards are more important	10/5/2021 8:14 PM
14	Increase minimum parking requirements	10/5/2021 7:53 PM
15	Why allow increasing the physical building & greater(?) number of occupant danger & risk?	10/5/2021 12:19 PM

**Q12 Residential neighborhoods are served by a combination of off-street private parking in driveways and garages, and on-street public parking along the curb. HB 2001 says cities can require no more than one off-street parking space per dwelling for middle housing types (duplex/triplex/quadplex, townhomes, cottage clusters). Should the City consider requiring fewer off-street parking spaces in some circumstances?**

Answered: 158 Skipped: 16



ANSWER CHOICES	RESPONSES	
Yes	29.75%	47
No	58.23%	92
Other/Explain:	12.03%	19
TOTAL		158

#	OTHER/EXPLAIN:	DATE
1	No. Require as much parking as possible.	11/11/2021 6:23 PM
2	Only if you invest in better transit options	11/11/2021 5:28 PM
3	We don't have enough parking in my neighborhood. And my house is worth over \$500k.	11/11/2021 2:25 PM
4	People will have cars and need a place to park. That is the downside of such multi-unit dwellings. Adequate parking needs to be planned so the streets are not lined with cars.	11/9/2021 10:54 PM
5	I think off street parking should be strongly encouraged, especially the more units you have clustered together. Units should have parking for 2 vehicles. Most families have at least 2 cars. This is the suburbs. People drive.	11/9/2021 1:46 PM
6	One of the biggest challenges in big cities is NO WHERE TO PARK. Brawls and shootings occur over parking spaces ... why even consider! If there's no room to provide parking and there's no room to provide dwelling.	10/20/2021 9:31 AM
7	Clogs up the streets and roads.	10/17/2021 10:47 PM

# Oregon City Housing Choices Code Update Survey

Item #1.

8	More parking is always better and helps keep the peace in a neighborhood	10/16/2021 4:26 PM
9	Yes, if there is ample parking in the neighborhood already. For ample in an area where most houses have 2/3 car garage, adu shouldnt need parking.	10/16/2021 12:06 PM
10	Parking is a major problem in many areas of the city.	10/11/2021 10:09 PM
11	The question isn't clear. 1 space per unit. Triplex = 3 parking spaces	10/11/2021 6:03 PM
12	I do not a bunch of cars parked in front of my house.	10/10/2021 5:37 PM
13	Parking is a huge problem in areas where there are duplexes/tri/etc or townhomes. If you look at the townhomes off of Glenn Oak Rd. it's a mess 24/7. It's safe so assume that most households will have two cars on average. There should be off street parking for each household (garage with parking in a driveway perhaps) to take away the burden of street parking in a neighborhood. It causes extreme congestion when all parties have to park at least one car on the street, and it only gets worse if you have guests over.	10/9/2021 9:47 AM
14	consider more parking, not less!	10/8/2021 9:23 PM
15	The city needs to remove parking minimums.	10/7/2021 1:26 AM
16	No. We can see the affect of limited off street parking in many crowded neighborhoods around the Metro area. It isn't as safe for children, cyclists, or drivers to negotiate at times.	10/6/2021 3:27 PM
17	That seems illogical. If you are building multi family housing, there need to be commensurate parking places for those structures. Here in Canemah, where the streets are very narrow and winding, and where some houses have no front yards but directly abut the road, parking is already difficult. Many houses do not have driveways. The fire station and emergency services for Canemah are at the top of South End road, and it is always questionable whether large equipment is going to be able to navigate the roads to get to people living in certain areas of the neighborhood. Building middle housing in such areas would create a nightmare for the people living in multi housing units, as well as the neighbors around them, and the emergency services that would have difficulty navigating the narrow winding roads in Canemah.	10/5/2021 10:42 PM
18	Yes, when close to transit	10/5/2021 8:14 PM
19	DO NOT clog of the streets. The street may be on hillsides and not be your standard street width, also think about emergency services access.	10/5/2021 12:19 PM



## Q13 Do you have any other comments on middle housing policy as the City begins this work? Let us know what's on your mind.

Answered: 69 Skipped: 105

#	RESPONSES	DATE
1	I want to build a workshop with an adu attached my lot is 3/4 of an acre yet the city says I'm limited in size of my building to 1200 sq feet so how do I get a variance to this to build a 1600 sq ft building as my property is already zoned for 3 additional detached houses yet I can't build the size of building I want. Neighbors are ok with anything I build	11/13/2021 10:06 AM
2	We do not like HB2001. It is not what the local people want. We did not choose this, it has been imposed upon on. We do not want or need more multi family housing in our city.	11/13/2021 9:05 AM
3	I'm disappointed in our city development to not require more parking spaces, traffic, environmental code, wetlands, trees, sewage capacity. Using outdated info is wrong. I feel the survey is misleading the public.	11/12/2021 7:24 AM
4	We need to consider if we want to become the next Gresham and all the crime and problems they have. I moved 10 years ago from Gresham to get away from mass apartments being built and the traffic safety problems that come with the amount of people moving in. Oregon City is not considering the infrastructure on streets and the traffic implications	11/11/2021 11:53 PM
5	Less regulations in general. If you make it easier to develop property more people will do it and that will make housing cheaper because the supply will come closer to meeting the demand. The city should pay for road and service improvements for developers also.	11/11/2021 6:55 PM
6	Do not put this type of housing in. Enough duplex's ,townhomes, etc r in Oregon cit	11/11/2021 5:04 PM
7	Kids need more out door time that is closer to home.	11/11/2021 2:25 PM
8	How would the dwellings be taxed? Single or multiple units	11/11/2021 8:25 AM
9	We make sure our infrastructure can support this growth. I know our schools cannot.	11/10/2021 8:32 PM
10	While the intentions are good, I don't know that we need more congestion. Hopefully you limit all building permits and keep an eye on congestion.	11/10/2021 7:30 PM
11	Let get this going so I can move back to OC.	11/10/2021 11:46 AM
12	I hate cars parked on the street. I have one area my guess can park and don't want it taken.	11/10/2021 11:23 AM
13	Don't mix types of housing in a neighborhood	11/10/2021 10:40 AM
14	It is important to think creatively as we try to build more affordable housing. It is not a popular thing to do, as many homeowners would prefer single family homes surround their property. However not everybody lives that way, and so not everybody needs the same kind of housing. Different people have different needs and Oregon City should strive to meet those different needs. It takes education for our neighbors to understand that housing is a basic human right and is at the very foundation of a community's success. If we do not provide multiple housing choices for people we will not have a diverse population and we will continue to have people experiencing homelessness.	11/10/2021 10:18 AM
15	I just want a little cottage with a tiny private yard (grass isn't necessary) to call my own. I'm tired of landlords controlling my life!	11/10/2021 9:32 AM
16	I live in Clackamas county but not in OC city limits. I have seen the development off Glen Oak and the massive amount of people parked on the street. We were told that wouldn't happen but it did. Houses are already so close and parking is so limited you cannot even have family over for dinner because there is no parking for an extra vehicle for blocks. The roads cannot handle the current housing, adding more without first addressing the roads is inexcusable. Housing should not be allowed without added off street parking.	11/10/2021 9:16 AM
17	Keep it classy don't slum up the city	11/10/2021 9:10 AM

# Oregon City Housing Choices Code Update Survey

Item #1.

18	How can u be building more housing when the roads and water and electrical Ned updating. OC can't handle more people and mass housing	11/10/2021 2:56 AM
19	Please build more detached houses. No more Apartments.	11/9/2021 7:14 PM
20	I'm wondering how this is going to affect single family detached housing units. Our city seems overcrowded already as well as our small schools. In my experience, families that live in smaller or combined dwellings also do not take care of their properties, resulting in a run-down looking city.	11/9/2021 7:13 PM
21	We need more density, transit options, and bike lanes for a healthy future.	11/9/2021 6:20 PM
22	Looking forward to seeing neighborhoods with a variety of home sizes and residents with variety of income levels and ages, more similar to what I grew up in in the 1950s.	11/9/2021 4:02 PM
23	I think allowing the historic homes to be turned into duplexes or more is a travesty.	11/9/2021 2:32 PM
24	We chose to buy a home in Oregon city because it had a lower population of people since there's less apartments/townhomes etc. in the city we liked that many home have large property and single family homes. Just what we were looking for.	11/9/2021 1:59 PM
25	If you aren't going to provide realistic adequate parking then make sure those homes are near good public transit.	11/9/2021 12:21 PM
26	Multi-unit housing tends to be of landlord/tenant type. Most renters do not have the same stake as home/property owners in keeping their homes in good repair. I feel that even if these multi-unit homes are allowed, they should be limited in scope. An example would be a duplex or 4-plex townhouse allowed for every 20 or 30 single-family homes built in an area (say, for example, 5 duplexes allowed in a 10 square block area - and would include pre-existing multi-units),	11/6/2021 12:27 PM
27	Do not allow demolition of perfectly good and affordable single family housing to build middle housing.	11/5/2021 8:06 PM
28	Make your rules understandable to general public. Easy to look up. Answer email questions.	11/5/2021 9:53 AM
29	Encourage a mix of owner occupied and rental options	11/4/2021 1:00 PM
30	Stop trying to get people to ride transit or ride their bikes. Oregon City is too steep for bikes and transit is slow and inefficient.	11/4/2021 12:22 PM
31	Why does the State get to determine what we do in Oregon City? Maybe we don't want homes crammed onto single lots. I don't want increased traffic and a larger number of people using the resources that we have paid for.	11/1/2021 8:11 PM
32	I desperately wish I could be a homeowner in OC, so my kids can finally live in a home. There's no affordable housing in OC, unless you make a ton of money and can afford a \$400K or more. It would be great if there was more middle housing, so single mom's like me who are in the working poor category, can actually purchase a home.	10/24/2021 9:56 PM
33	Detached is the ONLY way to go	10/24/2021 8:55 PM
34	I would prefer not to have more multiple dwelling residences in Oregon City.	10/24/2021 4:30 PM
35	Look long and hard at some of the developments in Portland. Look hard at what it's done to property tax values. Look long and hard over neighborhood disputes and police reports complaints from neighbors all of those things. If you can improve and increase the police force at the same time you increase the population you might have a snowballs chance at success.	10/20/2021 9:31 AM
36	You can build all the middle housing you want but it will never happen. Housing costs by builders continue to rise due construction costs, but moreover, GREED by the builders. They can build smaller homes but charge whatever they want.	10/17/2021 10:47 PM
37	I worry about traffic on the roads and congestion during low demand times aswell	10/17/2021 6:32 PM
38	This law is a bad policy to be forced on citizens.	10/17/2021 12:17 PM
39	The only thing that the bill will achieve is more density. If that is the goal then yeah cool mission accomplished but it'll do nothing to make housing more affordable.	10/17/2021 12:03 PM
40	Our roads and schools are already overcrowded. I have no issues with middle houses, we just	10/17/2021 11:31 AM

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# Oregon City Housing Choices Code Update Survey

Item #1.

need the infrastructure first.

41	These "middle housing" options need to be more affordable. A cottage cluster is going in in my neighborhood (Canemah) and I read each Cottage is going to be \$500k, this doesn't help.	10/17/2021 7:56 AM
42	I think the city should allow the owner to determine how much sq ft detached houses on a lot of the property. If there is a 10K sq ft lot with only one 1000 sq ft home, the owner should be allowed to have another detached home of the same sq ft instead of 60% of existing home.	10/17/2021 7:44 AM
43	Please don't turn OC into another Gresham. Way too many apartments and now a high crime rate in Gresham. Please save OC !	10/16/2021 11:18 PM
44	Oregon City should never strive to be like Portland. People move out of Portland and live in places like Oregon City because it's still close to Portland for their work but far enough away to be separated from it. If Oregon City tries to be like Portland and allow developers to destroy existing neighborhoods for increased property taxes (\$\$), then Oregon City has lost that small town and people like us, living here over 20 years, will be moving out of this city.	10/16/2021 8:36 PM
45	Housing needs to accommodate vehicles, even if some people dislike them. Portland's experiment of denying accommodation of cars is not going well. The city needs to be realistic about density. The streets are not able to handle large increases in vehicles.	10/16/2021 7:26 PM
46	Quit building more houses	10/16/2021 4:46 PM
47	No	10/16/2021 4:30 PM
48	I like the idea of middle housing as long as it blends with the neighborhood. Please no quadplexes in an already established single family housing neighborhood. If it's in a new development that is more acceptable. I would prefer no quadplexes because that seems like it's cramming too many people in one space. The cottage clusters seem like they would be a perfect choice for Oregon City. To still keep that small town feeling but also provide more housing for people.	10/16/2021 4:26 PM
49	Protect the established neighborhoods for single family housing. Oregon city stop being greedy. It's the root of all evil	10/16/2021 1:03 PM
50	Not at this time.	10/16/2021 12:06 PM
51	Please consider the infrastructure which will support this influx of residents within the city limits. Oregon City must serve its residents needs and consider the impact on current and future residents. We need more local offerings for our young families, teenagers, and elderly community members. Our roads and traffic are already struggling with increased traffic and commuters. Hwys 212 and 99 need to be looked at closely before approving the new middle housing policy.	10/14/2021 11:50 AM
52	instead of a blanket it applies everywhere - look at the area where the is infill land can be redeveloped	10/11/2021 10:09 PM
53	ADU and cottages are great options for seniors, young adults, and multi generational families. Nice blend of privacy and connectedness.	10/11/2021 6:03 PM
54	Affordable housing is important. But these smaller lots don't allow enough space for trees to be replaced. You cut down Douglas firs and large oak trees that can never be replaced on these 3k square foot lots. Also dislike the lack of parking. The cost of living is so high the future is that kids wont be leaving the nest. You can count on 2-4 cars per house.	10/11/2021 5:50 PM
55	Make it easier for anyone to build housing. We have a severe shortage of homes.	10/11/2021 5:05 PM
56	Work to maintain the most flexibility in the code for the development of a wider variety of housing options. Ensure standards govern the volume/design of buildings, not the type of dwellings (a 3,000 sq. ft. building should be able to be 1/2/3/or 4 units, attached or detached), the code should not discriminate by type, just determine total size. Ensure development in historic districts maintains compatibility, while still allowing a variety of housing types. Multiple housing types in one neighborhood is a historic development pattern, as are carriage houses. Infill in historic districts can and should be regulated to maintain a compatible scale and design without limiting/constraining housing types.	10/11/2021 4:40 PM
57	I am a liberal-minded person but do not approve of the idea of trying to cram more people into places that are overpriced and overstuffed just to meet some arbitrary need for the city of Portland. I do not want my street clogged or people traipsing through property because some	10/10/2021 5:37 PM

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# Oregon City Housing Choices Code Update Survey

Item #1.

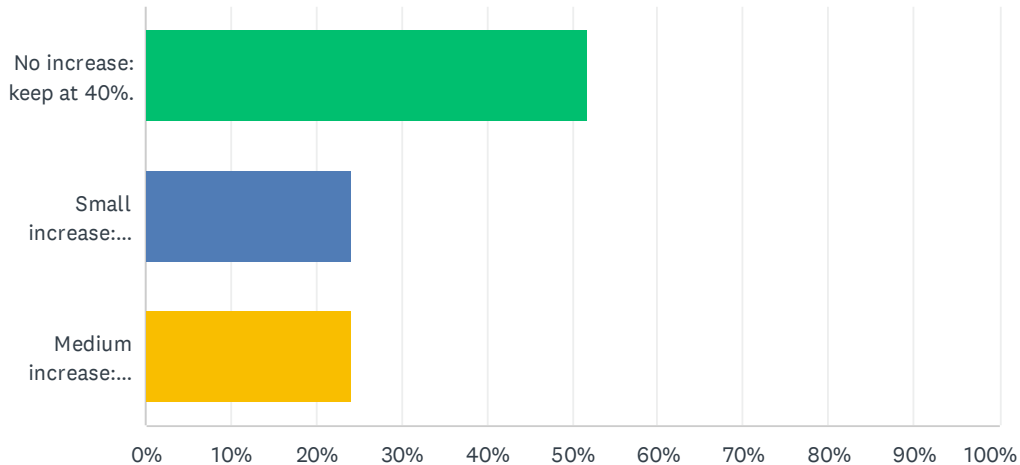
rich arsehole was able to over pay for a piece of land, build a six pack of ramshackle tissue box houses and charge three time my mortgage to some underpaid fool who will continue to always struggle to afford a real home. Knock it off!

58	No less than three parking spots designated for each dwelling	10/9/2021 8:15 AM
59	Make more on-street parking required, such as a shared lot. This contributes directly to livability with children.	10/8/2021 11:44 PM
60	Middle housing, in my experince living in these type if dwellings, do not provide enough parking for a two adult household. This leads to increased street parking, often more than the road cam handle and creates a safety hazard for children playing outside amd pedestrians due to reduced visibility.	10/8/2021 9:53 PM
61	<a href="https://www.youtube.com/watch?v=CCOdQsZa15o">https://www.youtube.com/watch?v=CCOdQsZa15o</a>	10/7/2021 9:09 AM
62	I built Townhomes in Portland for a while, back in 2003-2008. I sometimes go back and look at those developments now. More often than not, the condition of the development,(maintenance, appearance, parking, etc.) matches the surrounding neighborhood. Many people worry that as soon as you add attached units the conditions diminish. I have not found that to be the case. I've found that it has more to do with the existing neighborhood. Also, I believe that Townhomes are a better solution than Multiplexes. Townhomes give more ownership opportunities and a better market for resale. Townhomes can be a great way for people to get into the market. Multiplexes are a great way to provide affordable housing for more renters, but the people who will be renting those units won't benefit like a Townhome owner will.	10/7/2021 6:48 AM
63	Does this allow a home in an established neighborhood to be razed and replaced by a duplex, triplex, fourplex etc.? This would be be a shame and would alter the sense of community in established neighborhoods, that would most likely be the first targeted due to home values of 'existing vs. new' and lot sizes. It is unclear to me if there is a distinction between new development projects versus remaking existing neighborhoods.	10/6/2021 3:27 PM
64	I support Infilling current residential neighborhoods as the infrastructure is already in place.	10/6/2021 10:13 AM
65	There can be no "one size fits all" in a city like Oregon City, which has neighborhoods of different sizes and ages, some going back over 150 years. There has to be flexibility written into the code to accommodate areas where it is simply not appropriate to build much middle housing without causing a lot of unintended consequences.	10/5/2021 10:42 PM
66	We would be better off creating more high density permitted properties/locations and manufactured home parks, to achieve more middle housing developments.	10/5/2021 8:14 PM
67	I do not support this bill. People have an expectation for their neighborhood when they purchase a home. Adding multi-family housing without adequate parking destroys the quality of the existing neighborhood.	10/5/2021 7:53 PM
68	N.	10/5/2021 12:19 PM
69	Parking is a necessary evil and needs to be accomodated with off street or on street where adequate right of way exists	10/5/2021 10:16 AM

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# Q1 What lot coverage standard should the City allow for middle housing generally in low-density residential zones?

Answered: 83 Skipped: 2



ANSWER CHOICES	RESPONSES	
No increase: keep at 40%.	51.81%	43
Small increase: increase to 45%, same as permitted for ADUs.	24.10%	20
Medium increase: increase to 50%.	24.10%	20
<b>TOTAL</b>		<b>83</b>

#	COMMENTS:	DATE
1	People that invested in property did so with the reasonable expectation that the neighborhood they bought into would remain more or less the same. By allowing major changes in the make up of neighborhoods you're basically changing their investment value. Just an observation.	1/11/2022 10:06 PM
2	I would like ADU sites to be at 50%	12/31/2021 12:50 PM
3	ADU has an increase to allow for separate spaces. Duplex/Triplex/quadplex are all attached, just like a single family home. The need for noncovered property is even more important when having multiple families in one area.	12/30/2021 12:17 PM
4	You need the larger lot size to accommodate an additional dwelling that will pencil out financially.	12/30/2021 12:12 PM
5	Most people can't build a shed or an ADU with such a low lot coverage.	12/29/2021 4:01 PM
6	We don't have any more room to do more than one as planned.	12/29/2021 11:37 AM
7	I do not see floor area ratio (FAR) discussed in the explanation of lot coverage. Are you evaluating FAR when determining lot coverage? Since I want to increase building density by adding more floors, does an increase in lot coverage include adding more floors?	12/25/2021 12:13 PM
8	Oregon City desperately needs housing. Do not limit to 50% site coverage. Be flexible.	12/23/2021 12:19 PM
9	Rezone to medium or high density. Also this question is not appropriate for citizens with little to knowledge about how lot coverage works.	12/23/2021 3:38 AM
10	Need to allow for green spaces around residences to provide cooling in hotter summers.	12/22/2021 6:12 PM

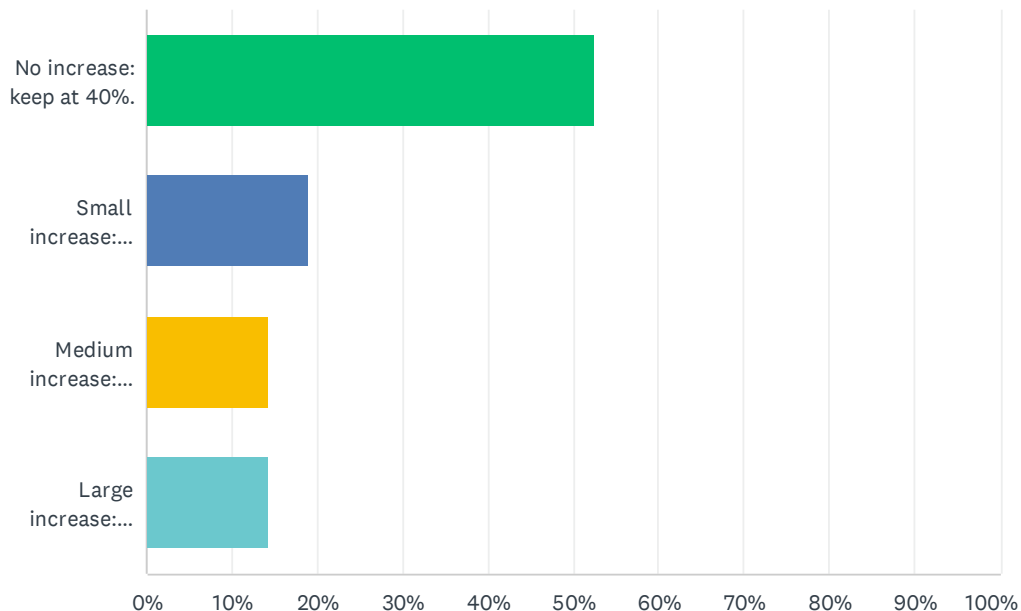
## Oregon City Housing Choices Code Update: Survey #2

Item #1.

11	I want missing-middle, but having green space and trees is extremely important. Having buildings super packed in, I'm hesitant, but it all depends on the designs	12/22/2021 5:15 PM
12	When allowing greater than 40%, the developers fill it 100%, destroying the feel of the neighborhood and adding additional vehicles to parking on streets.	12/22/2021 3:36 PM

## Q2 What lot coverage standards should the City allow for townhouses, in low density zones, given that they will be permitted on smaller lots of 1,500-2,500 SF?

Answered: 84 Skipped: 1



ANSWER CHOICES	RESPONSES	
No increase: keep at 40%.	52.38%	44
Small increase: increase to 45%, same as permitted for ADUs.	19.05%	16
Medium increase: increase to 50%.	14.29%	12
Large increase: increase to 70%.	14.29%	12
<b>TOTAL</b>		<b>84</b>

#	COMMENTS:	DATE
1	The American dream is not a 20 square foot back yard. If the lot is too small then use two.	1/11/2022 10:06 PM
2	If you are building another dwelling on the same size lot, it needs to be financially viable. You need the room to build an attractive project.	12/30/2021 12:12 PM
3	50% is tight if you're talking 1,500 to 2,500 SF lots.	12/29/2021 9:16 PM
4	Isn't a townhouse usually built on an alley with a garage? A 40% lot coverage would mean that the front yard would need to be huge and far back from the street.	12/29/2021 4:01 PM
5	We don't have any more room for more concerning infrastructure.	12/29/2021 11:37 AM
6	I want the large increase to mean building up with more floors. Since I want to preserve trees and other natural areas, I hope a large increase does not mean cutting down trees and reducing natural areas. Can you clarify how the City would approach increasing the lot coverage?	12/25/2021 12:13 PM

# Oregon City Housing Choices Code Update: Survey #2

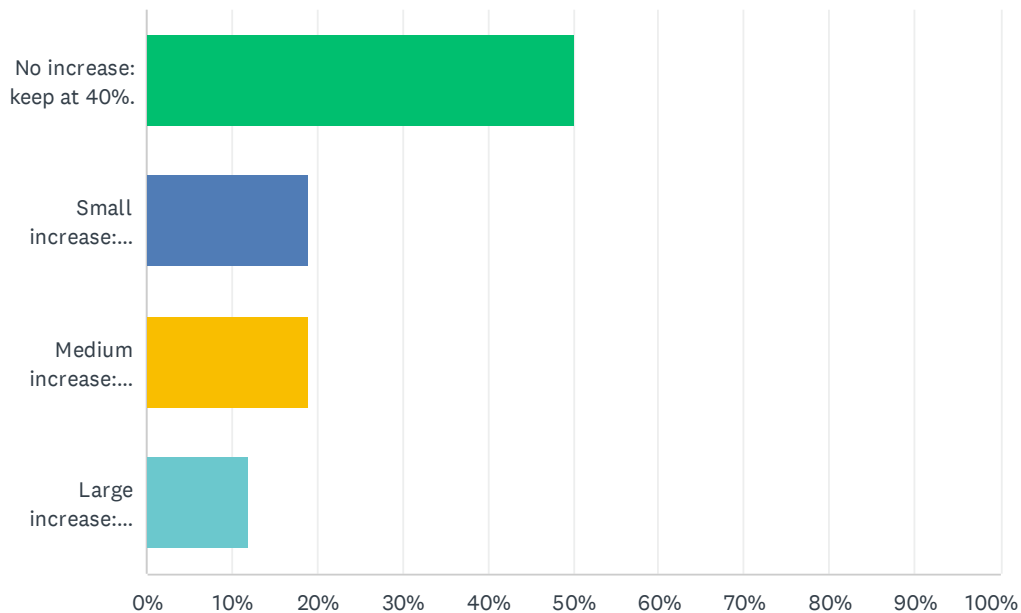
Item #1.

7	See comment #1.	12/23/2021 12:10 PM
8	Same answer as question 1.	12/23/2021 3:38 AM
9	depending on where they are buit- thenew builidngs need to fit the neighborhood	12/22/2021 9:21 PM
10	I'm actually skeptical of the specific lot-coverage concept. I want to see efforts to minimize pavement and maximize green space, but I'm wary of the effects of lot-coverage regulations. Really, you should not be asking the public this question! The public, like me, has little ability to know the effect of this regulation. Ask us more about what sort of actual developments we want. We don't know what regulations are the ones that get us what we want.	12/22/2021 5:15 PM



### Q3 What lot coverage standards should the City allow for triplexes and quadplexes in the R-6 zone, which has the smallest lot sizes and thus where development is most likely to push up against lot coverage limits?

Answered: 84 Skipped: 1



ANSWER CHOICES	RESPONSES	
No increase: keep at 40%.	50.00%	42
Small increase: increase to 45%, same as permitted for ADUs.	19.05%	16
Medium increase: increase to 50%.	19.05%	16
Large increase: increase to 70%.	11.90%	10
<b>TOTAL</b>		<b>84</b>

#	COMMENTS:	DATE
1	Maybe we shouldn't be building a duplex on a tiny lot.	1/11/2022 10:06 PM
2	See above.	12/30/2021 12:12 PM
3	Perhaps 60%?	12/30/2021 11:06 AM
4	Triplexes and quadplexes seem like they have the same issues as townhomes.	12/29/2021 4:01 PM
5	We don't have any more room concerning infrastructure.	12/29/2021 11:37 AM
6	I want the large increase to mean building up with more floors. Since I want to preserve trees and other natural areas, I hope a large increase does not mean cutting down trees and reducing natural areas. Can you clarify how the City would approach increasing the lot coverage?	12/25/2021 12:13 PM
7	See comment #1.	12/23/2021 12:19 PM

8

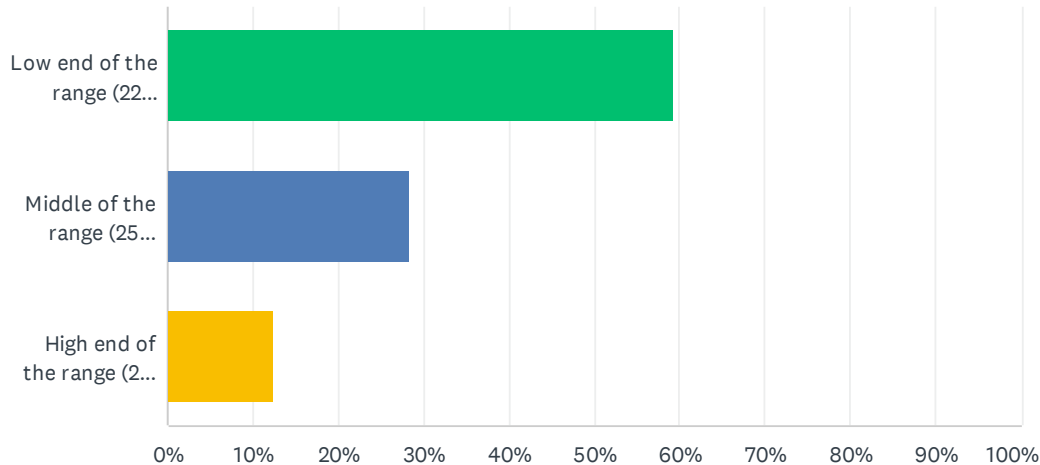
Same answer as question 1.

12/23/2021 3:38 PM

Item #1.

## Q4 Should the City set the maximum density of townhouses at the low, middle or high end of the allowed range?

Answered: 81 Skipped: 4



ANSWER CHOICES	RESPONSES	
Low end of the range (22 units/acre).	59.26%	48
Middle of the range (25 units/acre).	28.40%	23
High end of the range (29 units/acre).	12.35%	10
TOTAL		81

#	COMMENTS:	DATE
1	Packing maximum numbers of units per acre has historically made developers more money and has not helped to keep housing affordable.	1/11/2022 10:10 PM
2	In every instance in Oregon City where the density has already been pushed higher, there is no space for realistic resident parking and minimal green space.	12/30/2021 12:26 PM
3	The math for townhomes doesn't work. What does this work out to if you took that acre and stretched it out along a line of homes at the minimum lot depth? That only equals 24 25' homes. Letting the maximum lot size control density means you're getting less than 29 units/acre. With roads and other things removed, it's closer to 23 units/acre.	12/29/2021 4:08 PM
4	I want the high end of the range to mean building up with added units on higher floors. Since I want to preserve trees and other natural areas, I hope the high end of the range does not mean cutting down trees and reducing natural areas. Can you clarify how the City would approach achieving the high end of the range?	12/25/2021 12:21 PM
5	See comment #1	12/23/2021 12:19 PM
6	Still the same. Please see the answer to question 1.	12/23/2021 3:42 AM
7	fit the pattern of existing development	12/22/2021 9:24 PM
8	Again, I could imagine a great 29 units/acre or a terrible one. It depends more on other factors than the pure number of units.	12/22/2021 5:17 PM
9	I have built townhomes in Oregon City and Canby. Lots should be a min. 80' deep, 23'-25' wide	12/22/2021 12:39 PM

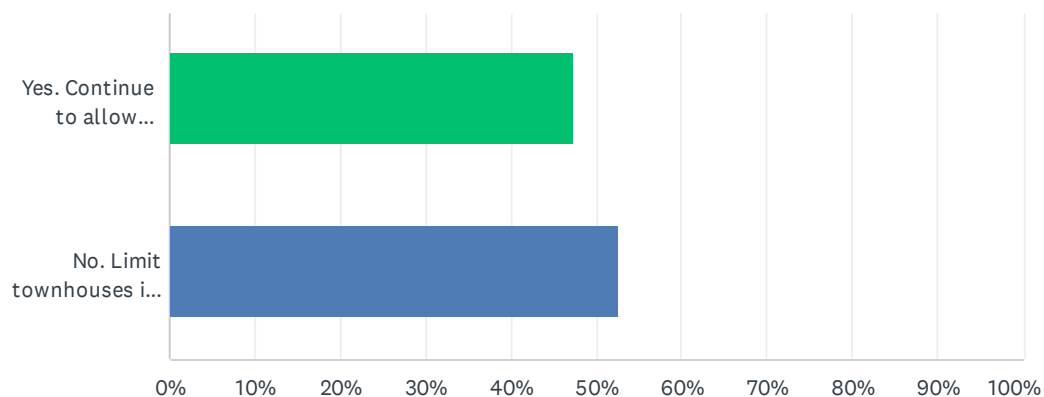
with a 5' side setback. Inside units can be 18'-20' wide min. and should only be allowed if the backyard has access to a street.

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Q5 Available financing for townhouses makes them a popular housing type in Oregon City, but possibly at the expense of other more affordable and ADA-accessible living options such as apartments and single-story units.

The City has a limited supply of buildable land in the high density R-2 zone: this is the only zone where apartments are allowed outright but they must compete against potential townhouse projects. Given that townhouses will now be permitted in the low and medium density zones, should the City continue to allow townhouses in the R-2 zone?

Answered: 78 Skipped: 7

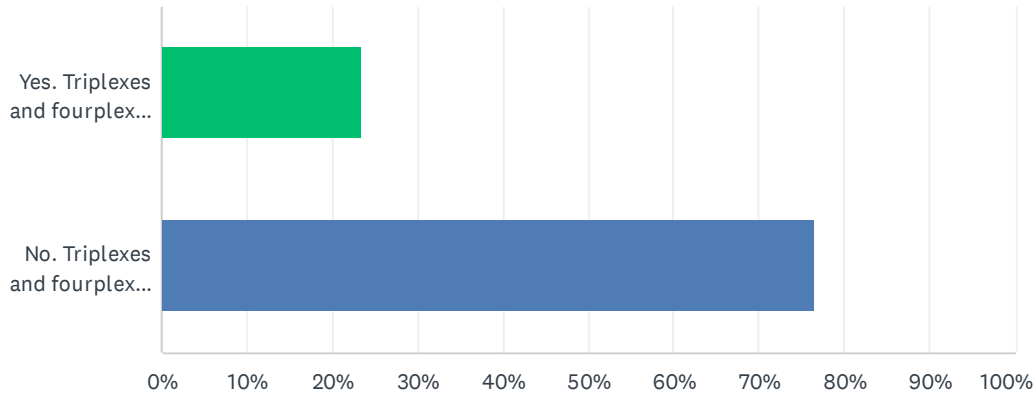


ANSWER CHOICES	RESPONSES	
Yes. Continue to allow townhouses in the R-2 zone along with low and medium density zones.	47.44%	37
No. Limit townhouses in the R-2 zone and permit only in the low and medium density zones.	52.56%	41
<b>TOTAL</b>		<b>78</b>

#	COMMENTS:	DATE
1	Requiring set numbers of rentals to be below a certain dollar amount is the only thing that matters.	1/11/2022 10:10 PM
2	Oregon city is lacking in Multifamily housing.	12/30/2021 12:17 PM
3	While I understand the urgent need for affordable housing, I am concerned when I read that the affordable housing would be "single-story units". I want more housing density in Oregon City, so I do not want to limit where townhouses can be built.	12/25/2021 12:21 PM
4	Oregon City desperately needs housing. Be flexible and let the builders tell you how they can best provide housing. Don't tell builders what to build.	12/23/2021 12:19 PM
5	Please see the answer to question 1.	12/23/2021 3:42 AM
6	increase of of townhouses in R-2 to get to the density of R-2	12/22/2021 9:24 PM

## Q6 Should the City allow triplexes and fourplexes to continue to use on-street parking credits?

Answered: 81 Skipped: 4

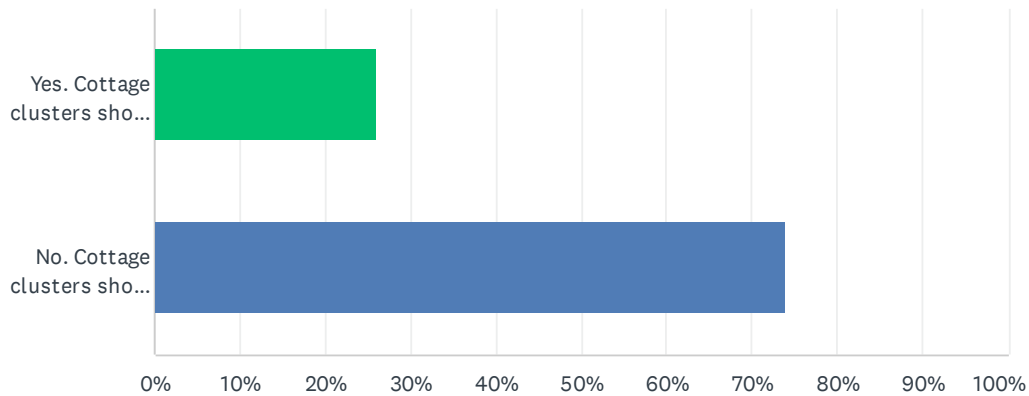


ANSWER CHOICES	RESPONSES	
Yes. Triplexes and fourplexes should be able to count on-street parking spaces.	23.46%	19
No. Triplexes and fourplexes should no longer be allowed to count on-street parking spaces.	76.54%	62
TOTAL		81

#	COMMENTS:	DATE
1	Oregon city Is beautiful because it is not Portland. If you allow Portland type standards we will no longer be Oregon City.	1/11/2022 10:12 PM
2	As seen with other projects, the math on parking spaces isn't realistic. A driveway that is measures 1.5 parking spot long and 2 cars wide, cannot park 3 cars; despite the math. Builders allot a minimal number of vehicles and over estimate the on-street parking.	12/30/2021 12:34 PM
3	They have to build the parking on street, but can't count it? That doesn't seem fair. If the street doesn't have space for parking, it shouldn't count, but if it does, they should be able to count it. Parking takes up too much space that could be used for more units or yards to play in.	12/29/2021 4:11 PM
4	It is not safe for visibility on our streets.	12/29/2021 11:38 AM
5	Would the residents be able to purchase a permit to reserve the on-street parking spaces?	12/25/2021 12:24 PM
6	given that parking is the #1 problem in our city require some off-street parking	12/22/2021 9:25 PM
7	Everyone should be paying for parking more. Parking is hugely expensive. Just make everyone pay more, and developers will consider that in their plans.	12/22/2021 5:18 PM
8	Abundant parking makes happy neighbors.	12/22/2021 12:39 PM

## Q7 Should the City allow cottage clusters to use on-street parking credits?

Answered: 81 Skipped: 4

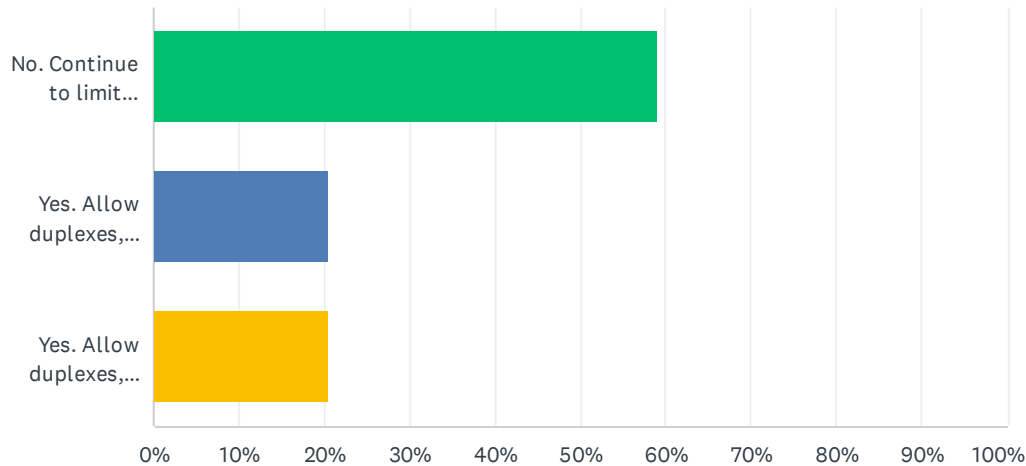


ANSWER CHOICES	RESPONSES	
Yes. Cottage clusters should be able to count on-street parking spaces.	25.93%	21
No. Cottage clusters should no longer be allowed to count on-street parking spaces.	74.07%	60
TOTAL		81

#	COMMENTS:	DATE
1	See previous comment	1/11/2022 10:12 PM
2	Same thinking as above. If the parking is there and has to be maintained, why can't someone count it?	12/29/2021 4:11 PM
3	Would the residents be able to purchase a permit to reserve the on-street parking spaces?	12/25/2021 12:24 PM

## Q8 Should the City allow select middle housing types within geohazard areas where single-family detached units are permitted, if they were subject to the same development and review requirements, including limiting the development footprint?

Answered: 78 Skipped: 7



ANSWER CHOICES	RESPONSES	
No. Continue to limit development to single-family detached units.	58.97%	46
Yes. Allow duplexes, within a single residential structure.	20.51%	16
Yes. Allow duplexes, triplexes and fourplexes, within a single residential structure footprint.	20.51%	16
<b>TOTAL</b>		<b>78</b>

#	COMMENTS:	DATE
1	There should not be building/development in hazard areas, particularly those with history/predisposition of landslide.	1/13/2022 7:59 PM
2	Are you kidding? Newell ridge apartments take 2? No way we are not that dumb.	1/11/2022 10:14 PM
3	Seems like a bad idea to allow higher densities in high risk areas. Sounds like a lawsuit against the city would be guaranteed.	1/5/2022 9:39 AM
4	no houses should be built in geohazard zones	1/3/2022 3:54 PM
5	Parking seems to convoluted and you don't want footprints too big.	12/29/2021 9:19 PM
6	Don't builders have to make sure the home site is safe by building code? If something is allowed by the zone, and it can be made safe, why can't it be done?	12/29/2021 4:12 PM
7	I am assuming that the development and review requirements would make sure the middle housing is structurally sound for construction in a geohazard area.	12/25/2021 12:33 PM
8	Just look at how many of the "Grand Dames" of Portland have been converted to multiple-unit condos. Let the builders decide what the market needs.	12/23/2021 12:23 PM
9	Can't answer this question. Why allow any housing in geohazard areas? Dangerous and who is responsible if property/residents are damaged/injured/killed and the fact that the area was a	12/22/2021 6:16 PM



geohazard and the city knew it becomes evident?

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## Q9 Are there any other thoughts you'd like to share about the Oregon City Housing Choices project?

Answered: 19 Skipped: 66

#	RESPONSES	DATE
1	Oregon City needs to activate its Housing Authority (ORS chapter 456) in order to create truly public housing options. We need to get away from solely private development. Thank you.	1/13/2022 7:59 PM
2	Let's not lose our identity. It's ok to be different.	1/11/2022 10:14 PM
3	I've lived in OC for over 30 years and have been greatly disappointed in the direction that the City has gone in that time. Planning, permitting, and SDC costs seem out of control and are contributing to a lack of affordable housing. I also think the extent of the state law is wacky. Allowing ADUs in a single family zoning is one thing - but triplexes?!? Seems like expanding existing and planned higher density areas would make more sense.	1/5/2022 9:39 AM
4	I would like to see incentives for ADU and cottage clusters that are accessible. Additionally, I would like to see incentives for developers who provide support for bike and trail use in addition to adding parking.	12/31/2021 12:55 PM
5	As we are still a very car based area, you need to prioritize making sure there's more than just street parking. Once there's a quality, reliable, and more frequent public transportation system, then we can consider building like people don't all drive.	12/31/2021 7:40 AM
6	It seems we only talking about adding middle use housing to existing single family zoned areas. If you're encroaching on the single family zoned areas to help add higher density housing then where do you propose allowing additional single family homes to be built? Since land availability for single family home needs is so sparse, with these new codes it will create a much higher demand for single family use land. We are trying to solve one problem and In turn creating another. We MUST match this with opening more areas to be developed. This is the only true way to stop the housing crisis.	12/30/2021 12:02 PM
7	On street parking should never count for the parking of any plexes. Glen Oak road is a joke with all of the cars parked along there. There are times when you can't even see to pull out of a side street if a car is coming down the street because of the parked cars. Houses need designated parking no matter what type they are.	12/29/2021 10:36 PM
8	Do not destroy Oregon City.	12/29/2021 8:13 PM
9	We are maxed out limiting to infrastructure on drain water, sewage capacity, road safety. We need to be concerned about preserving wetlands and protecting native trees, especially old growth.	12/29/2021 11:39 AM
10	Why were there no questions about whether to increase housing density near transit and trails? Why was there no question about whether to build live-work units? While there were parking questions, why were there no questions about whether to build electric vehicle charging stations and provide carshare programs?	12/25/2021 12:33 PM
11	I implore you to do everything in your power to preserve the character and charm of Oregon City's wonderful neighborhoods, particularly the historic districts. This includes making sure any new development has adequate off-street parking and restrictions on demolishing existing homes in order to build multi-unit complexes.	12/24/2021 8:24 AM
12	Provide long term SDC fee financing and/or deferral	12/23/2021 4:17 PM
13	Oregon City desperately needs housing. Be flexible and let the builders tell you how they can best provide housing. Don't tell builders what to build. Too many properties remain vacant where developers and builders have been stymied by ordinances passed by the City Commissioners who don't have a penny at risk. I've been wanting one of the Canemah Cottages but I was told last week that the builder now has to tear out all the skylights plus add about \$20,000 to the prices due to new regulations. I'm out. I'll go elsewhere.	12/23/2021 12:23 PM

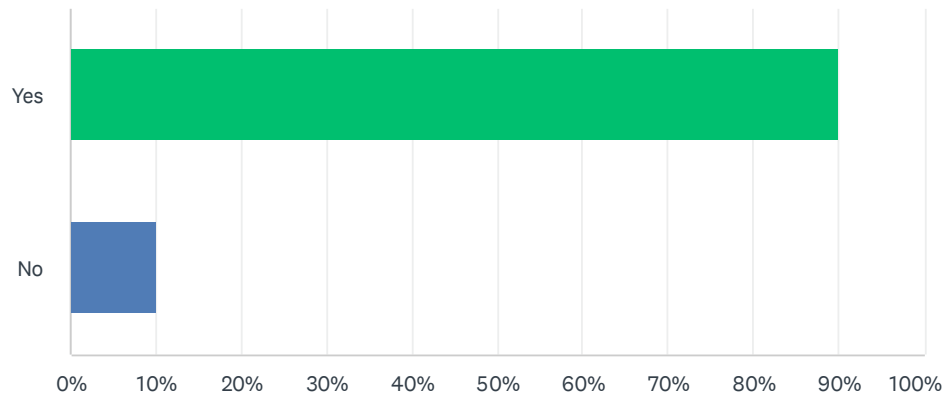
# Oregon City Housing Choices Code Update: Survey #2

Item #1.

14	One idea is to allow smaller detached homes >1000sqft to be built that aren't ADUs. This also makes it easier for the elderly to age in place that has been talked about the past couple years.	12/23/2021 3:49 PM
15	it is all about fitting the area they are built in	12/22/2021 9:25 PM
16	You are asking the public the wrong questions. You're asking us to weigh in on specific regulatory policy. That's the stuff expert staff are supposed to understand. The things you should be asking the public are about our priorities and about the things we know deeply about the specific streets where we live. We are much more capable of talking about the good and bad aspects of our neighborhoods than we are able to anticipate the consequences of specific zoning policies. You're asking us for stuff we aren't qualified to answer, and you're getting out into the neighborhoods and talking to citizens about specific issues in our neighborhoods that we actually are the experts on.	12/22/2021 5:23 PM
17	Do not turn Oregon City into Portland. There is no parking, neighborhoods are destroyed and the quaint feeling is gone.	12/22/2021 3:37 PM
18	If you are going to cram a lot of housing into small spaces, then anyone who has anything to do with passing this should have to live there for 1 year. Pretty sure you won't like hearing everything that happens in your neighbors house.	12/22/2021 2:12 PM
19	Townhomes cater to individual home ownership more than the other middle housing types. My opinion is that they should be given less restrictions than the other types wherever possible.	12/22/2021 12:44 PM

## Q10 Do you currently live in the City of Oregon City?

Answered: 79 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	89.87%	71
No	10.13%	8
TOTAL		79

#	COMMENTS:	DATE
1	We will hopefully be buying my parents' property in OC.	12/30/2021 1:40 PM
2	I work here	12/30/2021 11:09 AM
3	Been trying. Prices keep outpacing my ability to buy.	12/23/2021 12:25 PM
4	I own property in Oregon City but it is not my primary residence.	12/22/2021 1:35 PM

# Oregon City Housing Choices Code Update (House Bill 2001)

## Nonprofit Developer Focus Group Summary Notes

January 6, 2022

**Consultants:** Elizabeth Decker, JET Planning; Steve Faust, 3J Consulting; James Kim, ECONorthwest.

**Participants:** Preston Korst, Habitat for Humanity; Diane Linn, Proud Ground; Emily Reiman, DevNW; Devin Ellin, Clackamas Housing Authority; Steve Kelly and Mark Sirois, Clackamas Community Development.

The Housing Choices project team convened a focus group of people involved in the public and nonprofit housing development industry. The following is a summary of the focus group discussion.

### Attached and detached plex units – importance and benefits?

- Has to be understandable and able to be implemented. Have to really supply bonuses and supports to make more units.
- If our hope is for these units to be owned, we need to anticipate being able to divide the land on those lots. Easements for access for driveways and utilities, often in code, driveway access or curb cuts or footage of street frontage are required and those prohibit dividing a lot into four detached cottages. Dismantle those barriers and be creative about shared access.
- Still a very strong cultural preference for detached homes.
- Fee simple homes are the easiest funding mechanisms as you have a relationship with each buyer. Habitat is doing rowhouses and have soundproofing and sight and sound separation. Most are three bedrooms, some two and four. If you are trying to serve families from 30-100% AMI, you need family size units with several bedrooms to accommodate a family.
- Need for flexibility from a preservation perspective. When you have weirdly shaped lots, you need flexibility in the code to keep an anti-displacement lens on it. Affordability bonuses and the need for detached perspective in the code. When you're looking at lots to buy, you have to think of everything and the ecosystem. Lots with structures or that are oddly shaped. With pending SB 458, that is an important tool that we could utilize.
- In existing manufactured housing parks, some of the units are in poor quality. Residents approach us to help buy property to take care of or preserve it. There needs to be an incentive to work with owners to sell and convert trailers into smaller homes that are more energy efficient while increasing density. The land trust model is a great model to promote that the land stays forever affordable and units are homeownership units. *3-4 parks in Oregon City, but in 2019 added standards to encourage owners to go down that path. As we add middle housing, does that create additional opportunities or pressure to sell parks?*

### What kinds of products are you interested in building – footprint and sf?

- The standard of 3-bedrooms, 2 baths is ideal for a family. There are cases where we build 2-bedroom units. We avoid the single bedroom or studio approach. Those can be accommodated through ADUs and other types. Try to look into future and what kinds of sizes of housing and layouts will serve families well. Average units are about 1500 square feet. That is the highest and best use of land. We also need more affordability in single family zones.
- We mostly build 3-5 bedroom homes. If you add a 3<sup>rd</sup> story, it's more conducive. Look at flexibility in building height for townhomes. It's the difference between 4 units and 5 units. In general, we build 4-5 unit townhomes. An affordability bonus would be good as well.

- We build 1-4 bedroom homes. 1-bedrooms tend to be an aging in place strategy. The typical build is 2 or 3-bedroom, 40% 2-bedroom. Mostly two stories, with some that are ADA accessible (one story). The 3-bedroom design is 1250 – 1350 sf. We don't get up to 1500 sf until we add a fourth bedroom. The footprint is 650 sf. I'm a strong proponent for being as flexible as possible around lot size. Small lots make sense when you see it. What are you trying to get to? Preserve yards and green space – focus on those regulations, not on minimum lot sizes.
- Row houses are typically 3-bedroom and mix with detached single family homes. Primarily suburban and rural developer.
- HACC focus is 60% AMI and below. With the Metro bond, we can go up to 80% AMI. Middle housing is coming more through the Community Development Department. Ultimate flexibility is key. We have big repositioning projects coming up and being able to provide middle housing on those sites would be excellent and it's important to the community.
- I'm curious about how we can avoid the subdivision processes as much as possible. Looking to not go through PUD or subdivision process. Two traditional quarter-acre lots, side-by-side. If we can divide each into four and then put more than one unit on each of those lots, can we do that in an order of operations with city that does not look forward to the ultimate 16 units that triggers a subdivision review? Can we do series of simple subdivisions? *I think there will be paths for this with nuance and variation in what you call it, is the intent of the legislation. You don't want to trigger subdivision process. It would be an expedited land division with tentative and final plat concurrent with building permits. Not a discretionary process.*
- We've had two subdivisions in Clackamas County that ran into problems with issues with neighbors. It falls between single family homes where people are responsible for their own homes, and a condo structure with an HOA for management of common spaces. Subdivisions, built into the land lease, are a huge problem because they don't promote community. Relations between neighbors can be difficult unless things are crystal clear.
- The ability to convert commercial property into mixed use commercial first floor with residential above, "live/work" needs to be part of the mix.
- Density is one thing and mixed use is a good tool. When you come to the affordable housing world, things have to be simple and streamlined and within a pro forma that pencils out. Conversion adds a lot of cost. Energy efficiency, transit oriented, etc. Comes down to building a home to fill the AMI gap has to be streamlined in predevelopment, utilities, etc. Every added component can add cost.
- Not going to get to affordability unless looking at incentives and streamlining.

## Parking

- *OC has no minimum parking requirements for single family, townhouses and duplexes. Two to three spaces are required total for tri or quadplex. One space each for cottage clusters. There are some opportunities for on-street credit.*
- That seems reasonable. One per unit is good. Street credits are good. 1) try to keep parameters and widths flexible if you are looking at shared driveways to access multi-car parking. Bike parking requirements are cumbersome – covered bike parking for a cottage cluster is a killer. On most properties they are not used. There are other ways to accommodate that.
- Families buying our homes 30%-60% are not the ones riding bikes and must drive to downtown to work. Most homes are built with parking spaces included. Garage on the bottom floor and build on top. It's the ecosystem approach when talking to families. Current code seems fine.

### Financial Incentives and Bonuses

- *The city is required to consider a construction excise tax and SDC reductions. The city is not likely to make any of these changes with this code package, but it could be a next step. Or code bonuses – additional units, lot coverage, FAR tied to affordability. What models in code or financial incentives would be most effective to build more affordable housing?*
- Have SDC waivers for affordable homeownership and not just rentals.
- Incentivize for units that are not necessarily “affordable.” Use a scaled SDC system based on unit size. It’s helpful where you can’t do a complete waiver. Waivers are critical and so is streamlining the permit process.
- I’m a proponent for FAR bonuses for extra space and more units. A Sightline Institute study said that mixed income products have potential. The Habitat for Humanity level of 60%-80% and 80%-100%. Private builders are doing four units to incent additional ones and bring gap funding on the back end. We can partner with private developers to create mixed income communities that have some idyllic aspects.
- Focus on how to reduce expenses before groundbreaking. Expedited lot division – make it inexpensive and smooth because staff time is a cost. Public involvement, fees, etc. Underground infrastructure, sewer line for each unit rather than one combined adds tens of thousands of dollars.
- *Does going beyond fourplexes to sixplexes provide deeper affordability? Is that what would provide additional value?*
- Emphatically so in terms of potential partnerships with private developers. A sixplex opens up the opportunity for mixed incomes. Deeper affordability bonuses can be built into a sixplex project, more potential units for families.
- FAR bonuses.

# Oregon City Housing Choices Code Update (House Bill 2001)

## Developer Focus Group Summary Notes

January 5, 2022

**Consultants:** Elizabeth Decker, JET Planning; Steve Faust, 3J Consulting; Becky Hewitt, ECONorthwest.

**Participants:** Chris Goodell, AKS Engineering; Harlan Borow, ICON Construction; Roseann Johnson, Portland Metro Homebuilders Association; Barb Canaday, Babara Canaday Real Estate; Tyler King, Windermere Real Estate; Kent Metcalf, Holt Group.

The Housing Choices project team convened a focus group of people involved in the housing development industry. The following is a summary of the focus group discussion.

### Discuss the importance and benefits of allowing attached and detached plex units.

- With detached people can get their own deed and finance with a traditional mortgage. Waiting to hear more on setbacks, whether SDCs are cost effective, and how to fit them on the property with workable access.
- There is market demand and policy emphasis on homeownership for households to purchase a home and build equity with a detached product. There is typically more demand in the market, though attached products are seeing more demand. Support the detached plex idea and cottage clusters.
- It depends on the topography of individual lots. The driving factor is whether or not HOAs are in place. Many people prefer to stay away from that, so I could see detached units moving away from HOAs and monthly fees. Those fees figure into qualifying.
- From a consumer standpoint detached is more desirable, but on the supply side we need to make code as flexible as possible. It is becoming more common to see 2-4 unit condos with HOAs in Portland. *Add flexibility rather than choosing one or the other.*
- I support adding the detached option for flexibility. Fire walls are more and more expensive to build. Look at a sliding scale of SDCs to make it work for affordable housing.
- Increased density and middle housing only work if you reduce setbacks. If it is an advantage to have detached vs attached units, you need three foot setbacks.
- The challenge is how to take the dimensional boundaries of my lot and fit additional units considering variable heights, setbacks, square footage, etc.
- Interior setbacks of five ft, but exterior setbacks to yards. Reduce or use a variable or tiered structure.
- Fee simple homeownership makes it easier for the builder to obtain financing to construct four or less units. Once you have three attached units and are seeking a fee simple product, you have to sprinkle those because of commercial building code. The cost to sprinkle is about \$5k per unit.

### How should the city address lot coverage?

- It has to be tiered because the lot coverage ratio goes up with each unit.
- A sliding scale is probably best.
- You have to have a maximum on lot coverage so low density doesn't become high density.
- The purpose is to increase density. There will be pushback. By increasing the footprint, you can increase flexibility and the variety of housing types for variety of people. Single level ADUs for aging in place need enough square footage for a livable unit and wider hallways, etc.



- Typical footprints for different housing types:
  - One car garage? 16-ft wide structure, 40 ft deep, 2-3 story 1,000 to 1,400 or 1,500 sf. Even there, 16x3 + setbacks equal a pretty wide lot. 16-20 ft wide, 40 ft deep. Parking requirements.
- Land sellers think the value is 2 times because they can build twice the number of units.
- It is not only about new property and development. It is about existing homeowners' lots. Those will get the greatest scrutiny.

#### **What is a traditional townhouse product that people are interested in?**

- Similar to what I said earlier and has to do with garage requirements. 15 ft wide and 40 deep. 18 ft is nice if don't need a two-car garage.
- You can do a 3 bedroom with 15 foot wide and one car garage, but it's tight.
- Is there an opportunity to count on street parking?
- I anticipate seeing pushback from existing neighbors. Streets are not overly wide and when you start counting on street parking and do not accommodate cars for new units, it's a sore spot for neighborhoods and a livability issue. I think providing for some area of parking preferably with garage space will be very desirable for existing and incoming purchasers.
- Infill vs planned development community. It's a change for infill. Parking has eclipsed natural resource protection discussions. Parking management plans in Clackamas County for urban unincorporated and commercial areas. Wilsonville in Villebois. Best practice for industry ancillary to zoning code changes.
- You take a lot traditionally for a single family detached house and now build two detached duplexes at 20-25 foot wide. Those are nice standalone homes and more affordable than the single large house. Options are getting more affordable.
- As people go to resell, purchasers will see it as a skinny home to buy as a first time owner or as an investment, because less convenient from a livability standpoint.
- In Portland, we wanted 20-foot wide units and some were attached. We struggled to sell anything smaller. We also tried to keep them to two units attached. Single lots and zero lot lines. HOAs are simpler if you only shared one wall with one person. Not encompassing for a whole project, but per building.
- *Participants request another hour-long discussion because there is more to talk about.*

#### **What financial incentives are most impactful?**

- We are missing the ability to build plexes and sell individual units. Many people not willing to risk cost to sell a four-unit building.
- The Homebuilders Association would not support construction excise tax. We prefer a deferral on SDCs that have been declined to point of impact. If a CET then deferral of payment to save on the carrying cost of SDCs. Other jurisdictions have moved in that direction.
- The HOLTE program in Portland is a good model to target 100% or 80% MFI, with a tax exemption of up to 10 years on the property, not structural improvements. A price cap set by HUD and the builder gets an SDC waiver.
- Win-win-win
- Multifamily has become harder and harder to finance. We need to find ways to use income from one unit to live on other side.
- From the development perspective, an example in Happy Valley,  $\frac{3}{4}$  acre lot, three roads stubbed in. Submitted an application to subdivide and the city wanted to connect all three roads. We sold the land to a neighbor, but reserved an option to buy back the land for a four-unit detached

product under HB 2001. Can the city come back and condition you to build roads again? Add conditions of approval when dealing with one lot? *Any type of middle housing approval criteria can not be more burdensome than for single family detached.*

- SB 458 does say they can require frontage improvements if go through middle housing land division. If do condo without land division, it's less clear. Tradeoffs are part of that
- Infrastructure and variable rate SDCs. DLCD is going back to rulemaking for master planned development areas. Expansion areas already within the UGB and master planned. What is the right number for infrastructure planning? A duplex isn't double the infrastructure. Parks are not quadruple for quadplex. What are the right numbers?

Policy	Compliance Option	Alternate Option	Include in June 30 <sup>th</sup> Package	Review in Fall 2022 Additional analysis needed.	Comments
<b>Middle Housing in Geohazard Areas</b>	Maintain existing 2 units per acre limitation	Permit some middle housing- same footprint as single-family	Yes/No	Yes/No	
<b>Townhouse Maximum Density</b>	Set townhouse maximum densities to the lowest density option allowed for each zone	Permit higher density standards in some or all zones.	Must choose an option for June 30th	Yes/No	
<b>Duplex, Triplex and Quadplex Configurations</b>	Continue to require duplex, triplex and quadplex units to be attached.	Permit some or all duplex, triplex and quadplex units be detached.	Yes/No	Yes/No	
<b>Duplex Lot Coverage in Medium Density Zones</b>	Maintain maximum building lot coverage for duplexes equal to that allowed for single-family detached dwellings in each zone (50-55%)	Increase maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU (60-65%).	Yes/No	Yes/No	
<b>Lot Coverage in Low Density Zones</b>	Set maximum building lot coverage for middle housing types in low density zones equal to	Increase maximum building lot coverage for specific middle housing types in rough proportion	Must choose an option for June	Yes/No	

Policy	Compliance Option	Alternate Option	Include in June 30 <sup>th</sup> Package	Review in Fall 2022 Additional analysis needed.	Comments
	the allowed lot coverage for single-family detached dwellings.	to increased numbers of units. Specifically, consider increasing duplex lot coverage to 45%, triplex and quadplex lot coverage to 45-50% or more, and/or townhouse lot coverage to 70%.	30 <sup>th</sup> - could be replaced in fall 2022		
<b>Cottage Cluster On-Street Parking Credits</b>	Maintain the minimum requirement of one off-street parking space per cottage with no reductions for available on-street parking spaces.	Make cottage cluster developments eligible to use on-street parking credits to count toward the minimum off-street parking requirements, similar to other residential and commercial development	Yes/No	Yes/No	
<b>Garage Options for Cottage Clusters</b>	Maintain existing option for 600-SF (shared) detached parking garages/structures and option for small attached garages that count towards total gross floor area as two	Explicitly permit up to 200-400-SF detached garages for individual cottages exempt from gross floor area limitations, clarifying that 600-SF structures must be shared in common parking areas; and/or	Yes/No	Yes/No	

Policy	Compliance Option	Alternate Option	Include in June 30 <sup>th</sup> Package	Review in Fall 2022  Additional analysis needed.	Comments
	options for garage parking with cottage clusters.	exempt up to 200-SF attached garages for individual cottages from the gross floor area limitations			

## Future Policy Questions

<b>Multiple ADUs per Lot</b>	Consider the future role for ADUs and how ADU standards compare to plex standards. Consider whether to permit multiple ADUs per lot for greater parity with new provisions for plexes, which could be written to require one attached and one detached unit, or in any combination.
<b>High Density Zone Development Standards</b>	With the introduction of middle housing at greater densities in the low and medium densities zone, there could be a broader discussion about the purpose and standards for the high density R-2 zone
<b>Lot Averaging for Subdivisions</b>	Consider whether and how lot averaging should apply to middle housing options beyond duplexes, and whether lot averaging remains a useful tool for new developments along with middle housing opportunities.
<b>Land Use Affordability Incentives</b>	More flexible code provisions for middle housing could be selectively targeted at projects meeting affordability requirements, both to improve feasibility of those projects and to explicitly encourage affordable housing development.
<b>Allow non-conforming single-family units in Commercial Districts convert to duplexes</b>	Over the years the city has seen single-family residential and duplexes as separate uses that have different impacts. HB 2001 further blurs this distinction. Should the city begin to allow owners of houses in Commercial zones be allowed to change the use to a duplex within the existing footprint- or even allow a modest increase?