



City of Oregon City

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

Meeting Agenda - Final Planning Commission

Monday, June 22, 2020

7:00 PM

Commission Chambers and via Electronic
Meeting (Zoom)

Contact Pete Walter at pwalter@orcity.org for instructions on how to attend this meeting via Zoom

1. Call to Order

2. Public Comments

3. Public Hearing

3a. GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009: Fernwood Apartments Sign Variance

Sponsors: Assistant Planner Diliانا Vassileva

Attachments: [Commission Report](#)

[GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009 Staff Report and Recommendation](#)
[Exhibit 1: Vicinity Map](#)

[Exhibit 2: Applicant's Narrative and Plans](#)

[Exhibit 3: Public Comments](#)

3b. CI-20-00001: Code Interpretation for Discontinuance of a Legal Non-Conforming Use

Sponsors: Assistant Planner Diliانا Vassileva

Attachments: [Commission Report](#)

[CI-20-00001 Staff Report and Recommendation](#)

[Exhibit 1: Vicinity Map](#)

[Exhibit 2: Applicant's Submittal](#)

4. General Business

4a. Draft Public Property Tree Removal Policy and Code Amendments

Sponsors: Sr. Planner Pete Walter

Attachments: [Commission Report](#)

[Draft Public Tree Removal Policy 6.15.2020](#)

[Draft ocmc_17.41 6.15.20 NRC edits](#)

4b. Discussion on Diversity, Equity and Inclusion

Sponsors: Community Development Director Laura Terway

Attachments: [Commission Report](#)

[6.7.20 CC Agenda](#)

[6.9.20 CC Agenda](#)

[June 7 2020 Letter to the Tony Konkol](#)

5. Approval of the Minutes

Please review draft minutes before the meeting.

5a. Planning Commission Minutes for April 22, June 10, and September 9, 2019

Sponsors: Sr. Planner Pete Walter
Attachments: [PC Minutes 4.22.2019 Draft](#)
[PC Minutes 6.10.2019 Draft](#)
[PC Minutes 9.9.2019 Draft](#)

6. Communications

7. Adjournment

Public Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

- *Complete a Comment Card prior to the meeting and submit it to the staff member.*
- *When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*
- *Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*
- *As a general practice, Oregon City Officers do not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).

Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.

ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled 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.



City of Oregon City

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

Staff Report

File Number: PC 20-083

Agenda Date: 6/22/2020

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Assistant Planner Diliana Vassileva

File Type: Land Use Item

SUBJECT:

GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009: Fernwood Apartments Sign Variance

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission approve Planning Files GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009 with conditions.

EXECUTIVE SUMMARY:

The subject site is developed with a multi-family development and is zoned residential where freestanding signs are not permitted. The applicant has proposed four new freestanding signs, therefore, variances are required for the proposed signage.

BACKGROUND:

The subject site is developed with a multi-family development and has R-3.5 Medium Density Residential zoning. The property is developed with three freestanding signs, located at each driveway of the apartment complex. Per OCMC 15.28.060, freestanding signs are prohibited within the R-3.5 District, therefore, the existing signs are legally non-conforming signs, which were lawfully constructed but no longer comply with the sign code.

The applicant has proposed to replace the three freestanding signs with new signage and add a fourth freestanding sign at the corner of Warner Parrott Road and Central Point Road where there currently is no sign. The existing signage is legally non-conforming, however, per OCMC 15.28.120, legal non-conforming signs that are removed, replaced or structurally altered must be brought into conformance with the sign code. Therefore, the sign code does not allow for the existing signs to be replaced or the installation of new freestanding signs, and variances are required for the proposed signage.



TYPE III
STAFF REPORT AND RECOMMENDATION
June 22, 2020

FILE NUMBER: GLUA-20-00015 (General Land Use Application), VAR-20-00006, VAR-20-00007, VAR-20-00008, VAR-20-00009 (Variances)

APPLICANT/OWNER: Affinity Property Management
1303 SW 16th Avenue
Portland, OR 97201

Submitted: March 5, 2020
Complete: April 21, 2020
120 Day Deadline: August 19, 2020
PC Hearing: June 22, 2020

REPRESENTATIVE: Todd Mros
Ramsey Signs
9160 SE 74th Avenue
Portland, OR 97206

REQUEST: The applicant requests a variance for four freestanding signs exceeding the maximum number of freestanding signs permitted onsite.

LOCATION: 18713 Central Point Road, Oregon City, Oregon 97045
Clackamas County Map 3-2E-06DB Tax Lots 1601, 1701, 1900, 2100

REVIEWER: Dilia Vassileva, Assistant Planner

RECOMMENDATION: Approval with Conditions.

PROCESS: 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. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. 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. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Conditions of Approval

Planning File GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009

- (P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The applicant shall include the following information with submittal of a building permit associated with the proposed application. The information shall be approved prior to issuance.

1. The applicant shall remove the banners on the fence facing Warner Parrott Road. (P)

I. BACKGROUND:

1. Existing Conditions

The subject site is developed with a multi-family apartment development and has R-3.5 Medium Density Residential zoning. The property is developed with three freestanding signs, located at each driveway of the apartment complex. Per OCMC 15.28.060, freestanding signs are prohibited within the R-3.5 District, therefore, the existing signs are legal non-conforming signs defined as signs that were lawfully constructed but no longer comply with the sign code.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image



2. Project Description

The applicant has proposed to replace three freestanding signs at each entrance of the apartment complex with new signage and add a fourth sign at the corner of Warner Parrott Road and Central Point Road, where there currently is no sign. The subject property has residential zoning where freestanding signs are not permitted in accordance with OCMC 15.28.060.C. The existing signage is legally non-conforming, however, per OCMC 15.28.120, legal non-conforming signs that are removed, replaced or structurally altered must be brought into conformance with the sign code. Therefore, the sign code does not allow for the existing signs to be replaced and or the installation of new freestanding signs, and a variance is required for the proposed signage.

Figure 3: Proposed Site Plan



Figure 4. Proposed Signage – Sign 1

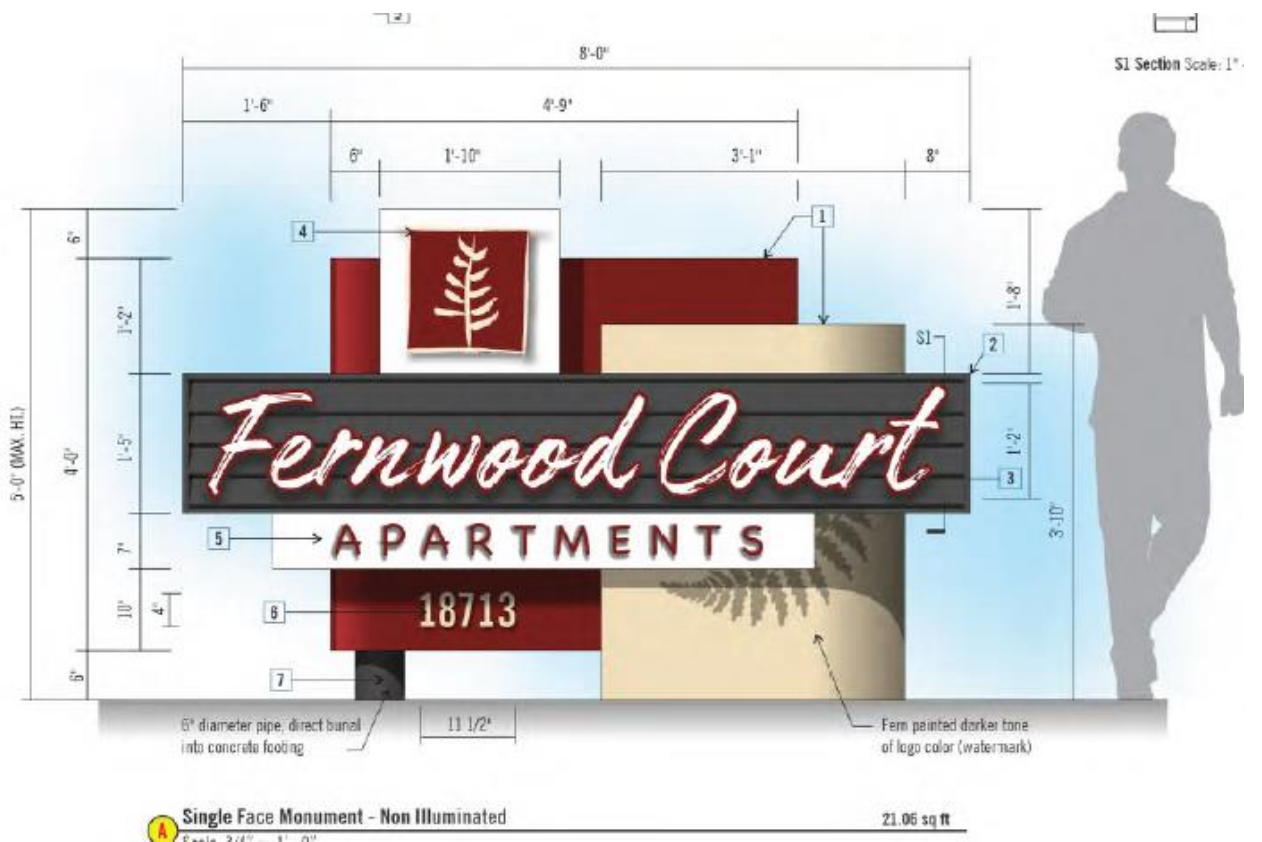


Figure 5. Proposed Signage – Sign 2

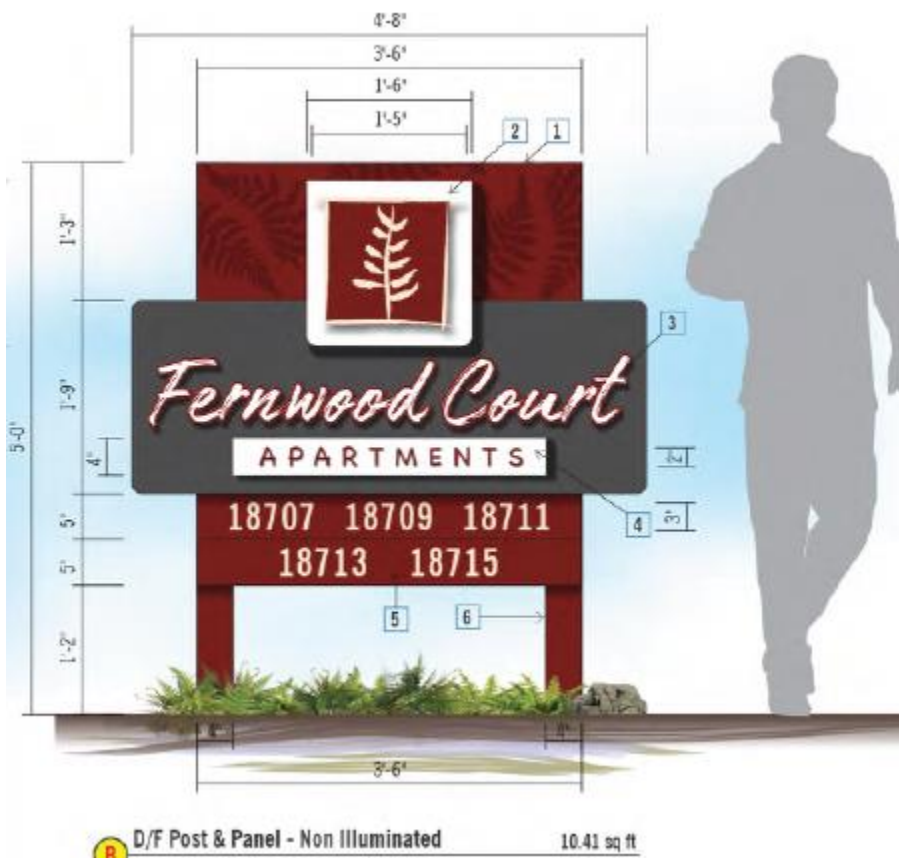


Figure 6. Proposed Signage – Sign 3

Color Side View



Figure 7. Proposed Signage – Sign 4



3. **Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:

15.28 - Signs

17.50 - Administration and Procedures

The City Code Book is available on-line at www.orcity.org.

4. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.
5. **Notice and Public Comment**
Notice of the proposal was sent to various City departments, affected agencies, property owners within 300 feet, and the Neighborhood Association. Additionally, the subject property was posted with signs identifying that a land use action was occurring on the property. As of the writing of this staff report, public comments submitted include (Exhibit 3):

The Oregon City School District indicated the proposal would not conflict with their interests.

The Oregon City Building Division indicated the proposal would not conflict with their interests.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

I. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 15.28 – SIGNS

15.28.060 - Signs in residential zones (excluding multi-family).

These standards apply to the following zoning designations: "R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, and "R-3.5" Dwelling District, except for those subject to [Section 15.28.070](#) or [15.28.100](#).

Finding: Applicable. The subject site is zoned R-3.5 and new signage is subject to compliance with this section.

A. General. All of the following standards apply to all signs in residential zones (excluding multi-family):

1. A minimum of fifty percent of the sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

Finding: Complies as Proposed. The primary construction material of the proposed signs is metal.

2. If a sign is illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.

Finding: Complies as Proposed. The applicant has not proposed illumination for the proposed signs.

3. With the exception of projecting and wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.

Finding: Complies as Proposed. The proposed signs do not project over any right of way.

4. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.

Finding: Complies as Proposed. The proposed signs do not project into pedestrian or vehicular areas.

B. Wall Sign. All of the following standards apply to wall signs in residential zones (excluding multi-family):

Finding: Not Applicable. The applicant has not proposed a wall sign.

C. Freestanding Sign. Freestanding signs are prohibited.

Finding: The applicant has requested a variance to this standard. Please refer to the variance findings in OCMC 15.28.130.

D. Incidental Freestanding Signs. Incidental freestanding signs are prohibited.

Finding: Not Applicable. The applicant has not proposed any incidental freestanding signs.

E. Projecting Signs. All of the following standards apply to projecting signs in residential zones (excluding multi-family):

Finding: Not Applicable. The applicant has not proposed any projecting signs.

F. Roof Signs. Roof signs are prohibited.

Finding: Not Applicable. The applicant has not proposed any roof signs.

G. Ancillary Signs. All of the following standards apply to ancillary signs in residential zones (excluding multi-family):

1. A maximum of two ancillary signs are allowed per property.

2. The sign shall not have more than two faces.

3. The display area shall not exceed twelve square feet and the sign face shall not exceed six square feet.

4. Banners are prohibited in residential zones unless approved under [Section 15.28.070](#).

Finding: Complies with Condition. The applicant has not proposed any ancillary signs, however, the

subject site includes banners which are prohibited in this zone. Furthermore, the banners are located on a fence and signage on fences is prohibited pursuant with OCMC 15.28.110.K. Prior to issuance of a sign permit associated with the variance application, the applicant shall remove the banners on the fence facing Warner Parrott Road. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

15.28.130 Variances

All of the following standards apply to variances to this chapter:

A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:

1. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Finding: Complies as Proposed. The proposed signs will not cause substantial damage to adjacent properties. The proposed signs will help to clearly identify addresses accessed by each entrance of the apartment complex and avoid vehicles having to use driveways of adjacent properties to turn around if they miss the entrance to the apartment complex. Mailed notice of the development was provided to property owners within 300 feet of the subject site, and land use notice signs were posted on the property notifying adjacent properties of the proposed development and providing the opportunity to comment on the proposal. No comments from adjacent property owners or neighborhood residents were received identifying concerns that the proposed signage would negatively impact access to light, air, safe access, or any other desirable or necessary qualities protected by this Title.

2. That the request is the minimum variance that would alleviate the hardship;

Finding: Complies as Proposed. The hardship alleviated by the proposed signage is the subject site's layout. The Fernwood Apartments are comprised of four different properties, each with a separate driveway entrance providing access to different units within the apartment complex. The apartment complex does not include internal vehicular connections between the four properties. A vehicle entering through one of the driveways can only access the apartment units on that property and not the other units on the other three properties that are part of the apartment complex. For this reason, signage is necessary at each entrance in order to direct apartment visitors to the correct entrance that will provide access to the unit they are looking for. Additionally, the site does not have vehicular access from Warner Parrott Road, therefore, the signage on the corner of Warner Parrott Road and Central Point Road to clearly identify the location of the Fernwood Apartments. The five-way intersection of Linn Avenue, Warner Parrott Road, Warner Milne Road and Central Point Road can be confusing and vehicles coming from Warner Milne Road have to get in the correct lane to be able to turn left on Central Point Road. Signage at the corner of Warner Parrott and Warner Milne Road will help visitors coming to the site identify the location of the apartments in advance and give them enough time to get in the correct lane to be able to turn left on Central Point Road and access the apartments.

3. Granting the variance will equal or exceed the purpose of the regulation to be modified;

Finding: Complies as Proposed. The purpose of prohibiting freestanding signs on residential properties is to eliminate sign clutter in single-family residential zones. However, sign code regulations are dictated by property zoning rather than property use. Because the property has residential zoning, it is subject to the same sign code as a single-family residential neighborhood where freestanding signs would be unnecessary and out of place. The regulations for properties with multi-family zoning, where multi-family developments would typically be located would allow for up to six, twenty-square-foot freestanding signs on the subject site. The applicant has proposed four signs that are each less than 20 SF in size, therefore, the proposal would exceed the intent of minimizing sign clutter for multi-family developments, though the development is not subject to these standards since it is located in a residential zone.

4. Any impacts resulting from the adjustment are mitigated;

Finding: Complies as Proposed. The proposal would result in more visual clutter than if the standard was met and no freestanding signs were installed. However, the impacts of the additional visual clutter are mitigated by the wayfinding benefits that the signs provide. The Fernwood Apartments are comprised of four different properties, each with a separate driveway entrance providing access to different units within the apartment complex. The apartment complex does not include internal vehicular connections between the four properties. A vehicle entering through one of the driveways can only access the apartment units on that property and not the other units on the other three properties that are part of the apartment complex. For this reason, signage is necessary at each entrance in order to direct apartment visitors to the correct entrance that will provide access to the unit they are looking for. Additionally, the site does not have vehicular access from Warner Parrott Road, therefore, the signage on the corner of Warner Parrott Road and Central Point Road to clearly identify the location of the Fernwood Apartments. The five-way intersection of Linn Avenue, Warner Parrott Road, Warner Milne Road and Central Point Road can be confusing and vehicles coming from Warner Milne Road have to get in the correct lane to be able to turn left on Central Point Road. Signage at the corner of Warner Parrott and Warner Milne Road will help visitors coming to the site identify the location of the apartments in advance and give them enough time to get in the correct lane to be able to turn left on Central Point Road and access the apartments.

The proposed signage would help visitors efficiently find the address they are looking for and avoid additional vehicular traffic caused by cars going in and out of the different entrances of the apartments trying to find an address or using adjacent properties to turn around if they missed the entrance they needed to go into. The wayfinding benefits that the signage provides will mitigate the negative impacts of additional visual clutter caused by the proposed signage resulting in an overall better development.

5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Finding: Complies as Proposed. Practical alternatives for providing the Fernwood Apartments with the wayfinding signage needed include installing ancillary signs, projecting signs or wall signs rather than freestanding signs. Similarly sized wall or projecting signs could be installed, however, not all of the driveway entrances include a building wall near the driveway where a projecting or wall sign could be installed and be visible from the vehicles driving on Central Point Road. Ancillary signs are also limited to six square feet and would be difficult to see from Central Point. Additionally, the subject site is already developed with the maximum number of ancillary signs permitted which are needed to identify speed limits within the apartment complex, internal wayfinding signage, and signs with towing information. Roof signs and incidental freestanding signs are also prohibited within residential zones, therefore, they are not feasible alternatives to freestanding signs. No other practical alternatives have been identified which would accomplish the same purpose and not require a variance have been identified.

6. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Finding: Not Applicable. The Comprehensive Plan does not contain any goals or policies that are specific to signs.

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.

C. Procedure. A variance application shall be treated in the manner provided by [Chapter 17.50](#) of this code with respect to zoning variances.

Finding: Complies as Proposed. The applicant has submitted the required fees.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.050 Preapplication Conference

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. 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. The purpose of the preapplication 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. 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 preapplication conference. Notwithstanding any representations by City staff at a preapplication 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.

B. A preapplication 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 must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Finding: Complies as Proposed. A Pre-application conference was held on November 19, 2019 (PA 19-64). The application was submitted within six months of the pre-application conference on March 5, 2020.

17.50.055 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.

1. 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. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.

3. A meeting shall be scheduled within thirty days of the notice. 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 hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.

4. 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.

5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Finding: Complies as Proposed. The subject site is located within the South End Neighborhood Association, which is not currently active. Therefore, the applicant attended a Citizen Involvement Committee meeting on January 6, 2020. The applicant submitted the meeting agenda to demonstrate compliance with this standard, and indicated that the Citizen Involvement Committee was in support of the proposal.

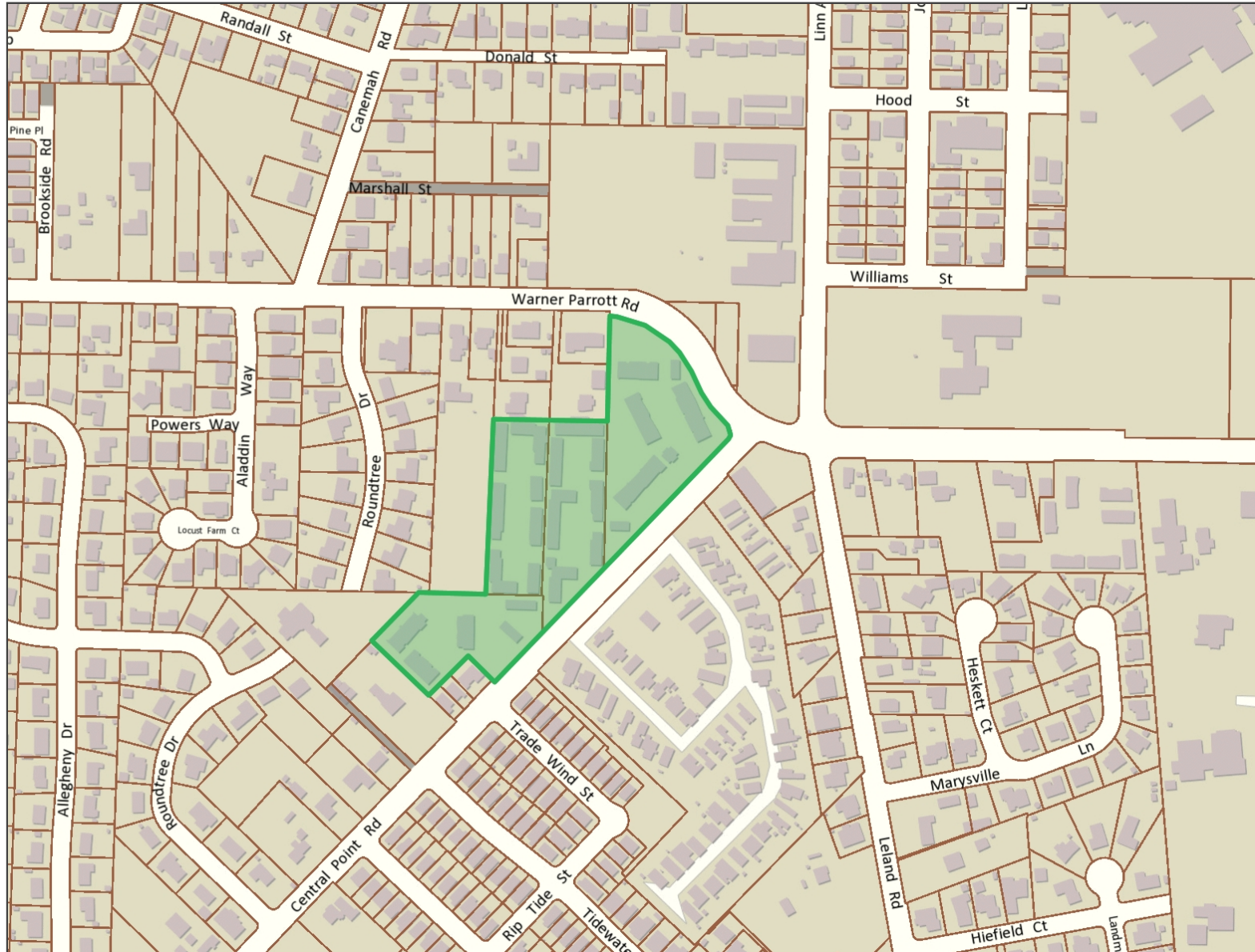
CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed development located at 18713 Central Point Road, Oregon City, Oregon 97045, identified as Clackamas County Map 3-2E-06DB Tax Lots 1601, 1701, 1900, 2100 can meet the requirements as described in the Oregon City Municipal Code. Therefore, the Community Development Director recommends approval of Planning Files GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009 based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Applicant's Narrative and Plans (On File)
3. Public Comments

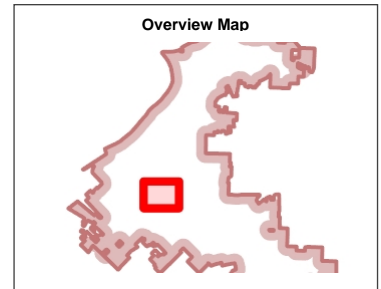
GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009 Vicinity Map



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 400 800 Feet

1: 4,800

Map created 6/15/2020

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orecity.org





OREGON CITY

Community Development - Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review
- ☐ Extension of Approval

Type II (OCMC 17.50.030.B)

- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☒ Variance
- ☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Sign Variance

Project Name: The Fernwood Court Apts Number of Lots Proposed (If Applicable): 1

Physical Address of Site: 18713 S. Central Point Rd, Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): 3-2E-06DB Tax Lot 1900

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Lydia Stiles - Affinity Property Management Date: 01/07/2020

Mailing Address: 1303 SW 16th Ave., Portland, OR 97201

Phone: 503-892-0099 Fax: _____ Email: lstiles@affinityproperty.com

Property Owner(s):

Property Owner(s) Signature: [Signature] For: STEEP FERNWOOD APARTMENTS LLC

Property Owner(s) Name Printed: Affinity Property Management Date: 01/07/2020

Mailing Address: 1303 SW 16th Ave., Portland, OR 97201

Phone: 503-892-0099 Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: [Signature]

Representative (s) Name Printed: Todd Mros - Ramsay Signs Date: 01/07/2020

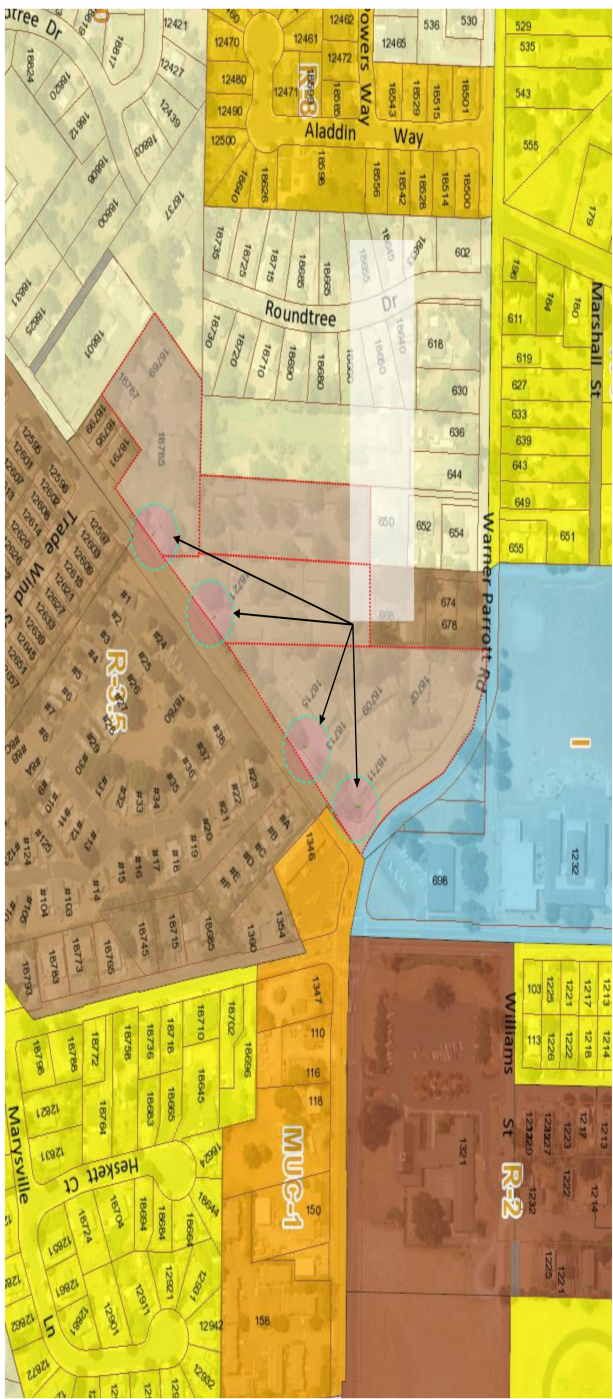
Mailing Address: 9160 SE 74th Ave, Portland, OR 97206

Phone: 503.777.4555 Fax: 503.777.0220 Email: toddm@ramsaysigns.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

www.oregoncity.org/planning

LOCATIONS



PROPOSED SIGN LOCATIONS



Proposed monument sign



9160 SE 74th Ave
Portland OR 97206
503.777.4555
800.613.4555
Fax 503.777.0220
ramsaysigns.com

Client:
Fernwood Court Apts
18713 S. Central Point Road
Oregon City Oregon
97045

Date:
5/14/19
Project Manager:
Todd Mros
Designer:
Garrett Mattimoe

Client Approval + Date

Landlord Approval + Date

Revisions:			
R1	5/29/19	R7	9/23/19
R2	6/5/19	R8	9/30/19
R3	7/9/19	R9	12/2/19
R4	7/29/19		
R5	7/31/19		
R6	8/22/19		



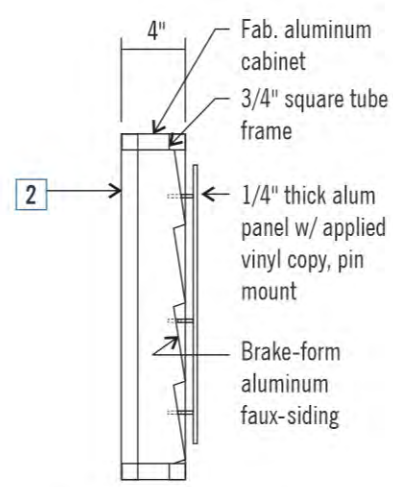
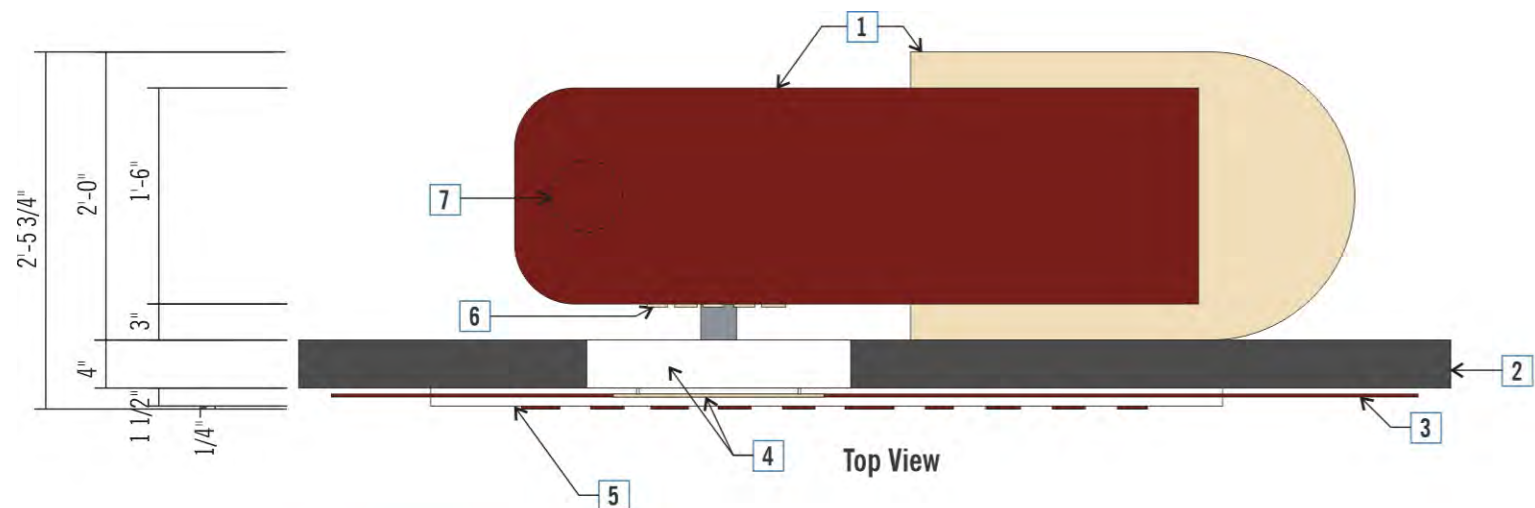
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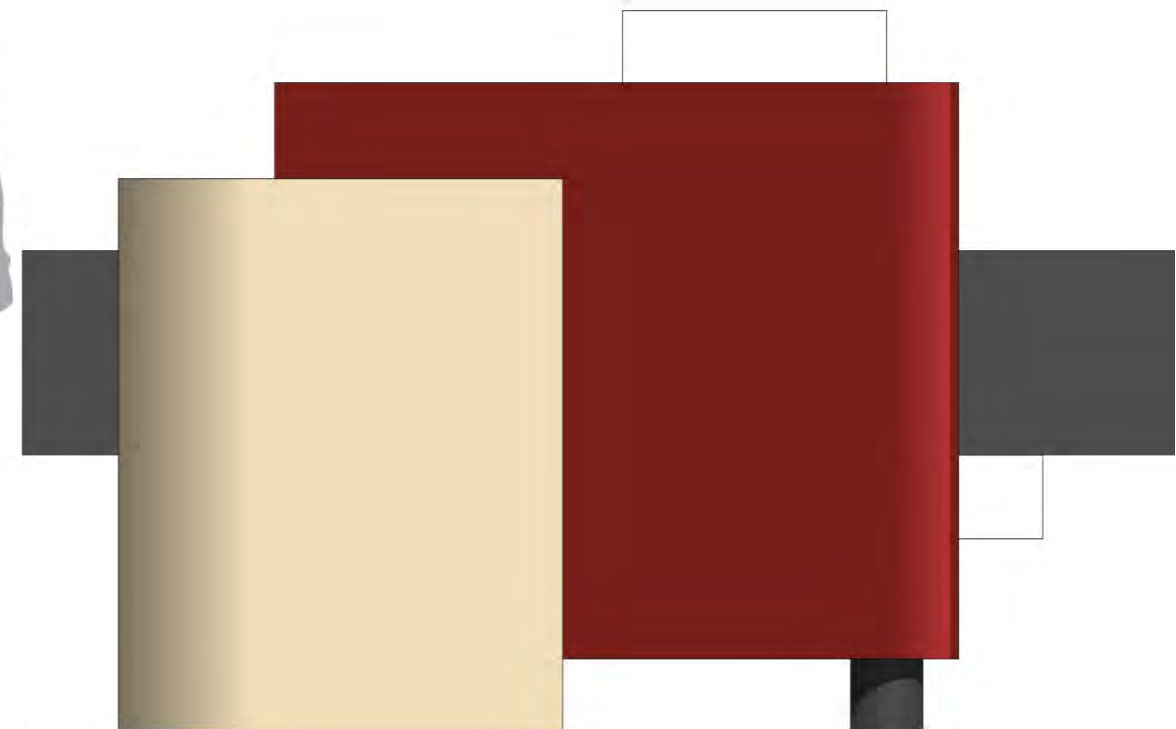
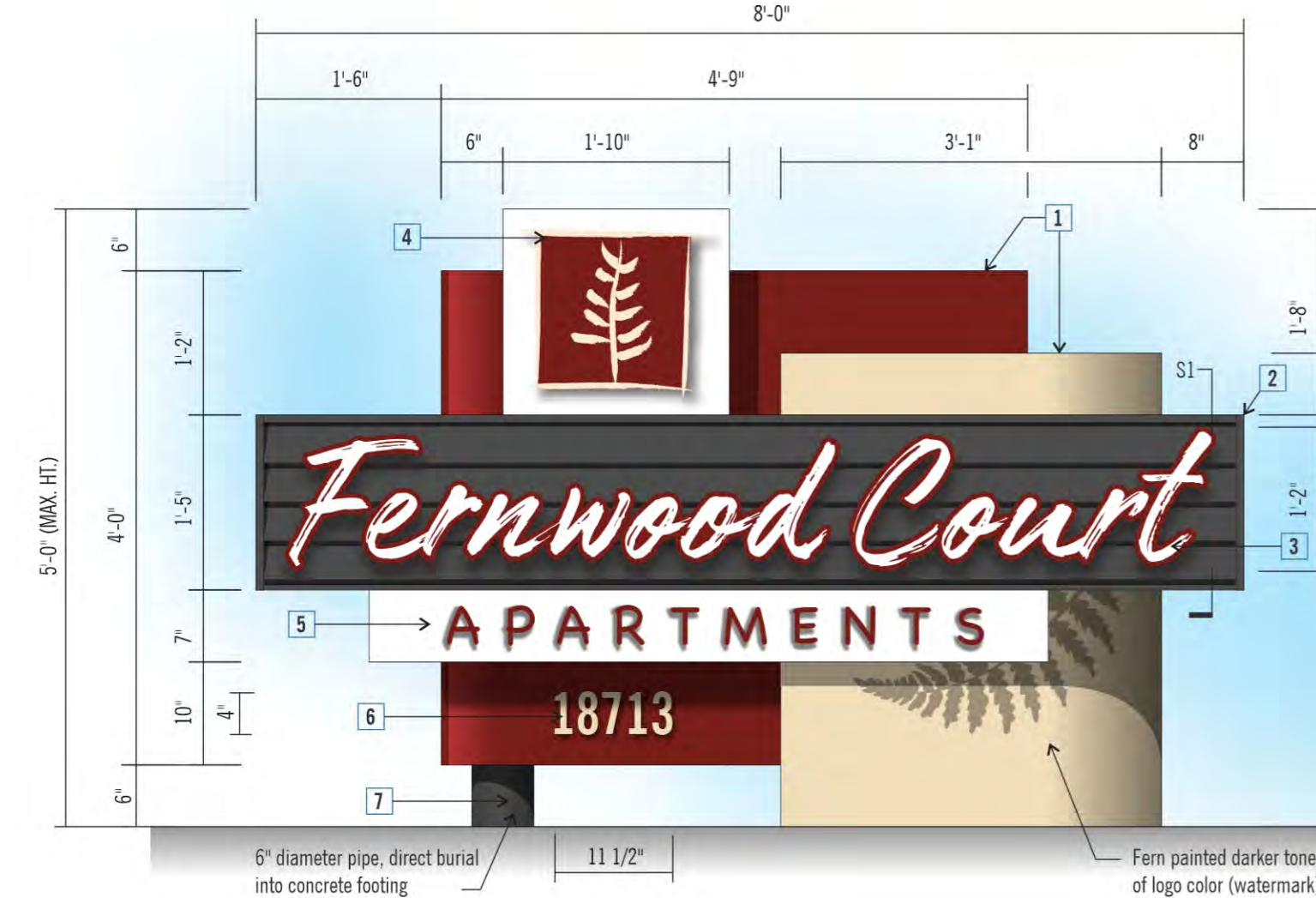
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In the event that such exhibition occurs, Ramsay Signs Inc. expects to be reimbursed 15% of total project value in compensation for time and effort entailed in creating these plans.



Manufacture and install one (1) non-illuminated single face monument

- 1 Sign body and accent wall to be fabricated aluminum painted per color chart
- 2 Sign panel to be fabricated aluminum as per section view S1 and painted as per color chart
- 3 Logo type panel to be 1/4" thick aluminum painted as per chart and stud mounted using 1/2" tube spacers painted per chart. "Fernwood Court" logo type FCO letters to be .090" aluminum painted White and flush mounted
- 4 Logo symbol to be FCO 1/4" thick aluminum painted two colors as per chart. Stud mount using 1/2" spacer tubes painted to match fabricated aluminum backer-panel, per chart
- 5 "APARTMENTS" FCO letters to be 1/4" thick aluminum painted per chart, flush mounted to fabricated 1 1/2" deep aluminum back panel painted per chart
- 6 Address numerals to be 1/4" thick aluminum painted per chart and flush mounted to sign body
- 7 6" diameter steel support pipe painted per color chart, direct burial into concrete footing



Backside

A Single Face Monument - Non Illuminated 21.06 sq ft
Scale: 3/4" = 1' - 0"

PMS 7544	PMS 1815	PMS 7506	PMS 431	PMS White
----------	----------	----------	---------	-----------

Paint Color Chart



9160 SE 74th Ave
Portland OR 97206
503.777.4555
800.613.4555
Fax 503.777.0220
ramsaysigns.com

Client:
Fernwood Court Apts
18713 S. Central Point Road
Oregon City Oregon
97045

Date:
5/14/19
Project Manager:
Todd Mros
Designer:
Garrett Mattimoe

Client Approval + Date
Landlord Approval + Date

Revisions:	
R1 5/29/19	R7 9/23/19
R2 6/5/19	R8 9/30/19
R3 7/9/19	R9 12/2/19
R4 7/29/19	
R5 7/31/19	
R6 8/22/19	



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Proposed sign shown installed horizontal to flow of traffic.



Current conditions - remove existing



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Manufacture and install one (1) non-illuminated single face post & panel

- 1

Upper portion of sign body to be fabricated aluminum painted two colors as per color chart
- 2

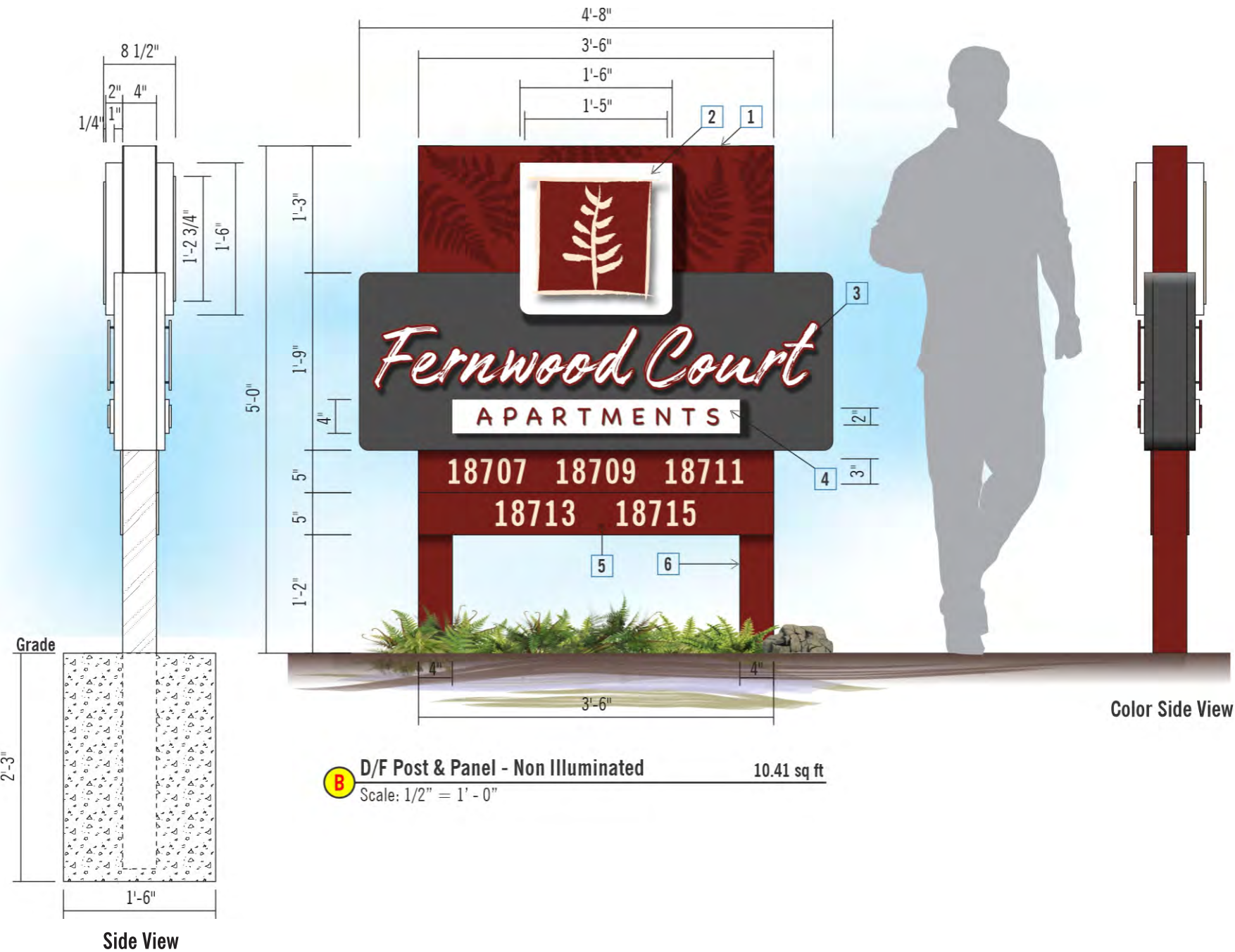
Logo symbol to be FCO 1/4" thick aluminum painted two colors as per chart. Stud mount using 1/2" spacer tubes painted to match fabricated aluminum backer-panel, per chart
- 3

Logo type panel to be 1/4" thick aluminum painted as per chart and stud mounted using 1/2" tube spacers painted per chart. "Fernwood Court" logo type FCO letters to be .090" aluminum painted White and flush mounted
- 4

"APARTMENTS" FCO letters to be 1/4" thick aluminum painted per chart, flush mounted to fabricated 1/2" deep aluminum back panel painted per chart
- 5

Address numerals to be masked and painted onto 1/4" thick aluminum painted address panels
- 6

4" aluminum posts painted per color chart. Direct burial into concrete footing



Located at main entry to property

PMS 7544	PMS 1815	PMS 7506	PMS 431	PMS White
-------------	-------------	-------------	------------	--------------

Paint Color Chart



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R6 8/22/19	

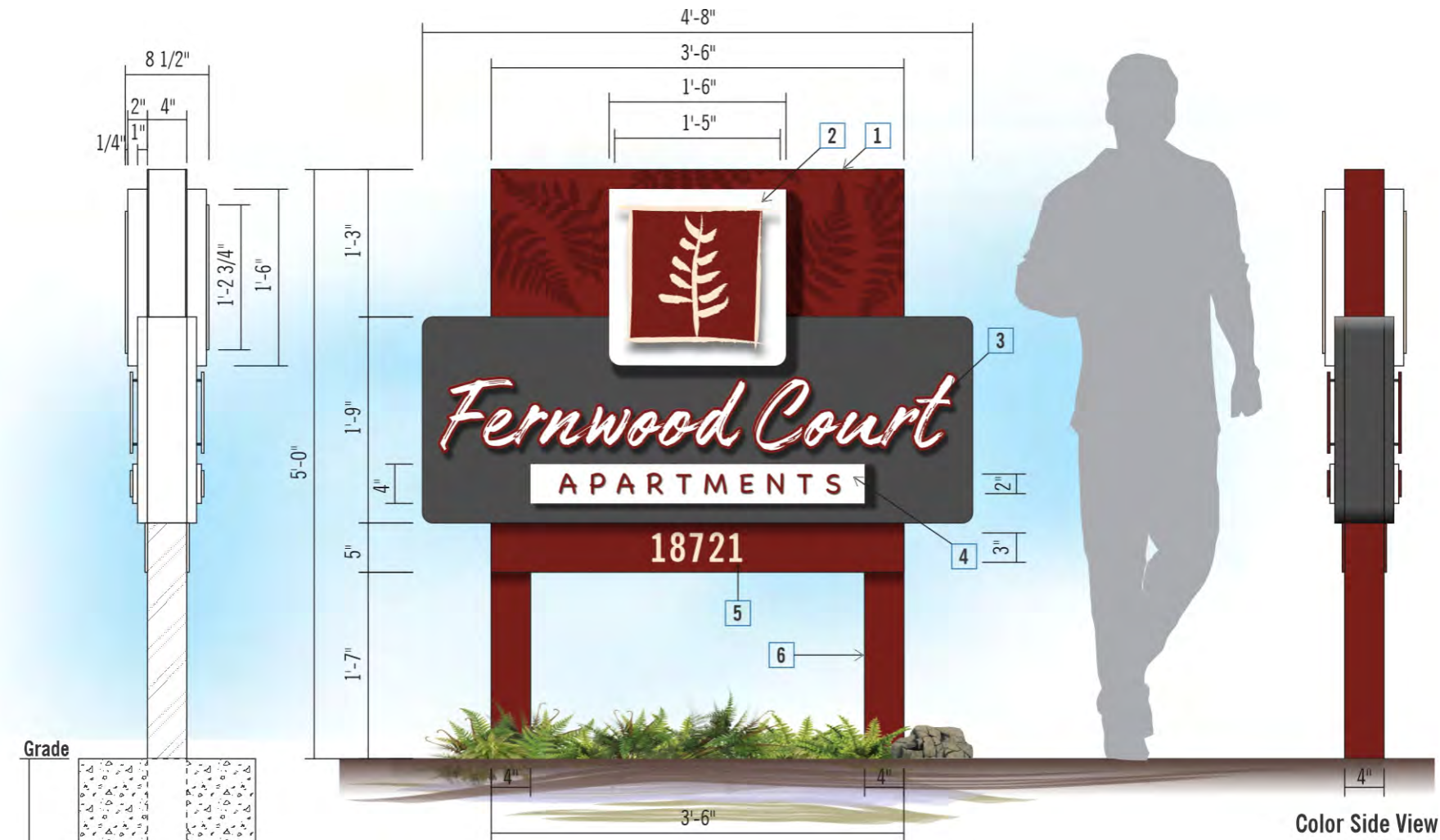


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Manufacture and install one (1) non-illuminated single face post & panel

- 1 Upper portion of sign body to be fabricated aluminum painted two colors as per color chart
- 2 Logo symbol to be FCO 1/4" thick aluminum painted two colors as per chart. Stud mount using 1/2" spacer tubes painted to match fabricated aluminum backer-panel, per chart
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- 4 "APARTMENTS" FCO letters to be 1/4" thick aluminum painted per chart, flush mounted to fabricated 1/2" deep aluminum back panel painted per chart
- 5 Address numerals to be masked and painted onto 1/4" thick aluminum painted address panels
- 6 4" aluminum posts painted per color chart. Direct burial into concrete footing



C D/F Post & Panel - Non Illuminated 10.41 sq ft
Scale: 3/4" = 1' - 0"

Side View

Color Side View

PMS 7544	PMS 1815	PMS 7506	PMS 431	PMS White
----------	----------	----------	---------	-----------

Paint Color Chart



Current conditions - remove existing



Sign to be installed horizontal to flow of traffic.



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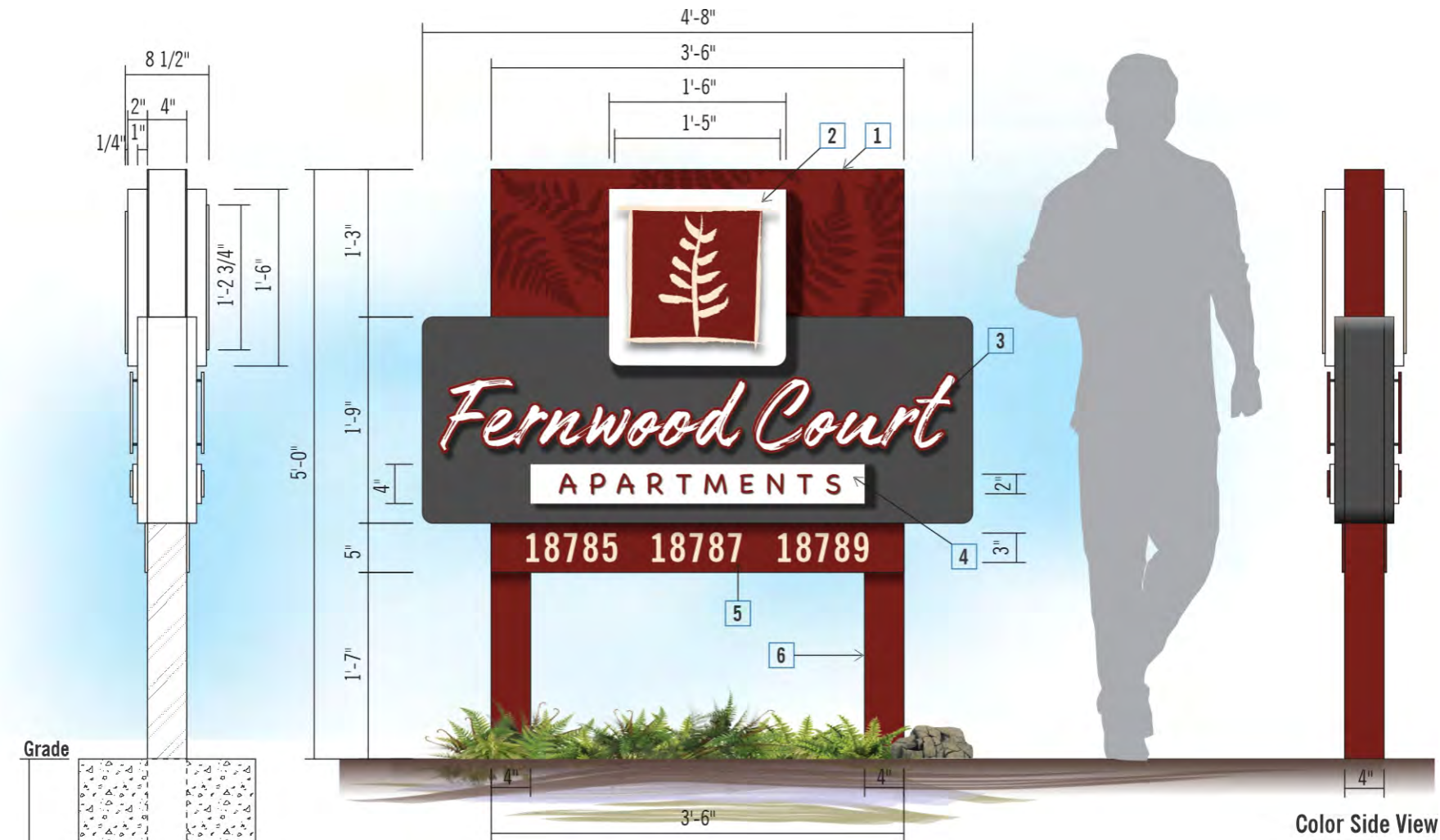


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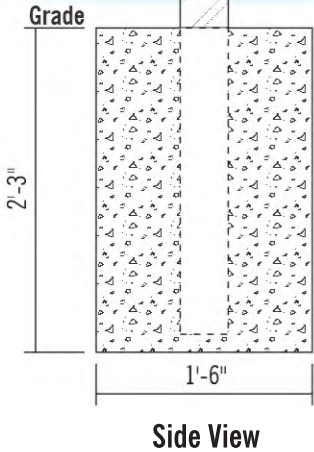
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- 6 4" aluminum posts painted per color chart. Direct burial into concrete footing



D D/F Post & Panel - Non Illuminated 10.41 sq ft
Scale: 3/4" = 1' - 0"



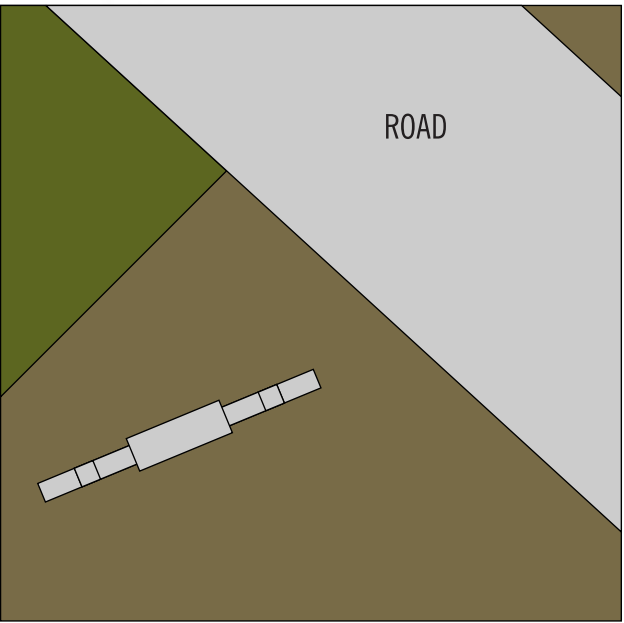
Side View



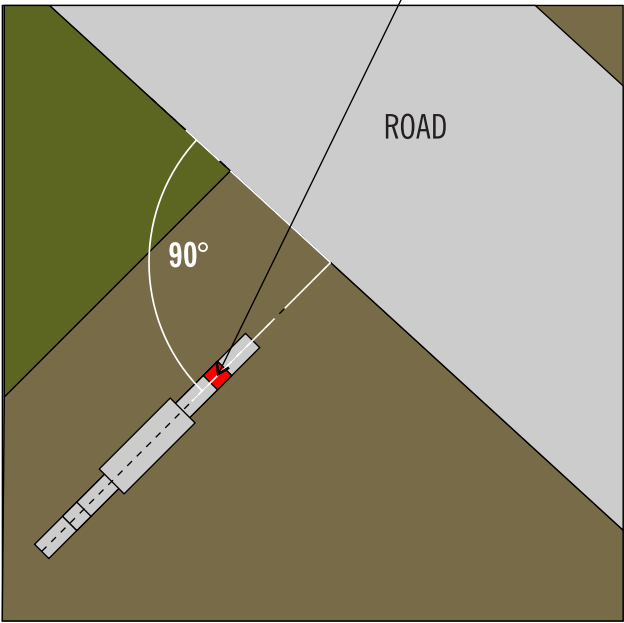
Paint Color Chart



Current conditions - remove existing



Plan View / EXISTING CONDITIONS



Plan View / PROPOSED REINSTALL @ 90 degrees

Sign to be installed horizontal to flow of traffic, see plan view above



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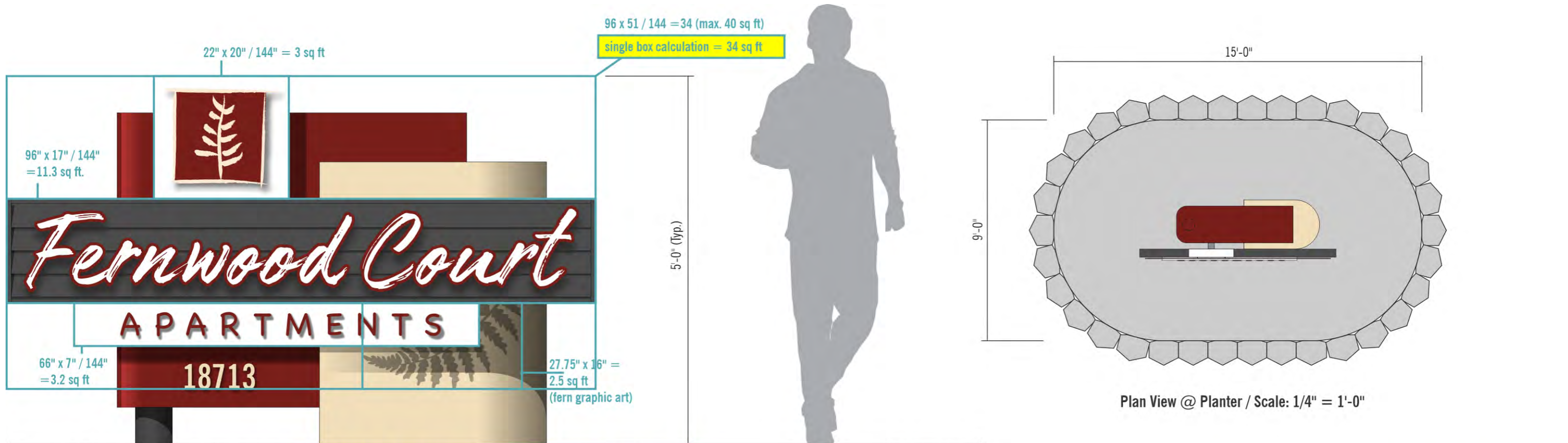
Client Approval + Date
Landlord Approval + Date

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Ⓐ $11.3 + 3.2 + 3 = 17.5 + 2.5 = 20$ sq ft sign area / calculated without fern graphic = 17.5 sq ft

SCALE: 3/4" = 1'-0"



SCALE: 3/4" = 1'-0"

$8.16 + 2.25 = 17.5 = 10.41$ Total square feet

10.41 Total square feet

10.41 Total square feet



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TYPE III –SIGN VARIANCE APPLICATION

Applicant's Submittal

Date

APPLICANT: Ramsay Signs Inc.
9160 SE 74th Ave.,
Portland, OR 97206

OWNER: Affinity Property Management
1303 SW 16th Avenue,
Portland, OR 97201

REQUEST: four new signs for the Fernwood Court Apts

LOCATION: 18713 S. Central Point Rd.,
Oregon City, OR 97045
Map 3-2E-06DB, Tax Lots 1601, 1701,1900, 2100

I. BACKGROUND:

1. **Existing Conditions:** There are small entrance signs at each entrance.
2. **Project Description:** We are proposing a single main ID sign at the intersection of S. Central Point Road and Warner Parrot Rd. and one entrance sign at each of the three parking lot entrances.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 15.28 – SIGNS

15.28.060 - Signs in residential zones (excluding multi-family).

These standards apply to the following zoning designations: "R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, and "R-3.5" Dwelling District, except for those subject to Section 15.28.070 or 15.28.100.

A. General. All of the following standards apply to all signs in residential zones (excluding multi-family):

- 1. A minimum of fifty percent of the sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.*
- 2. If a sign is illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.*
- 3. With the exception of projecting and wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.*
- 4. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.*

Applicant's Response: This is the property's current zoning district. It is a multifamily property. We are asking for the minimum relief to operate successfully in our location.

B. Wall Sign. All of the following standards apply to wall signs in residential zones (excluding multi-family):

1. A maximum of one wall sign is allowed for each property frontage. A wall sign is prohibited if there is a projecting sign along the same property frontage.
2. The sign face shall not exceed twelve square feet.
3. The sign width shall not exceed five linear feet.

Applicant's Response: We are not proposing any wall signs.

C. Freestanding Sign. Freestanding signs are prohibited.

Applicant's Response: We are asking for the minimum needed signage allowed for like properties in like situations in multifamily zones.

D. Incidental Freestanding Signs. Incidental freestanding signs are prohibited.

E. Projecting Signs. All of the following standards apply to projecting signs in residential zones (excluding multi-family):

1. A maximum of one projecting sign is allowed for each property frontage. A projecting sign is prohibited if there is a wall sign along the same property frontage.
2. The display area shall not exceed twenty-four square feet and the sign face shall not exceed twelve square feet.
3. The sign shall not have more than two faces.
4. The projection from a building wall shall not exceed six feet and shall not project within two feet of the curb line.
5. The projection above the wall on which the sign is constructed shall not exceed one foot.
6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

F. Roof Signs. Roof signs are prohibited.

G. Ancillary Signs. All of the following standards apply to ancillary signs in residential zones (excluding multi-family):

1. A maximum of two ancillary signs are allowed per property.
2. The sign shall not have more than two faces.
3. The display area shall not exceed twelve square feet and the sign face shall not exceed six square feet.
4. Banners are prohibited in residential zones unless approved under [Section 15.28.070](#).

Applicant's Response: We are not proposing any of the above listed signs.

15.28.130 Variances

All of the following standards apply to variances to this chapter:

A. Grounds for Variance. Upon application by an applicant, the planning commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:

1. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Applicant's Response: We can see no way that granting this variance will negatively effect adjacent properties in any way.

2. That the request is the minimum variance that would alleviate the hardship;

Applicant's Response: We believe that granting this variance is the minimum needed to alleviate the hardship and simply allows this property the same opportunities afforded like properties in multifamily residential zones.

3. Granting the variance will equal or exceed the purpose of the regulation to be modified;

Applicant's Response: In that this multifamily property is in a single family zone and the City staff has suggested that the zoning for this property should be changed to a more appropriate zone we believe that the above statement is true and that this will equal or exceed the purpose of the regulation to be modified.

4. Any impacts resulting from the adjustment are mitigated;

Applicant's Response: We do not foresee any negative impacts.

5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Applicant's Response: We did not find any practical alternatives.

6. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Applicant's Response: We believe that this variance does conform to the comprehensive plan.

B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city commission and on file with the city recorder.

C. Procedure. A variance application shall be treated in the manner provided by [Chapter 17.50](#) of this code with respect to zoning variances.

Applicant's Response: We agree.

OCMC 17.50 – ADMINISTRATIVE PROCESSES

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.

Applicant's Response: We accept this process and timeline.

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.

Applicant's Response: This has been accomplished and we were approved.

- 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.*

Applicant's Response: Complete

- 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.*

Applicant's Response: Complete

Variance Letter for Fernwood Court Apartments

18712 S. Central Point Road, Oregon City, OR 97045

To Whom it May Concern,

We are seeking a variance to the R-3.5 Sign Code for the Fernwood Court Apartments to allow for more practical signage for visibility and wayfinding purposes for this multi-family property.

The Fernwood Court Apartments are a multi-family residential property at a busy intersection of S. Central Point and Warner Parrott Roads and within site of the even busier intersection of Warner Parrott and Leland Roads.

The Fernwood Court Apartments are situated in an R-3.5 zone. The property backs to other single family residential properties however it is also adjacent to an industrial zone(across Warner Parrott Rd.), an R-2 zone and a MUC-1 zone(across S. Central Point Rd.). No signage would face the single-family zones that share a property line with the Fernwood Court Apartments.

The main ID sign is to be located at the busiest intersection facing no single-family residential properties and is the only sign located along Warner Parrott Road.

The three entrance signs are non-illuminated and reduced in size to be less obtrusive but large enough to serve the purpose of wayfinding for the three separate entrances along S. Central Point Road.

We are asking to be allowed all three signs due to the unique situation and configuration of the property:

- 1) This property consists of four tax lots with three entrances along S. Central Point Road. Each of these entrances lead to separate sections of the property that do not interconnect so it is vital that each entrance is distinct and easily located.
- 2) Individual apartment addresses must be easy for emergency services, deliveries and the public at large to find and we propose achieving this by using a consistent sign design for each entrance sign with highly visible, individual address numbers located in a consistent location on each sign. We believe that address panels are not enough to accomplish this and that the apartment name and a consistent style of sign will help assure quick and obvious connection to all entrances.

Thank you for your time and consideration,



Todd Mros

Ramsay Signs



OREGON CITY

Pre-Application Conference Notes

PA 19-64, November 19, 2019

Please note that the pre-application conference notes are based on the applicant's pre-application conference submittal. A finalized version of the pre-application conference notes that reflects any additional items discussed during the meeting will be provided to the applicant following the pre-application conference.

Proposed Project:

Fernwood Apartments Sign Variances

Location:

19678 Central Point, Oregon City, OR 97045
Clackamas County Map 3-2E-06DB, Tax Lot 1900
Zoning: "R-3.5" District

Timing and Process:

This application includes a Type III decision process for a sign variance. Pursuant to OCMC Section 17.50.050, a pre-application conference is valid for a period of six months. The applicant has 180 days from the date of submittal of a land use application to have a complete application.

Upon a complete application submittal, the applicant is entitled to a decision from the city of approval, approval with conditions, or denial within 120 days by state law. Type III decisions are rendered by the Planning Commission, with appeal on the record to the City Commission, and then LUBA.

Type III decisions require a minimum of one public hearing before the Planning Commission and 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.

Signs in Residential Zones (excluding multi-family) – OCMC 15.28.060

These standards apply to the following zoning designations: "R-10" Single-Family Dwelling District, "R-8" Single-Family Dwelling District, "R-6" Single-Family Dwelling District, "R-5" Single-Family Dwelling District, and "R-3.5" Dwelling District, except for those subject to [Section 15.28.070](#) or [15.28.100](#).

A. General. All of the following standards apply to all signs in residential zones (excluding multi-family):

1. A minimum of fifty percent of the sign shall be constructed of metal, wood, stone, brick, rock or any combination thereof.
2. If a sign is illuminated, the source of illumination shall be external to the sign and directed or shielded so as to not shine directly onto any neighboring structures.
3. With the exception of projecting and wall signs, signs shall not project over the right-of-way. Signs projecting into the right-of-way shall receive approval by the city engineer.
4. With the exception of wall signs, signs shall maintain a minimum clearance of ten feet above grade over pedestrian or vehicular areas, and fourteen feet above grade over areas of truck access.

B. Wall Sign. All of the following standards apply to wall signs in residential zones (excluding multi-family):

1. A maximum of one wall sign is allowed for each property frontage. A wall sign is prohibited if there is a projecting sign along the same property frontage.
2. The sign face shall not exceed twelve square feet.

✓ 3. The sign width shall not exceed five linear feet.

C. Freestanding Sign. Freestanding signs are prohibited.

D. Incidental Freestanding Signs. Incidental freestanding signs are prohibited.

E. Projecting Signs. All of the following standards apply to projecting signs in residential zones (excluding multi-family):

1. A maximum of one projecting sign is allowed for each property frontage. A projecting sign is prohibited if there is a wall sign along the same property frontage.

2. The display area shall not exceed twenty-four square feet and the sign face shall not exceed twelve square feet.

3. The sign shall not have more than two faces.

4. The projection from a building wall shall not exceed six feet and shall not project within two feet of the curb line.

5. The projection above the wall on which the sign is constructed shall not exceed one foot.

6. The visible supporting structure shall be constructed of metal, wood, stone, brick, rock or any combination thereof.

F. Roof Signs. Roof signs are prohibited.

G. Ancillary Signs. All of the following standards apply to ancillary signs in residential zones (excluding multi-family):

1. A maximum of two ancillary signs are allowed per property.

2. The sign shall not have more than two faces.

3. The display area shall not exceed twelve square feet and the sign face shall not exceed six square feet.

4. Banners are prohibited in residential zones unless approved under Section 15.28.070.

Sign Variances – OCMC 15.28.130

- Grounds for Variance. The Planning Commission may grant a specific variance from provisions of this chapter provided all of the following circumstances exist:
 - That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
 - Letters from adjacent property owners can be helpful in demonstrating compliance with this standard.
 - That the request is the minimum variance that would alleviate the hardship;
 - The application should identify a hardship that prevents the development from meeting the code.
 - Any impacts resulting from the adjustment are mitigated;
 - No practical alternatives have been identified that would accomplish the same purpose and not require a variance; and
 - What other options have been considered? Why can't another type of sign or change of copy of existing signage work?
 - The variance conforms to the comprehensive plan and the ordinance being varied.

Other Notes:

- A neighborhood association meeting is required for a sign variance application. The property is within the South End Neighborhood Association.

Neighborhood Association: South End NA – Currently Inactive

Requests for a neighborhood association meeting for a land use application would require a meeting with the Citizen Involvement Committee (CIC). Please contact the CIC staff liaison, Senior Planner, Christina Robertson-Gardiner to schedule a meeting with the CIC.
Christina Robertson-Gardiner, 503.496.1564, crobertson@orc.org

- OCMC 17.50.055 requires submittal of the meeting sign-in sheet, a summary of issues discussed, and a letter from the neighborhood association indicating that a meeting was held.
- Your application was transmitted to the State Historic Preservation Office (SHPO) and affected tribes for review. Comments received have been provided.

Applications Anticipated and Fees:

- Planning application anticipated:
 - Sign Variance: \$1,368 per sign variance
 - Mailing Labels: \$17 or provided by applicant
 - 2019 Planning Fee Schedule

Applications, Checklists and Links:

- Type III Review Process
- Land Use Application
- Oregon City Municipal Code
- Variance Checklist

Planning Division

Diliana Vassileva, Assistant Planner, reviewed your pre-application for the Planning Division. Diliana may be reached at 503-974-5501 or dvassileva@orccity.org.

Building Division:

You may contact Mike Roberts, Building Official at 503.496.1517 or by email at mroberts@orccity.org.

Clackamas Fire District:

Questions can be directed to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at (503)742-2660 or michaelbou@ccfd1.com.

Oregon City Municipal Code Criteria:

A template with applicable code criteria will be provided by staff following the pre-application conference. The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:

OCMC 15.28 - Signs

OCMC 17.50 – Administration and Procedures

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. 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. The purpose of the preapplication 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. 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 preapplication conference. Notwithstanding any representations by City staff at a preapplication 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.

B. A preapplication 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 must schedule and attend another conference before the City will accept a permit application. The community development director

may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.



DEVELOPMENT SERVICES PRE-APPLICATION MEETING NOTES

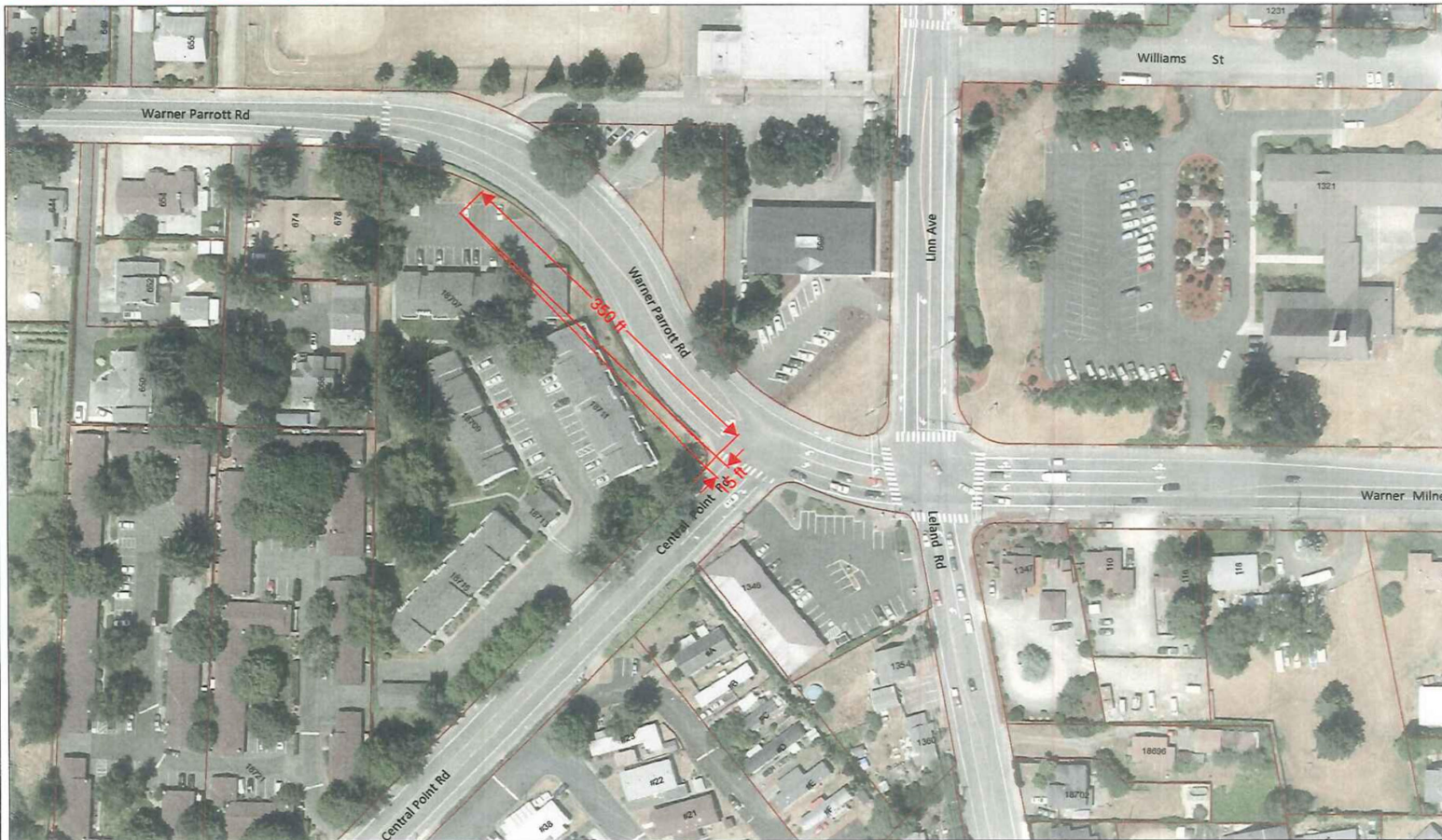
Planning Project Number: PA 19-64
Address: 19678 South Central Point Road, Oregon City, OR 97045
Map Number(s): 3-2E-06DB
Tax Lot(s): 01900
Project Name: Fernwood Apartments Sign Variance
Meeting Date: November 19, 2019
Reviewer(s): Jeremy Tamargo, PE

Comments

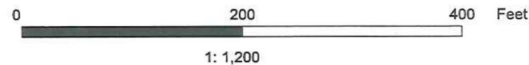
1. All proposed signs shall meet the provisions of Oregon City Municipal Code (OCMC) Chapter 10.32 for traffic sight obstructions. The purpose of this chapter is to maintain clear vision areas at intersections so that vehicle and pedestrian safety can be maximized.
2. The proposed sign location at the intersection of Warner Parrot Road and Central Point Road does not appear to meet the provisions of OCMC Chapter 10.32. See attached figure for the approximate required clear vision area. A clear vision area shall contain no vegetation or fences or other artificial obstruction exceeding three feet in height measured from the top of the curb.
3. The City is currently in the conceptual planning stages for the proposed Central Point Roundabout outlined in the City's Transportation System Plan. The proposed 5-leg roundabout will impact the intersection alignment of Warner Parrot Road and Central Point Road. See attached figure for the conceptual roundabout design.

Chapter 10.32 Traffic Sight Obstructions
Approximate Clear Vision Area - DRAFT NOTES

Oregon City GIS Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



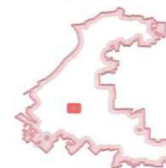
Map created 11/16/2019

Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

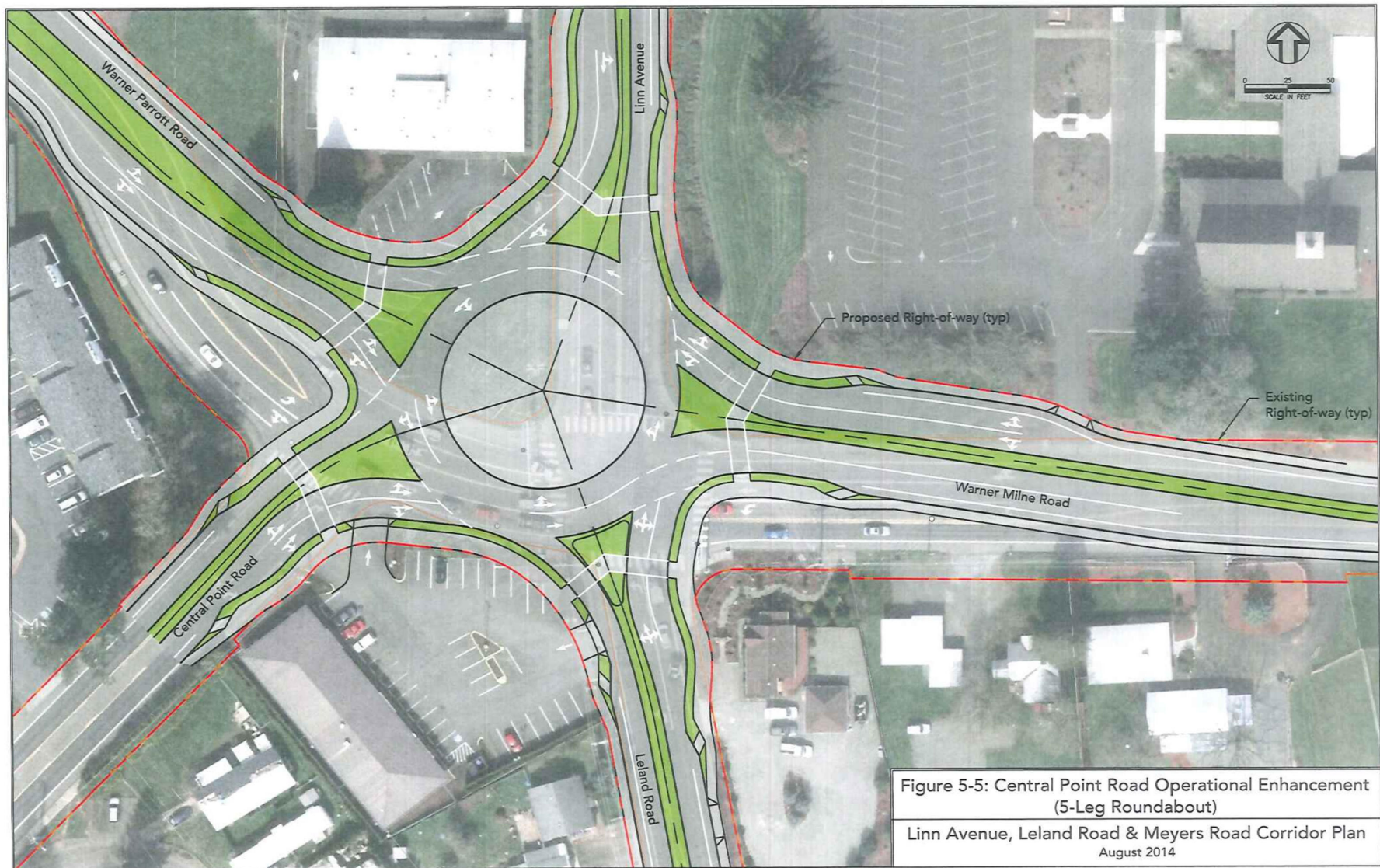
Notes

Overview Map



City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org







City of Oregon City

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

Meeting Agenda

Citizen Involvement Committee

Monday, January 6, 2020

7:00 PM

Commission Chambers

1. Call to Order

2. Presentations

- 2a. Fernwood Apartments Sign Variance, Christopher Slovick Ramsay Signs
- 2b. Downtown Oregon City Association (DOCA) Update, Liz Hannum, Executive Director

3. Public Comment

4. Staff Liaison Updates

4a. Staff Liaison Update

Attachments: [Liaison Staff Report](#)
[Boards and Commissions -Apply Online](#)
[Development Services City Code Amendments to Sanitary Sewer and Overhead Utilities- December Presentation](#)
[River Terrace Memory Care Addition- December Presentation](#)

5. Elections

- 5a. Election of Chair, Vice Chair and Secretary Positions

6. General Business

- 6a. Amendments to OCMC 12.30- Citizen Involvement Committee and Creation of Bylaws
- Request for CIC Support: Park Place and Barclay Hills Neighborhood Associations Request for Future Pedestrian Crossings

7. Roundtable

7a. Upcoming Neighborhood Association Meetings

Send all 2020 neighborhood meeting dates and any updated contact information to Kesi McNall kmcnall@orcify.org for city website.

Barclay Hills Neighborhood

Chair: Karla Laws, karla.laws@gmail.com

Vice Chair: Aaron Wolf, wolftune@gmail.com

Treasurer: Janice Morris, mad91058@msn.com

Secretary: OPEN

CIC Primary Representative: Janice Morris, mad91058@msn.com

CIC Alternate Representative: karla.laws@gmail.com

Meeting Information: Meetings held the second Tuesday of January, March, May, July, September, and November beginning at 7:00 p.m.

2020 General Meeting Dates: TBD

Located: St. John the Apostle Cemetery, 445 Warner Street, Oregon City, OR 97045

Canemah Neighborhood

Chair: Ken Baysinger, k.baysinger@comcast.net

Vice Chair: Bob Siewert, siewert.bob@gmail.com

Secretary: Ben Deitch, bfdeitch@gmail.com

Treasurer: Terry Bee Enstad, Thebee29@gmail.com

CIC Primary Representative: Dennis Anderson, GO2Danderson@gmail.com

CIC Alternate Representative: Linda Baysinger, team.baysinger@comcast.net

Canemah Cemetery Association: Mark Tacoma, 503-655-2192

General Membership Meeting Schedule for 2020: February 20th, April 16th, June 18th, September 17th, November 19th

Meeting Time: 7:00 p.m.

Meeting Located: Community Room at Oregon City Library

Steering Committee Meetings: Meets on the second (2nd) Wednesday in the month preceding each General Membership meeting held at the Meadows Courtyard Retirement Center, 13637 Garden Meadow Drive, beginning at 7:00 p.m.

Caufield Neighborhood

Chair: Robert Malchow, r.malchow@comcast.net

Vice Chair: Kristina Browning, kristina@PortlandHomeGal.com

Secretary/Treasurer: Tori Skipper, t.skipper@bhhsnw.com

CIC Primary Representative: John Kies, jkies1@gmail.com

CIC Alternate Representative: Robert Malchow, r.malchow@comcast.net

2020 Meeting Information: Held the fourth Tuesday of January (28th), March (24th), May (26th), September (22nd), and November (24th)

Located: Oregon City School District's Facilities and Maintenance Center

(Bus Barn), 14551 Meyers Road, Oregon City at 6:45 PM.

Gaffney Lane Neighborhood

Chair: Amy Willhite, awillhit@yahoo.com

Secretary/Treasurer: Angela Wright, englishimport@gmail.com

CIC Primary Representative: Amy Willhite, awillhit@yahoo.com

CIC Alternate Representative: Vacant

Meeting Information: Meeting Information: Held the second Thursday of odd months Jan. 9 2020, March 12 2020, May 14 2020, July 9 2020, Sep. 10 2020, Nov. 12 2020).

Located: The Meadows Courtyard, 13637 Garden Meadows Drive, Oregon City, 7:00PM

Hazel Grove-Westling Farm Neighborhood The Hazel Grove-Westling Farm Neighborhood is currently inactive. If you are interested in helping to reactivate this neighborhood please contact Christina Robertson-Gardiner (crobertson@orc.org). People requesting a neighborhood meeting for Land use applications should contact CIC staff to schedule a meeting with the CIC.

Hillendale Neighborhood

Chair: Vacant

Vice Chair: Vacant

Land Use Chair: William Gifford, william@smallflags.com

Secretary/Treasurer: Joyce Gifford, Joyce@smallflags.com

CIC Primary Representative: Roy Harris, royandanna@centurylink.net

CIC Alternate Representative: Ray Stobie, drakeel@gmail.com

General Meetings: First Tuesday in January, April, July, and October

Steering Committee Meetings: TBD

Located: Living Hope Church - 19691 Meyers Road, Oregon City, 7:00PM

McLoughlin Neighborhood

Chair: Cameron McCredie, cmccredie@windermere.com

Vice Chair/Land Use: Denyse McGriff, guttmcg@msn.com

Land Use: TBD

Secretary: Josh Habre, mjshhbr@gmail.com

Treasurer: Jesse Buss, jessebuss@gmail.com

CIC Primary Representative: Denise Beasley, dbeasleym@gmail.com

CIC Alternate Representative: Rita Mills, nprita3@outlook.com

General Meetings 2020:Thursdays: January 2nd, March 5th, May 7th, July 2nd, September 3rd, November 5th

Located: Oregon City Public Library - Community Room, 606 John Adams St. at 7:00 PM

Steering Committee Meetings 2020: December 5th (2019), February 6th, April 2nd, June 4th, Wednesday August 5th, October 1st, December 3rd

Located: *Fire Station, 7th & John Adams, Neighborhood Conference

Room, Basement at 7:00 PM

Park Place Neighborhood

Chair: Greg Stone, gpstone72@yahoo.com

Vice Chair: Steve Van Haverbeke, steve@vanhaverbeke.org

Treasurer: Ray Renken, rbrenken@comcast.net

Secretary: Lisa Novak, novak0929@gmail.com

CIC Primary Representative: Steve Van Haverbeke,
steve@vanhaverbeke.org

CIC Alternate Representative: Greg Stone, gpstone72@yahoo.com

2020 Meeting Information:

General Meetings: TBD

Located: Oregon City View Manor, Community Center, 280 S. Longview
Way, Oregon City, OR 97045

Steering Committee Meetings: TBD

Rivercrest Neighborhood

Chair: Ed Lindquist, ed-lindquist@msn.com

Vice Chair: Karin Morey, karin.morey@gmail.com

Secretary/Treasurer Violet Stephenson, hrvmsstephenson@gmail.com

CIC Primary Representative: Karin Morey, karin.morey@gmail.com

CIC Primary Representative: Vacant

2020 Steering Committee Meeting: February 13th, May 14th, August 11th
(Annual Picnic at Rivercrest Park), October 15thLocated: First Presbyterian Church, 1321 Linn Avenue, Oregon City, 7:00
PM2020 General Meeting: March 19th (Elections), June 18th, August 6th
(Picnic Planning, location TBD), September 17th, November 19thLocated: First Presbyterian Church, 1321 Linn Avenue, Oregon City, 7:00
PM

South End Neighborhood

The Southend Neighborhood is currently inactive. If you are interested in helping to reactivate this neighborhood please contact Christina Robertson-Gardiner (crobertson@orcify.org). People requesting a neighborhood meeting for Land use applications should contact CIC staff to schedule a meeting with the CIC.

Tower Vista Neighborhood

Tower Vista Neighborhood Association

Chair: Vern Johnson, verndonnajohnson@yahoo.com

Secretary: Monica Mumper

CIC Representative: Vern Johnson, verndonnajohnson@yahoo.com

Meetings: Meetings are held in conjunction with the Hillendale
Neighborhood Association.

Two Rivers Neighborhood

Chair: Bryon Boyce, bryony@birdlink.net, (503) 655-4457

Secretary: Margie Hughes, margiehughes1@aol.com

CIC Primary Representative: Vacant

CIC Alternate Representative: Vacant

Meetings: Held the fourth Wednesday of January, April, July, and October at 7:00 PM

Located: Rivershore Bar & Grill, 1900 Clackamas Drive, Oregon City, OR 97045

Citizen Involvement Committee

January 6, 2020, February 3, 2020, March 2, 2020, April 6, 2020, May 4, 2020, June 1, 2020, July 6, 2020, August 3, 2020, September 7, 2020- Labor Day- No Meeting, October 5, 2020, November 2, 2020, December 7, 2020

Meetings are scheduled for the first Monday of each month.

Meetings are held at City Hall (625 Center Street) in the Commission Chambers at 7:00 PM. City Hall, Commission Chambers, 625 Center Street, 7:00PM

Generally the 1st Monday of each month.

CIC Liaison Assignments

Development Stakeholders Committee (Amy Wilhite)

8. Adjournment

Public Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

- *Complete a Comment Card prior to the meeting and submit it to the staff member.*
- *When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*
- *Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*
- *As a general practice, Oregon City Officers do not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).

Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.

ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled 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.



OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

Date: 4/23/2020

LAND USE APPLICATION TRANSMITTAL

DISTRIBUTION OF APPLICATION			
x	Building Division		Clackamas County Transportation
	Development Services		Clackamas County Planning
	Public Works Operations		Clackamas Fire District #1
	City Engineer		ODOT – Division Review
	Public Works Director		Oregon City School District
	Parks Manager		Tri-Met
	Community Services Director		Metro
	Police		PGE
	Economic Development Manager		South Fork Water Board
	Traffic Engineer		Hamlet of Beavercreek
	City Manager's Office		Holcomb Outlook CPO
	Oregon City Neighborhood Associations		Central Point / Leland Road / New Era CPO
	N.A Chair		Other – See Email List
	N.A. Land Use Chair		Natural Resource Committee
	Notice of the application mailed to all properties within 300 feet		Other:

COMMENTS DUE BY:	June 10, 2020 to be included in staff report		
DECISION BODY:	Staff Review <input type="checkbox"/>	Planning Commission <input checked="" type="checkbox"/>	City Commission <input type="checkbox"/>
HEARING DATE(s):	June 22, 2020		
DECISION TYPE:	Type I <input type="checkbox"/>	Type II <input type="checkbox"/>	Type III <input checked="" type="checkbox"/> Type IV <input type="checkbox"/>
FILE #S:	GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009: Fernwood Apartments Sign Variances		
PLANNER:	Diliana Vassileva	Phone 503.974.5501	Email dvassileva@orc.org
APPLICANT:	Affinity Property Management		
OWNER:	Affinity Property Management		
REPRESENTATIVE:	Todd Mros, Ramsay Signs		
REQUEST:	Approval of four sign variances for the Fernwood Apartments. The subject site is zoned R-3.5 where freestanding		
PROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-20-00015		
ZONING:	R-3.5		
ADDRESS(ES):	18713 Central Point Road, Oregon City, OR 97045		
TAX LOTS:	Clackamas County Map 3-2E-06DB, Tax Lots 1601, 1701, 1900, 2100		

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations.

Please check the appropriate spaces below.

<input type="checkbox"/>	The proposal does not conflict with our interests.
<input type="checkbox"/>	The proposal conflicts with our interests for the reasons attached.
<input type="checkbox"/>	The proposal would not conflict our interests if the changes noted below are included.

Signature Christopher L. Long

Digitally signed by Christopher L. Long
DN: cn=US, email=crlo@orc.org, o=City of Oregon City, ou=Building Division, cn=Christopher L. Long
Location: 688 Warner Parrott Rd
Reason: I have reviewed this document
Contact Info: 503-496-1543
Date: 2020.04.23 07:54:17 -0700

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION



OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION TRANSMITTAL

Date: _____

DISTRIBUTION OF APPLICATION

Building Division	Clackamas County Transportation
Development Services	Clackamas County Planning
Public Works Operations	Clackamas Fire District #1
City Engineer	ODOT – Division Review
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Parks Manager	Tri-Met
Community Services Director	Metro
Police	PGE
Economic Development Manager	South Fork Water Board
Traffic Engineer	Hamlet of Beavercreek
City Manager's Office	Holcomb Outlook CPO
Oregon City Neighborhood Associations	Central Point / Leland Road / New Era CPO
N.A Chair	Other – See Email List
N.A. Land Use Chair	Natural Resource Committee
Notice of the application mailed to all properties within 300 feet	Other:

COMMENTS DUE BY:	June 10, 2020 to be included in staff report		
DECISION BODY:	Staff Review <input type="checkbox"/>	Planning Commission <input checked="" type="checkbox"/>	City Commission <input type="checkbox"/>
HEARING DATE(s):	June 22, 2020		
DECISION TYPE:	Type I <input type="checkbox"/>	Type II <input type="checkbox"/>	Type III <input checked="" type="checkbox"/> Type IV <input type="checkbox"/>
FILE #S:	GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009: Fernwood Apartments Sign Variances		
PLANNER:	Diliana Vassileva	Phone 503.974.5501	Email dvassileva@orc.org
APPLICANT:	Affinity Property Management		
OWNER:	Affinity Property Management		
REPRESENTATIVE:	Todd Mros, Ramsay Signs		
REQUEST:	Approval of four sign variances for the Fernwood Apartments. The subject site is zoned R-3.5 where freestanding		
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Please check the appropriate spaces below.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal does not conflict with our interests.
<input type="checkbox"/>	<input type="checkbox"/>	The proposal conflicts with our interests for the reasons attached.
<input type="checkbox"/>	<input type="checkbox"/>	The proposal would not conflict our interests if the changes noted below are included.

Signature

Wes Rogers

Digitally signed by Wes Rogers
DN: cn=Wes Rogers, o=OCSD62, ou=Bond Manager, email=wes.rogers@ocsd62.org,
c=US
Date: 2020.04.22 16:18:27 -0700

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION



City of Oregon City

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

Staff Report

File Number: PC 20-085

Agenda Date: 6/22/2020

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Assistant Planner Diliana Vassileva

File Type: Land Use Item

SUBJECT:

CI-20-00001: Code Interpretation for Discontinuance of a Legal Non-Conforming Use

RECOMMENDED ACTION (Motion):

Approval of Planning File CI-20-00001

EXECUTIVE SUMMARY:

The applicant is requesting a Planning Commission code interpretation to allow a legal non-conforming use to discontinue for more than one year in order to facilitate a building remodel.

BACKGROUND:

The subject site is approximately half an acre in size and is developed with the Oregon City Retirement Center. The building was originally the Oregon City Hospital but was later converted to an assisted living facility. Under Planning File LN-20-00003, the applicant demonstrated that the care facility use is a legal non-conforming use, though the care facility has been closed as of January 2020. OCMC 17.58.030 provides regulations for discontinuance of a legal non-conforming use:

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.

The existing building is in subpar condition and the applicant has proposed a significant remodel and interior tenant improvement prior to reopening of the care facility. Because the building remodel is anticipated to take more than one year, the applicant has requested a Planning Commission code interpretation in order to determine whether or not the discontinuance of a legal non-conforming use for more than one year in order to allow for a building remodel would jeopardize its legal non-conforming status. Though the code doesn't identify a definition of discontinuance of a use, staff's interpretation of the code is that active construction with an active building permit is activity being done as part of the care facility use and should not constitute discontinuance of the use.



CODE INTERPRETATION

Staff Recommendation

June 22, 2020

FILE NO.: CI-20-0001: Code Interpretation

HEARING DATE: June 22, 2020

APPLICANT: Nile Hagen
3650 SE Johnson Creek Boulevard
Milwaukie, OR 97222

PROPERTY OWNER: Ralph Tidwell
PO Box 87
Gladstone, OR 97027

REQUEST: Planning Commission code interpretation to allow a legal non-conforming use to discontinue for more than one year in order to facilitate a major building remodel.

LOCATION: 515 10th Street
Oregon City, OR 97045
Clackamas County Map 2-2E-31AA, Tax Lot 5300

REVIEWER: Diliana Vassileva, Assistant Planner

RECOMMENDATION: Approval

Submitted: April 24, 2020

Complete: May 18, 2020

120 Day Deadline: September 14, 2020

PC Hearing: June 22, 2020

PROCESS: 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. Applications evaluated through this process include code interpretations. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. 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. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

I. BACKGROUND:

1. Project Description

The applicant is requesting a Planning Commission code interpretation to allow a legal non-conforming use to discontinue for more than one year in order to facilitate a building remodel.

The subject site is approximately half an acre in size and is developed with the Oregon City Retirement Center, a building which was constructed circa 1930. The building was originally the Oregon City Hospital but was later converted to an assisted living facility.

17.04.115 - Assisted living facility.

"Assisted living facility" means a facility established for profit or nonprofit, which provides nursing care and related medical services on a twenty-four-hour-per-day basis to sixteen or more individuals because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care. Patients do not reside in self-contained dwelling units.

Assisted living facilities require a conditional use permit within the R-3.5 District and there are no records indicating that a conditional use permit was obtained. The applicant requested a legal non-conforming review under Planning File LN-20-00003, and demonstrated that the care facility use was lawfully established and the use has not discontinued for more than one year, therefore, LN-20-00003 was approved and the care facility is confirmed to have a legal non-conforming status, though the care facility has been closed as of January 2020.

The existing building is in subpar condition and the applicant has proposed a significant remodel and interior tenant improvement prior to reopening of the care facility. The applicant's narrative provided additional details on the proposal:

"...lengthy remodel of the building which would fully modernize and protect the structure for decades of future use. The building is unfortunately in poor physical condition today, though structurally sound, and has not been updated since the 1970s at the latest. In its present form only the first floor and a small portion of the lower level are habitable thus the applicant would like to fully renovate the structure so that the full footprint of all three levels will be beautiful and habitable once again."

Due to the scale of the building remodel, the applicant identified that the remodel may take up to 30 months to complete. OCMC 17.58.030 provides regulations for discontinuance of a legal non-conforming use:

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.

Because the building remodel is anticipated to take more than one year, the applicant has requested a Planning Commission code interpretation in order to determine whether or not the discontinuance of a legal non-conforming use for more than one year in order to allow for a building remodel would jeopardize its legal non-conforming status.

Figure 1 – Vicinity Map

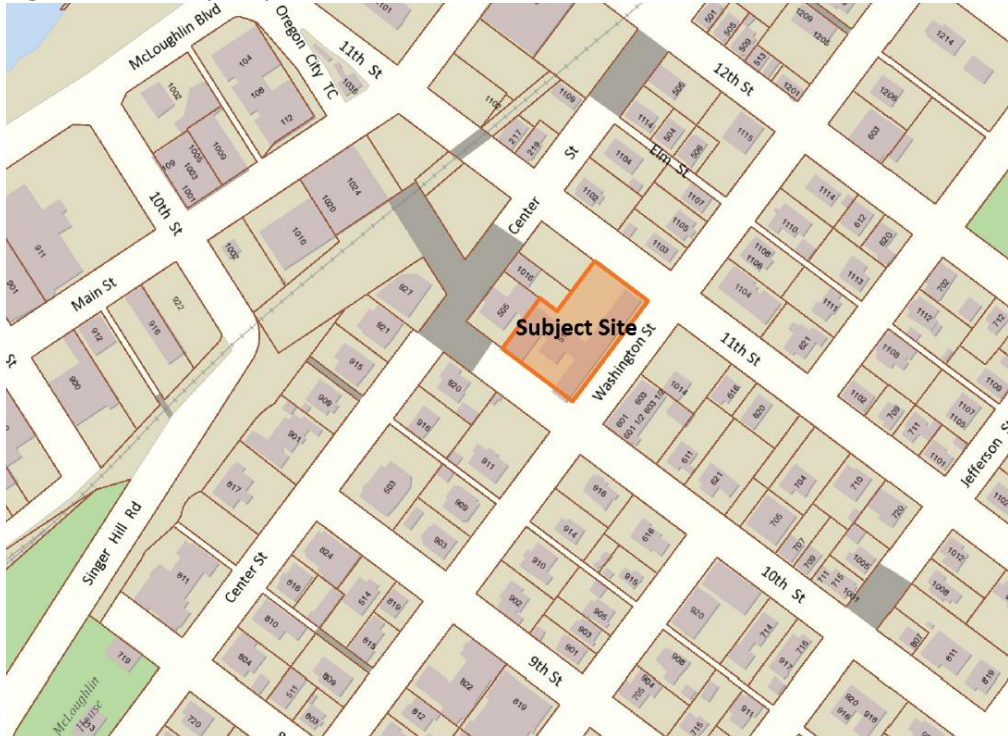


Figure 2 – Subject Site Aerial Photo



1. **Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

2. **Public Comments**

No public comments have been received as of the writing of this staff report.

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

Chapter 17.58 - Lawful Nonconforming Uses, Lots, Structures and Sites

Chapter 17.50 - Administration and Procedures

The City Code Book is available on-line at www.oregoncity.org.

Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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

Finding: Complies as Proposed. The proposed Code Interpretation is being processed as a Type III application per chapter 17.50.030 of the Oregon City Municipal Code.

17.50.050 *Preapplication Conference*

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. 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. The purpose of the preapplication 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. 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 preapplication conference. Notwithstanding any representations by City staff at a preapplication 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.

B. A preapplication 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 must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Finding: Complies as Proposed. A Pre-application conference was held on December 4, 2019 (PA 19-70). The application was submitted within six months of the pre-application conference on April 24, 2020.

17.50.055 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.

- 1. 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. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- 2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.*
- 3. A meeting shall be scheduled within thirty days of the notice. 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 hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.*
- 4. 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.*
- 5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.*

Finding: Not Applicable. The subject site is located within the McLoughlin Neighborhood Association. Though not required for a Code Interpretation application, the applicant has attended two McLoughlin Neighborhood Association meetings.

17.50.090 Public Notices.

Finding: Complies as Proposed. Once the application was deemed complete, the City noticed the application to all neighborhood associations, Citizens Involvement Council, and posted the application on the City's website. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment. All interested persons have the opportunity to comment in writing or in person through the public hearing process. No comments were received regarding this application.

CHAPTER 17.58 – LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

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:

Finding: Complies as Proposed. The use is a legal non-conforming use pursuant with Planning File LN-20-00003, which was approved on March 27, 2020.

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.

Finding: Complies as Proposed. The code does not identify a definition for discontinuance of a use, however, staff's interpretation of the code is that a building remodel may be done as part of the care facility operations and does not necessarily constitute discontinuance of the use. If construction is ongoing and building permits for the remodeling work remain active, the vacant building does not constitute a discontinuation of the use because the construction is being done to bring the facility into compliance with current building codes and improve living conditions, in order to resume the care facility use. Building Division Policy 20-02 identifies regulations for expiration of building permits:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Any activity on any permit associated with a project will constitute activity for all permits on the project.

Though the code doesn't identify a definition of discontinuance of a use, staff's interpretation of the code is that active construction with an active building permit is activity being done as part of the care facility use and should not constitute discontinuance of the use. If the proposed construction takes longer than one year, the care facility should not lose its legal non-conforming status. If project building permits expire for a period of one year without renewal, extensions or renovation work continuing, the care facility should lose its legal non-conforming status in accordance with this section.

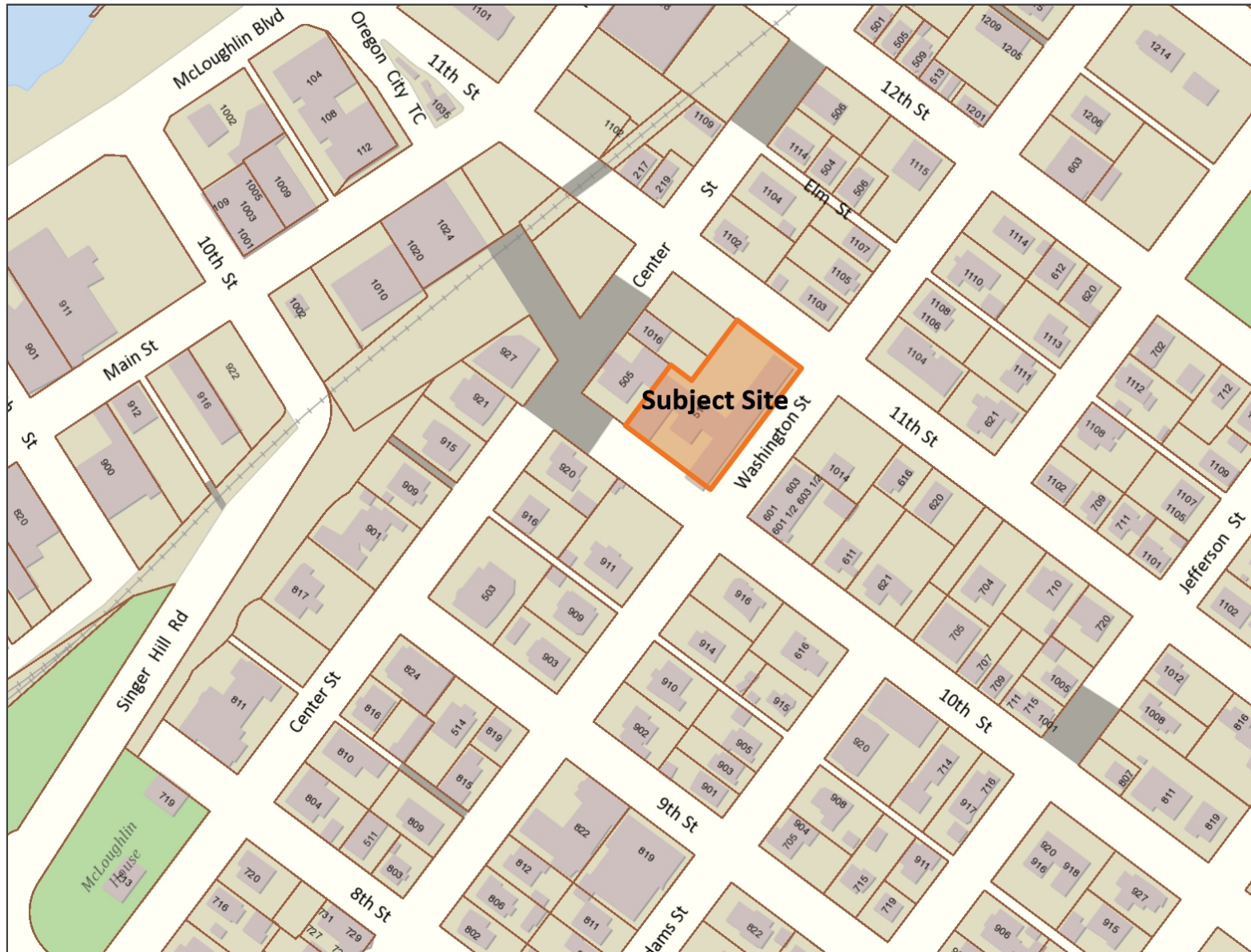
III. CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the Code Interpretation supports the request to allow construction associated with the renovation of the care facility which results in the care facility being vacant for more than one year provided that there is ongoing active construction and active building permits. Staff recommends the Planning Commission approve file CI-20-00001 based upon the findings and exhibits contained in this staff report.

IV. EXHIBITS:

1. Vicinity Map
2. Applicant's Submittal

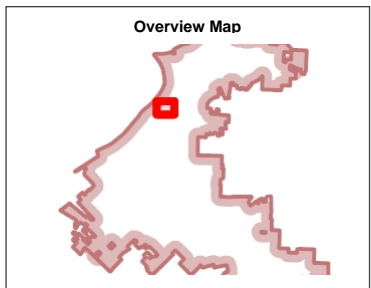
LN-20-00003 Vicinity Map



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



0 200 400 Feet

1: 2,400

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



Map created 3/2/2020

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orecity.org





LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review
- ☐ Extension of Approval

Type II (OCMC 17.50.030.B)

- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☒ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): LN-20-00003

Proposed Land Use or Activity: Code interpretation regarding maintaining use/occupancy during construction

Project Name: _____ Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 515 10th St.

Clackamas County Map and Tax Lot Number(s): 2-2E-31AA, Tax Lot 5300

Applicant(s):

Applicant(s) Signature: Nilo Hagen

Applicant(s) Name Printed: Nilo Hagen Date: 4/21/2020

Mailing Address: 1327 SE Tacoma St. # 394

Phone: (503) (971) 401-0884 Fax: _____ Email: Nilohagen@gmail.com

Property Owner(s):

Property Owner(s) Signature: Ralph Tidwell

Property Owner(s) Name Printed: RALPH Tidwell Date: 04-20-2020

Mailing Address: P.O. Box 87

Phone: 503-314-5394 Fax: 503-239-0029 Email: R.t.d 369678@aol.com

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

LAND USE APPLICATION NARRATIVE
515 Main Street, Oregon City
(April 18th, 2020)

The Applicant is respectfully seeking a Planning Commission code interpretation to affirm and confirm the opinion of the planning department that the applicant be allowed to maintain the pre-existing use type of Assisted Living facility during the proposed internal renovation of the building at 515 Main St.

Property Information:

Address: 515 10th Street, Oregon City, OR 97045
Tax Map Lot: Clackamas County Map 2-2E-31AA, Tax Lot 5300
Alternate ID: 22E31AA05300
Parcel Size: 0.55 acres/23,956 SF
Zoning: R3.5
Comp. Plan Designation:

Background

The Property

The applicant, Nile Hagen and partners, have been in discussions with the planning department for six months regarding their plan to develop the building at 515 10th Street. The applicant submitted the property and our plans for a type II zoning review because the property has been used as an assisted living facility for nearly 40 years. The applicant demonstrated and proved previous use via property tax records, previous licenses issued by the State of Oregon and a variety of other documentation of the use of the building. Noting that the business was operational through January of 2020, the applicant proposes to fully remodel the interior of the structure while making minimal exterior modifications and the planning department has encouraged the applicant to ask the planning commission for a code interpretation to confirm the departments opinion that the previous use and occupancy would be allowed to continue under the terms of the code listed at 17.58.030 after completing the full remodel of the building. That construction process could last as long as 30 months considering the state of the construction industry and the quarantine which presently impacts our construction schedule.

Nature of Use on Property

The building at 515 10th Street was originally constructed as the original Oregon City Hospital, the first in the region. Begun in 1933, it was constructed in multiple phases and operated as a medical hospital until approximately 1978, at which point the building transitioned to use as an assisted living facility. The last business has recently ended operations in January 2020 and the building is under contract to be purchased by the applicant, who hopes to modernize the building via a full gut remodel to create a higher quality assisted living facility housing up to 50 residents, as both the city and State have authorized.

Applicants Proposal

The Oregon City Retirement Center recently ended operations in January 2020 and the building is under contract to be purchased by the applicant, who hopes to modernize the building via a full gut remodel to create a higher quality assisted living facility housing up to 50 residents, as both the city and State have authorized. The planning department approved the applicant's type II zoning review on March 27th, 2020 and they have offered their interpretation of zoning code 17.58.030 via email, which is that:

“City staff do not consider active construction against the one-year time limitation for non-conforming uses. This is an interpretation of our code, which could be challenged by outside parties. Because this is not expressly written in the code, if you would like more certainty on this interpretation, you may submit a Type III Code Interpretation for the Planning Commission to formally decide on the matter.”

This opinion was provided by Laura Terway via Diliانا Vassileva and we respectfully ask the planning commission to uphold the planning departments opinion, allowing the applicant to proceed with a lengthy remodel of the building which would fully modernize and protect the structure for decades of future use. The building is unfortunately in poor physical condition today, though structurally sound, and has not been updated since the 1970s at the latest. In its present form only the first floor and a small portion of the lower level are habitable thus the applicant would like to fully renovate the structure so that the full footprint of all three levels will be beautiful and habitable once again. We hope to honor the history and aesthetics of the building but recognize that this will only be possible with an extensive renovation of the building, which we hope the planning commission will allow and support.

Applicable Criteria

Procedure

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 Chapters 92, 197 and 227. These permits include all forms 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 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.

Response Staff has advised applicant that it is appropriate under the Code to request an

interpretation on their opinion that code 17.58.030 allows for buildings to maintain zoning and occupancy while undergoing an extensive period of construction. From the planning department:

“City staff do not consider active construction against the one-year time limitation for non-conforming uses. This is an interpretation of our code, which could be challenged by outside parties. Because this is not expressly written in the code, if you would like more certainty on this interpretation, you may submit a Type III Code Interpretation for the Planning Commission to formally decide on the matter.”

17.50.030 Summary of the City's decision-making processes

OCMC, section 17.50.030 includes a chart that identifies the type of process that must be used for various land use application. It specifies that for a code interpretation, an applicant must proceed with a Type II review process.

Response Applicant is initiating a Type III review by the Planning Commission after consultation with the planning department and completing both the pre-application conference and the type II zoning review process through the planning department.

17.50.050 Pre-application conference

OCMC 17.50.050 recites that prior to submitting any form of permit, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal.

Response The applicant initiated a pre- application conference and participated in that conference on December 4th, 2019. Included below are the notes from that pre-application conference.

17.50.055 Neighborhood Association Meeting

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. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

Response The applicant has attended two neighborhood association meetings in person and spoken directly with the President and Vice President of the McLoughlin Neighborhood Association on numerous occasions regarding the plans on site. At both meetings the applicant spoke publicly about the plans to renovate and modernize the building and answered any questions posed by neighborhood residents, all of which appeared to be supportive of the project. During the type II zoning review the neighborhood association submitted a letter in support of the applicants proposal, reading

"Hello Diliانا,

The McLoughlin Neighborhood Association has no objection to the continuation of the Residential Care facility located at 515 10th Street. The applicant has been in regular communication with the neighborhood association at our meetings and has kept us informed about this process.

Many of our long term residents, who live near by for 30+ years) have confirmed that the use of the building as a care facility dates to the 1970's It would appear that a prior condition use permit has not been located in the city's files.

However, we would like to request that the applicant enter into discussion with the MNA to create a Good Neighbor Agreement regarding the use, occupancy and any potential impacts of the facility on the surrounding properties and the neighborhood. We look forward to working with the applicant on this.

*Cameron McCredie
Chair, McLoughlin Neighborhood Association"*

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 accept an application without signed authorization from all record owners. All permit applications must 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.

Response Ralph Tidwell is the present owner of the property and Nile Hagen is presently under contract to purchase the building so both parties are submitting the application using the form provided by the City. The applicant has included the proper fee and all material required for the Planning Commission to review its request.

17.50.080 Complete Application - Required Information

OCMC 17.50. 080 lists the material necessary for the City to deem the application complete.

Response The applicant believes he has submitted all of the material necessary for a complete application.

Substantive Requirements

The applicant respectfully asks the planning commission to confirm the planning departments position that the building located at 515 10th Street may maintain its preexisting non-conforming use as an assisted living facility during the period of construction, which could take up to 30 months because of the scale of the project and the uncertainty regarding the present shelter-in-place orders.

The code interpretation deals directly with OCMC 17.58.030 regarding Lawful nonconforming use, listed below

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.

The applicant is seeking a code interpretation regarding the proposed construction timeline of 30 months and how that timeline might impact the previously established and allowed non-conforming use. The applicant respectfully requests that the planning commission uphold and agree with the planning departments opinion and determination that an active construction permit will allow the building at 515 10th Street to maintain its legally established preexisting use as an assisted living facility during the full time length of the proposed remodel and upgrade of the facility. The planning department delivered that opinion in a staff report by Diliانا Vassileva on March 27th, 2020 following a type II zoning review of the building which allowed the applicant to present a wide range of evidence that the building had been in use in that capacity for nearly 40 years. At that time the planning department made it clear that it was their determination that an active construction permit would allow the building to maintain the previous zoning even if that construction permit was open for longer than one year, however they encouraged the applicant to obtain permission from the planning department in order to ensure legal compliance with Oregon City planning codes.

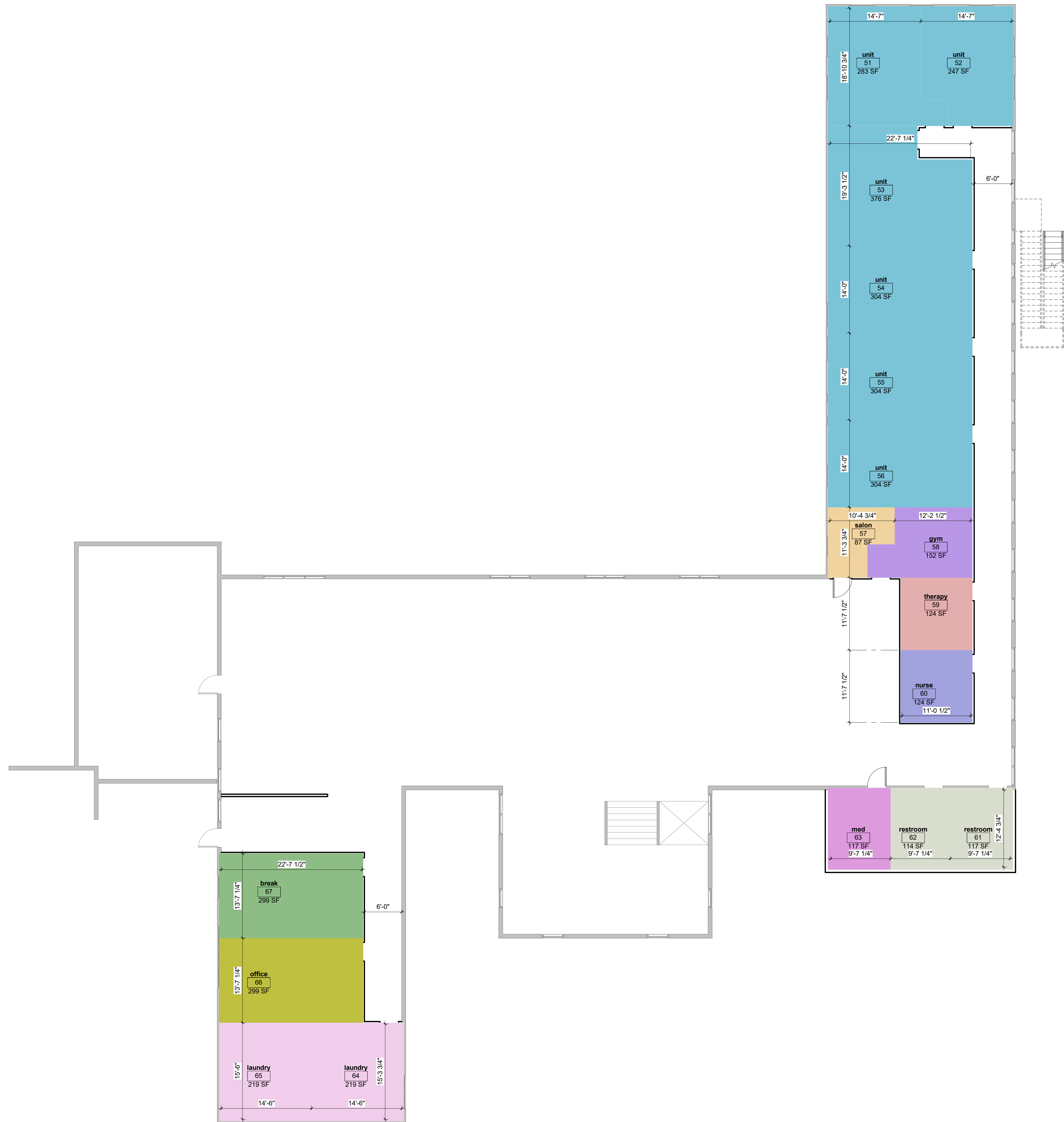
After the pre-application conference and a lengthy discussion with the planning department Diliانا Vassileva and Laura Terway provided the applicant with this statement, which is consistent with our previous discussions:

“City staff do not do not consider active construction against the one-year time limitation for non-conforming uses. This is an interpretation of our code, which could be challenged by outside parties. Because this is not expressly written in the code, if you would like more certainty on this interpretation, you may submit a Type III Code Interpretation for the Planning Commission to formally decide on the matter.

Thanks,
Diliana”

The applicant respectfully asks the planning commission to confirm the planning departments position that the building located at 515 10th Street may maintain its preexisting non-conforming use as an assisted living facility during the construction period which could last up to 27 months because of the scale of the project and the uncertainty regarding the present shelter-in-place orders.

Conclusion





lounge
22
656 SF





City of Oregon City

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

Staff Report

File Number: 20-334

Agenda Date: 6/22/2020

Status: Agenda Ready

To: Planning Commission

Agenda #: 4a.

From: Sr. Planner Pete Walter

File Type: Report

SUBJECT:

Draft Public Property Tree Removal Policy and Code Amendments

RECOMMENDED ACTION (Motion):

Provide feedback and guidance to staff regarding the proposed code and policy.

EXECUTIVE SUMMARY:

Staff has prepared draft code amendments for tree removal on public property based on a draft policy which was prepared in 2019. This policy was originally drafted to apply only to tree removal by the City on City-owned property in an effort to assure that the City is fully evaluating the costs and benefits of tree removal and that public notice was provided prior to the removal of significant trees by the City. Later on, City Commission expressed a desire that the policy be applied to all public property, which includes the public right-of-way. The revisions include a new section for tree removal on public property in OCMC 17.41 based on the attached draft policy document. There will be further opportunities for discussion and revision as this draft policy and code moves through the public process.

BACKGROUND:

Staff presented the draft policy and code to the Natural Resources Committee on June 10, 2020. The NRC recommended that the policy and code be amended to exempt approved habitat restoration projects for natural areas such as Canemah Bluffs and Newell Creek Canyon. Staff has made the recommended revisions.

Staff would like the Planning Commission's guidance on the following questions.

- What should the definition of public property include?

Currently the proposed definitions includes any institutional lands which includes public entities such as the Oregon City School District, Clackamas Community College and similar institutions. Typically we review tree removal applications for these types of properties through a Type I pursuant to 17.41 without any discretion or public notices. Arborist reports and mitigation is based on the code.

- Should this code or policy apply to all street trees and abutting owners, or just to tree removal on city owned property and by city staff?

Private property owners currently may remove street trees that are deemed hazardous through an over-the-counter process. This process would add a notice period and greater mitigation requirements for certain trees that meet the eligibility criteria.

- Should a property owner be required to hire a certified arborist for a health assessment of the tree before they could remove it from the public ROW?

Currently the code waives the requirement for an arborist report when there is a tripping hazard. This waiver was included in the code several years ago because the problem of sidewalk lifting was so widespread and expensive for homeowners. Confirmation of a tripping hazard is easily documented through photographs and measurement. There are alternative methods of sidewalk replacement that may be used to preserve otherwise healthy trees, although these methods may require additional consultation by experts at the expense of the owner and are subject to discretionary approval by the City Engineer.

- Should the city prohibit tree removal if an arborist determines that the tree is healthy and not causing any hazards?

Arborist reports can take a variety of forms, from the most basic hazard determination standing on the ground to very detailed reports involving aerial investigations and multiple recommendations. Currently, the City accepts basic hazard determinations at their word, and does not peer review or inspect the situation to confirm that the arborist report is accurate and valid. In order to prohibit tree removal, the city would be required to provide that level of peer review in order to dispute the applicant's assertion of hazard. Additional resources and training would be needed for staff to be able to deny tree removal requests.



Permitting and Notification Process for Tree Removal on Institutional Properties

The following is intended to provide a process of decision-making and notification of tree removal on public property such as land owned by: the City of Oregon City, Clackamas County, Metro, State of Oregon, Federal Government, Oregon Department of Transportation, Water Environmental Services, Clackamas River Water, South Fork Water Board, Oregon City School District property, Clackamas Community College property, or the public right-of-way. The following process is not intended to be applied to properties which are not publicly owned such as retail, office, restaurants, apartments, and homes. Additionally, the process does not apply to publicly owned natural areas and open space lands which are being managed for stream, riparian, wetland and habitat restoration projects approved by the City.

Determine if the Tree is an Imminent Hazard

Wherever a tree is considered an imminent hazard as defined in OCMC 17.04.1370, it may be removed before a permit is obtained. Examples include if the tree has fallen across the roadway or if it is leaning significantly due to a heavy windstorm and likely to fall within the next 72 hours. A determination of imminent hazard is made by the City of Oregon City Public Works, or emergency personnel, a forester, or a certified arborist. Permits are required after the imminent hazard has been removed and any applicable replacement requirements shall be followed. Photos of the hazardous condition and a report from an arborist is required subsequent to tree removal to verify the tree was hazardous.

17.04.1370 - Tree, imminent hazard.

"Imminent hazard tree" means a hazardous tree as defined in OCMC 12.32.020, all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed.

Permits for Removal of a Public Tree

Permits are required for nearly all tree removal, although specific exemptions are provided in some cases in the code. Though trees which are determined to be of imminent hazard may be removed prior to the submittal of permits, a tree removal permit of some type is required for all tree removal. Permits are required for the removal of trees in a variety of instances which typically require replanting of mitigation trees.

- **Removal of Trees on Public Property (not in the Right-of-Way) that are 6" Diameter or Greater.**
Tree removal on public property requires a Type I Minor Site Plan from the Planning Department to review changes to the onsite landscaping Addendum 4b – Tree Removal pursuant to OCMC 17.41.
- **Removal of Trees of Any Size in the Right-of-Way (including Street Trees)**
Removal of a tree in the public right-of-way (except for ODOT ROW) requires a Public Tree Removal Permit from the Planning Department pursuant to OCMC 12.08.
- **Natural Resources Overlay District (NROD)**

Removal of a tree within the Natural Resources Overlay District requires review by the Planning Department for compliance with OCMC 17.49, though generally they are processed as a Type I NROD Exemption.

- **Geologic Hazard Overlay District**

Removal of a tree within the Geologic Hazards Overlay District requires review by the Planning Department for compliance with OCMC 17.44, though generally a waiver is acceptable from Public Works Development Services Department.

- **Willamette River Greenway Overlay District**

Tree removal within the Willamette River Greenway may require a Type II review from the Planning Department for compliance with OCMC 17.48. The process includes a public notice and can last a few months.

- **Historic Overlay District**

Tree removal within the Historic Overlay District requires review for compliance with OCMC 17.40, though generally a waiver is acceptable from the Planning Department.

In addition to the permit requirements identified above which are already in the Oregon City Municipal Code, the following standards and process are proposed to apply to tree removal on public property as identified above.

- **Obtain an Arborist Report**

An arborist report is required for all tree removal except for street tree removal if the tree is lifting a sidewalk greater than 0.25 inches, the tree has fallen over, or the tree is an invasive species. The purpose of the report is to assess the tree's condition and the presence of any potential hazards that may be posed by the tree. Trees which are eligible as Heritage Trees are also required to have an arborist report which includes an alternatives analysis as to options in which the tree can be retained or preserved.

- **Trees Eligible as Heritage Trees**

If the tree meets the minimum size requirements in the table below, it is subject to public notice street tree removal unless the tree is lifting a sidewalk greater than 0.25 inches, the tree was previously removed as an imminent hazard, or the tree is an invasive species. The purpose of the notice is to inform the public of the proposal and direct them to a website where they could review the application, arborist report, and contact the applicant with any questions or concerns. The City will not have the authority to deny the tree removal if all of the standards in the Municipal Code have been met. Permits for public tree removal will not be issued until the notice period is complete.

Heritage Tree Eligibility Table

Common Name	Species	Minimum Size (d.b.h)*
Oregon White Oak	Quercus garryana	8"
Douglas Fir	Pseudotsuga menziesii	18"
Western Red Cedar	Thuja plicata	12"
Ponderosa Pine	Pinus ponderosa	12"
Western Yew	Taxus brevifolia	6"
Pacific Dogwood	Cornus nuttallii	5"
Coastal Redwood	Sequoia sempervirens	12"
Giant Sequoia	Sequoiadendron giganteum	12"
Other broadleaf tree species		20"
Other conifer trees		18"

**d.b.h = Diameter at breast height, means a measurement of the trunk or stem diameter of a mature tree at a height four and one-half feet above the ground level at the base of the tree.*

- **Website Notice**

Notice of all proposed removal of heritage eligible trees will be posted to a city website. The public as well as the City Commission, PRAC, NRC, CIC, Neighborhood Associations, etc will have the ability to subscribe to the website in order to receive notifications each time a new posting occurs.

- **Physical Notice**

A physical notice is also required to be posted on the tree proposed for removal for a minimum of 7 calendar days. This period is intended to provide an opportunity for the public to contact the applicant with questions and comments about the proposed tree removal.

Notices shall be provided by the Planning Division on 8.5 X 11 laminated paper with the words "NOTICE OF PROPOSED TREE REMOVAL" in bold, 48-point font and the website where the public may download the permits, arborist reports and associated documentation. Notices shall be tied to the tree with twine or wire. No screws or nails shall be used.

- **Additional Mitigation Requirements**

In addition to the mitigation required in the Oregon City Municipal Code, trees proposed for removal that are 25 inches or greater d.b.h. may only be mitigated with trees a minimum of 2.5 inches d.b.h. No fee in lieu is allowed, and thus the trees shall be placed onsite, or offsite in a location within the city limits. In order to encourage the planting of larger caliper trees, the mitigation requirements may be reduced by 3 trees for every tree planted over 4 inches d.b.h.

Additional Requirements for Removal of Trees Owned by the City of Oregon City

- **Unresolved Concerns During the Public Notice**

If there remain unresolved questions or concerns regarding the proposed tree removal of a tree on city property which was subject to the public notice, the decision to issue the applicable permit(s) shall be referred to the City Manager's office for further review.

- **Reuse of the Wood for City-Owned Trees 25 Inches or Greater**

Trees proposed for removal which are owned by the City of Oregon City, 25 inches d.b.h. or greater, and are free from infestation shall be repurposed for use by the City and/or public if feasible. The wood may be utilized for environmental enhancement, firewood, furniture or crafts.

- **City Commission Approval for City Owned Trees Over 50 inches D.B.H**

Trees on City property greater than 50" d.b.h. shall be placed on a City Commission consent agenda and notification will be sent to the Natural Resources Committee, Parks and Recreation Committee, and/or the Transportation Advisory Committee as applicable.

- **Establishment of a Dedicated Fund for Alternatives to Tree Removal and Reuse of Wood**

The City shall establish a dedicated fund for the purpose of funding alternatives to tree removal and reuse of the wood for large tree removal.

Next Steps:

Planning Division staff will continue to work with the Natural Resources Committee on the proposed amendments. The draft concepts will be provided to the Parks and Recreation Advisory Committee and the Transportation Advisory Committee as well as public agencies. Once the NRC completes the review,

the amendments will be discussed with the Planning Commission at a joint work session before they are presented to the City Commission at a work session. The result will be subject to a public review.

Habitat Restoration and Management

The Natural Resources Committee recommends that this policy/code not be applied to public lands and public project that have approved habitat restoration programs in effect. There are a variety of open space and natural areas under public ownership within the City's Urban Growth Boundary and city limits that are actively managed to improve wildlife habitat, stream and water quality. The two largest open space areas are the Canemah Bluffs Open Space Natural Area and Newell Creek Canyon Natural Area owned and managed by Metro. Both areas are subject to detailed habitat restoration plans developed by Metro natural resources scientists and approved by the City. In addition, the Greater Oregon City Watershed Council conducts stream habitat restoration projects through the city. Many of these types of project require the removal of invasive tree species, but also occasionally require the removal of natural occurring healthy trees to allow certain habitats to flourish. For example, at the Canemah Bluffs Natural Area, the restoration of Willamette Valley Oaks (*Quercus garryana*) required the removal of significant Douglas Fir trees in order to simulate the naturally occurring fires that allowed oaks to grow since they need more light.



Oregon City Municipal Code

Chapter 17.41 Tree Protection, Preservation, Removal and Replanting Standards

17.41.010 - Protection of trees—Intent.

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This chapter applies to all Land Division and Site Plan and Design Review applications.

17.41.020 - Tree protection—Applicability.

- A. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.
- B. For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.
- C. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.
- D. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.
- E. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.
- F. Applications for tree removal on public property in any zone are subject to compliance with this chapter, except as provided under 17.41.040.

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in OCMC 17.04, shall govern.

17.41.040 - Exemptions.

- A. These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of OCMC 17.49.
- B. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. An applicant for development may claim exemption from

compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

- C. These regulations do not apply to the removal of trees that are considered invasive species.
- D. The regulations do not apply to publicly owned natural areas and open space lands which are being managed for stream, riparian, wetland and habitat restoration projects approved by the City.

17.41.045 – Tree Removal on Public Property

In addition to the standards within this chapter, applications for tree removal on public property shall demonstrate compliance with this section, unless the tree proposed to be removed has fallen, is an invasive species, or is a street tree causing a sidewalk lift greater than 0.25 inches.

- A. An application for tree removal on public property shall include an arborist report assessing the tree's condition and the presence of any potential hazards posed by the tree.
- B. Applications for removal of trees eligible for heritage tree designation in accordance with the Table in OCMC 12.32.010 shall provide a public notice as follows:
 - 1. Notice of the tree removal and all application materials submitted by the applicant shall be posted on the City website; and
 - 2. Physical notice shall be posted on each tree proposed to be removed on 8.5 X 11 laminated paper with a link to the City webpage where the applicant's full submittal is posted. Notices shall be tied to the tree with twine or wire. No screws or nails shall be used.
 - 3. Website and physical notices shall remain posted for a minimum of 7 calendar days.
- C. Tree removal of trees with a DBH greater than 25 inches are subject to the following additional standards:
 - 1. Mitigation trees for tree removal with a DBH greater than 25 inches shall be a minimum of 2.5 inches in caliper. Mitigation tree requirements may be reduced by 3 trees for every mitigation tree over 4 inches DBH planted.
 - 2. Mitigation trees must be planted on the subject site or offsite within City limits. Fee-in-lieu of planting is not permitted as mitigation for tree removal of trees with a DBH greater than 25 inches.

3. City-owned trees with a DBH greater than 25 inches which are free of infestation and proposed for removal shall be repurposed for use by the City and/or public if feasible.D. Applications for tree removal of City-owned trees with a DBH greater than 50 inches shall be reviewed by the City Commission.

17.41.050 - Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060.
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080; or
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or

D. Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

- A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.
- B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six-inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:
 1. Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
 2. Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.

Table 17.41.060-1
Tree Replacement Requirements

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate the size (DBH) of all trees pursuant to accepted industry standards.

3. Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.
4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.
5. Identify the construction area (as defined in OCMC 17.04.230).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6 and 7.

C. Planting area priority for mitigation.

Development applications which opt for removal of trees with subsequent replanting pursuant to OCMC 17.41.050.A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

1. First Priority. Replanting on the development site.
2. Second Priority. Off-site replacement tree planting locations. If the Community Development Director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and shall be approved by the Community Development Director.

D. Replacement tree planting standards.

1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.
2. Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.
3. Due to their diminishing range in the region, Oregon white oak (*Quercus garryana*) trees, if removed, shall be replaced by the same species.

E. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.

F. Alternative mitigation plan.

The Community Development Director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the Natural Resource Overlay District alternative mitigation plan in OCMC 17.49.190.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

- A. An applicant for a new subdivision and partition may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.
- B. The standards for land divisions subject to this section shall apply in addition to the requirements of the City land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to OCMC 17.41.080.F below.
- C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall

not be a part of any parcel used for construction of a dwelling. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

- D. Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 1. Private open space held by the owner or a homeowner's association; or
 2. For residential land divisions, private open space 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; or
 3. Public open space where the tract has been dedicated to the City or other governmental unit; or
 4. Any other ownership proposed by the owner and approved by the Community Development Director.
- E. Density transfers incentive for tree protection tracts.
 1. The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. Density shall not be transferred beyond the boundaries of the development site.
 2. Development applications for subdivisions and minor partitions that request a density transfer shall:
 - a. Provide a map showing the net buildable area of the tree protection tract;
 - b. Provide calculations justifying the requested dimensional adjustments;
 - c. Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to this section;
 - d. Demonstrate that, with the exception of the tree protection tract, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;
 - e. Meet all other standards of the base zone except as modified in this section.
 3. The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.
- F. Permitted modifications to dimensional standards.
 1. An applicant proposing to protect trees in a dedicated tract may request, and the Community Development Director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

Table 17.41.080.A
Lot Size Reduction

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'

R-3.5	1,800 sq. feet	20'	45'
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Table 17.41.080.B

Reduced Dimensional Standards for Detached Single-Family Residential Units

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 17.41.080.C

Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units

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%

*0 foot setback is only allowed on single-family attached units

17.41.110 - Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the Community Development Director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the Community Development Director, are determined to be diseased or hazardous.

A. Permitted adjustments.

1. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
2. The City Engineer may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and

planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

3. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

17.41.120 - Cash-in-lieu of planting (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, 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 cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.

17.41.130 - Regulated tree protection procedures during construction.

- A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.
- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
 1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
 2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.
 3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.
 4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.
 7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.

8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
 9. The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
 10. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Oregon City Municipal Code

Chapter 17.04 Definitions

17.04.974 Public Property

For the purpose of OCMC 17.41, “public property” means land owned by a local, State, or Federal government, publicly owned utility provider, schools, colleges, and public right-of-way.



City of Oregon City

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

Staff Report

File Number: PC 20-084

Agenda Date: 6/22/2020

Status: Agenda Ready

To: Planning Commission

Agenda #: 4b.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

Discussion on Diversity, Equity and Inclusion

RECOMMENDED ACTION (Motion):

Discussion on diversity, equity and inclusion.

EXECUTIVE SUMMARY:

The Planning Commission Chair requested time to discuss diversity, equity and inclusion. Specifically:

- If the Planning Commission would like to make a broad statement.
- Possible motion to write a letter of support of the June 7th letter from Planning staff members.
- Discussion of how diversity, equity and inclusion can be addressed in OC2040 (the Comprehensive Plan Update).

BACKGROUND:

The Planning Commission Chair requested time to discuss diversity, equity and inclusion. Specifically:

- If the Planning Commission would like to make a broad statement.
- Possible motion to write a letter of support of the June 7th letter from Planning staff members.
- Discussion of how diversity, equity and inclusion can be addressed in OC2040 (the Comprehensive Plan Update).

The tragic death of George Floyd and many before him led to nationwide demonstrations calling for the end of systemic racism and police brutality, and Commissioners met to discuss concerns raised by community members.

The Oregon City Commission held a special meeting at 7 p.m., Sunday, June 7th, 2020, to discuss a meaningful change in Oregon City that creates a diverse, equitable, and inclusive community. The City Commissioner directed staff to draft a resolution that condemns violence and racism and fosters a diverse, equitable, and inclusive community that is inviting and safe for all residents and visitors regardless of their age, gender, sexual orientation, religion, or ethnicity.

On June 9, 2020, Resolution No. 20-19, Declaring Oregon City's Stance Against Racism, Discrimination and Social Injustices in our Country and Community was approved.

OPTIONS:

1. Make a statement on diversity, equity, and exclusion.
2. Do not make a statement on diversity, equity, and exclusion.

BUDGET IMPACT:

Amount: N/A

FY(s):

Funding Source:

Agenda - 2020-06-15T071925.694

Staff Report (96)



City of Oregon City

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

Meeting Agenda City Commission

Sunday, June 7, 2020

7:00 PM

Commission Chambers

Special Emergency Meeting

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- *Email at any time up to 12 p.m. the day of the meeting to recorderteam@orc.city.org.*
 - *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.*
 - *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045.*
-

1. Convene Special Emergency Meeting

2. Roll Call

3. General Business

- 3a. [20-302](#) City Commission Discussion of Diversity, Equity and Inclusion in Oregon City

Sponsors: City Manager Tony Konkol

Attachments: [Staff Report](#)

- 3b. [20-303](#) Fourth of July Fireworks Show in Oregon City and Existing Executive Orders Limiting Large Gatherings

Sponsors: City Manager Tony Konkol

Attachments: [Staff Report](#)

- 3c. [20-304](#) Discussion of the June 3rd, 2020 Commission Meeting Recording and Commission Communications

Sponsors: City Manager Tony Konkol

Attachments: [Staff Report](#)

4. Communications

5. Adjournment

Citizen Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

**Complete a Comment Card prior to the meeting and submit it to the City Recorder.*

**When the Mayor calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*

**Each speaker is given 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.*

Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channel 28 for Oregon City area residents. The meetings are also rebroadcast on WPMC. Please contact WPMC at 503-650-0275 for a programming schedule.

City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the meeting. Disabled 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.



City of Oregon City

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

Staff Report

File Number: 20-302

Agenda Date: 6/7/2020

Status: Agenda Ready

To: City Commission

Agenda #: 3a.

From: City Manager Tony Konkol

File Type: Report

SUBJECT:

City Commission Discussion of Diversity, Equity and Inclusion in Oregon City

RECOMMENDED ACTION (Motion):

City Commission discussion and direction to Staff.

BACKGROUND:

The death of George Floyd has resulted in nationwide demonstrations calling for the end of systemic racism. The City Commission has received many questions concerning the City's position related to providing for and actively creating a diverse, equitable and inclusive community that is inviting and safe for all residents and visitors regardless of their race, gender, sexual orientation, religion or ethnicity. The City Commission determined that it was necessary to hold a special meeting to discuss the concerns and comments that have been raised throughout the community and to clarify the position of the City of Oregon City.



City of Oregon City

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

Meeting Agenda City Commission

Tuesday, June 9, 2020

5:30 PM

Commission Chambers

Special Emergency Meeting

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- Email at any time up to 12 p.m. the day of the meeting to recorderteam@orc.org.
 - Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.
 - Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045.
-

1. Convene Special Emergency Meeting

2. Roll Call

3. General Business

- 3a. [20-314](#) Resolution No. 20-19, Declaring Oregon City's Stance Against Racism, Discrimination and Social Injustices in our Country and Community

Sponsors: City Manager Tony Konkol

Attachments: [Staff Report](#)

[Resolution No. 20-19](#)

4. Adjournment

Citizen Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

**Complete a Comment Card prior to the meeting and submit it to the City Recorder.*

**When the Mayor calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*

**Each speaker is given 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.*

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City of Oregon City

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

Staff Report

File Number: 20-314

Agenda Date: 6/9/2020

Status: Agenda Ready

To: City Commission

Agenda #: 3a.

From: City Manager Tony Konkol

File Type: Resolution

SUBJECT:

Resolution No. 20-19, Declaring Oregon City's Stance Against Racism, Discrimination and Social Injustices in our Country and Community

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission adopted proposed Resolution Number 20-19.

BACKGROUND:

The Oregon City Commission held a special meeting at 7 p.m., Sunday, June 7th, 2020, to discuss a meaningful change in Oregon City that creates a diverse, equitable, and inclusive community. The tragic death of George Floyd and many before him led to nationwide demonstrations calling for the end of systemic racism and police brutality, and Commissioners met to discuss concerns raised by community members.

The City Commissioner directed staff to draft a resolution that condemns violence and racism and fosters a diverse, equitable, and inclusive community that is inviting and safe for all residents and visitors regardless of their age, gender, sexual orientation, religion, or ethnicity.

During the meeting, Commissioners emphasized the importance of listening to the Community and living up to the expectations of Oregon City residents'. A diverse community adds significantly to the creative nature of ideas, the richness of experiences and to the high quality of life that our community seeks to obtain on a daily basis. The Commissioners emphasized that they are committed to creating a lasting civic legacy that all Oregon City residents can be proud of by creating a community that is respectful and free of hate, discrimination, misogyny and unlawful abuse in all of its forms.

RESOLUTION NO. 20-19

A RESOLUTION DECLARING OREGON CITY'S STANCE AGAINST RACISM, DISCRIMINATION, AND SOCIAL INJUSTICES IN OUR COUNTRY AND COMMUNITY

WHEREAS, We, the Mayor and City Commission, City Manager, and City Staff adhere to the belief that equity, equality and equal justice are the corner stone of our nation, state and community; and

WHEREAS, we believe that a diverse community and workplace adds significantly to the creative nature of ideas, the richness of experiences, and to the high quality of life that our community seeks to obtain on a daily basis; and

WHEREAS, we are committed to creating an inclusive, welcoming, and equitable environment for every citizen of our community; and

WHEREAS, we condemn all forms of discrimination and will work to respect, support, and nurture the full potential of all members of our community, in their businesses, their occupations, and in all positive community development endeavors; and

WHEREAS, we denounce discrimination on the basis of age, race, gender, sexual orientation, religion, or national origin and fight for a public environment that is respectful and free of hate, discrimination, misogyny, and unlawful abuse in all of its forms; and

WHEREAS, as a City government, we will continue working to develop a stronger consciousness of injustice and bigotry, and to operationalize equity in City policies and practices; and

WHEREAS, to all our residents, especially of color, know that we respect you, we hear you, and we acknowledge your pain; and

WHEREAS, we affirm that racism and violence against Black lives and all People of Color has no place in our institutions, our policies, our practices, or our behaviors.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISISON OF OREGON CITY THAT:

Section 1. The City of Oregon City supports the efforts and goals of advancing racial equality, actively and intentionally counteracting racist practices, and the removal of systemic obstructions for People of Color.

Section 2. The City of Oregon City stands with the Oregon City School District Board of Directors, Clackamas County Commissioners, Community leaders and our Citizens in recognizing the value and contribution of the lives of all peoples, especially People of Color and the importance of removing all barriers to success and equity.

Section 3. The City of Oregon City will work to create a diverse, equitable, and inclusive community and workplace.

Section 4. The City of Oregon City will support creating a safe space for conversations, learning opportunities, and advancing policies and procedures to fight racism and inequity.

Section 5. This Resolution is effective immediately upon approval by the City Commission.

Approved and adopted at a special emergency meeting of the City Commission held on the 9th day of June 2020.

DAN HOLLADAY, Mayor

RACHEL LYLES SMITH, Commission President

DENYSE McGRIFF, City Commissioner

FRANK O'DONNELL, City Commissioner

ROCKY SMITH, JR., City Commissioner

Attested to this 9th day of June 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

June 7, 2020

Tony Konkol, City Manager
City of Oregon City
PO Box 3040, Oregon City, OR 97045

Dear Mr. Konkol,

Planners and the planning profession owe their communities an honest discussion about the way racism has helped shape the built environment. Redline zoning, the razing of vibrant neighborhoods in the name of progress, and the enforcement of large-lot requirements that exclude low- and middle-income residents are some of the methods that planners and governments have used and continue to use to discriminate against immigrants, people of color, and the poor.

As we embark on this new Comprehensive Plan update, we are committed to ensuring that we not only improve our outreach efforts to those who have historically been left out of the public engagement process but also that we allow time and space to listen. To carry out our responsibilities as planners, we need to continually ask what Oregon City can do to help create a more equitable community and collectively work to find ways to engage with communities that are wary of government, may not speak English as their first language, or may never have been asked for their input before.

The recent comments by the Mayor of Oregon City do not acknowledge the lived experiences of communities of color and do nothing to address the centuries of systemic racism that have led to the disparities we see in our society today. Our country is at a tipping point in the discussion of racism, white privilege, and the systemic oppression of black people. To remain silent and inactive during this time only perpetuates the cycle of oppression.

The American Institute of Certified Planners (AICP) Code of Ethics compels us as professional planners to “*seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration. We shall urge the alteration of policies, institutions, and decisions that oppose such needs.*”

As our community begins to craft a shared vision for the next 20 years, we ask for the City Commission's acknowledgment of the need to place equity at the center of our plan, and for them to renew their support for diversity, inclusion, and equity in the planning process. We stand ready to amplify the voices of people of color and actively work towards racial equity in Oregon City.

We ask that you forward this letter to the City Commission on our behalf.

Sincerely,



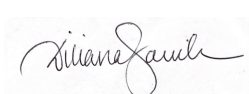
Pete Walter AICP, Senior Planner



Christina Robertson-Gardiner AICP, Senior Planner



Kelly Reid AICP, Planner



Dilianna Vassileva, Assistant Planner

CC:

Laura Terway AICP, Community Development Director
Mike Mitchell, Chair, Oregon City Planning Commission
Aaron Ray, AICP, President, Oregon Chapter APA
Dennis Egner, FAICP, Ethics Committee Chair, Oregon Chapter APA



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, April 22, 2019

7:00 PM

Commission Chambers

1. Call to Order

Chair Mitchell called the meeting to order at

Present: 7 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauer, Greg Stoll and Robert Mahoney

Staffers: 3 - Laura Terway, Christina Robertson-Gardiner and Pete Walter

2. Public Comments

Patti Webb, representing Friends of Canemah, discussed her concerns about a survey that was sent regarding proposed code changes.

3. Public Hearings

- 3a. GLUA-18-00038- Consolidated File (No. SUB-18-00001: Subdivision, NROD-18-00012: Natural Resource Overlay District, VAR-18-00003: Variance - Planning Commission Type III) for a property located at 16362 Hiram Ave, Oregon City.

Chair Mitchell opened the public hearing and read the hearing statement. He asked if any Commissioner had conflicts of interest, ex parte contacts, bias, or statements to declare including a visit to the site.

Commissioner Johnson drove by the site. Commissioners Geil, Schlagenhauer, Gage, and Chair Mitchell visited the site.

Christina Robertson-Gardiner, Planner, presented the staff report. She gave a background on the applications, existing conditions, proposed plat, and variance request for a 6.5 foot side yard setback instead of 15 foot. She then explained the relevant findings and conditions of approval. Staff recommended approval of the applications.

There was discussion regarding the intermittent stream on the property, issues with on-street parking, setbacks for a future detached garage, retaining the existing house, fire truck turn around on Lot 5, street improvements to Hiram Avenue, width of the internal streets, and room for fire trucks with cars parked on both sides.

Tom Sisul, representing the applicant, said the applicant did not wish to challenge any of the conditions. The fire truck turn around would not be on Lot 5 due to the width of the lot, but could potentially be on the shared property lines of Lots 3 and 4. The

applicant intended to build off street parking for Lot 1. If a detached garage was built by the existing house, he expected it would meet the minimum setback. Some of the lots were deep and there would be space for parking. There were a lot of constraints on this property and the development would produce 4 new homes. There would be street improvements and widening on Hiram and they would provide access to the south for those parcels to develop in the future. He thought the street width would be 28 feet and parking would be permitted on one side of the street. No driveways would be accessing Hiram. The reduced setback was a trade off for doing an in-fill.

The Commission asked clarifying questions on the applications.

Paulette Merrill, resident of Oregon City, discussed how Hiram was constrained and the houses close to the street. She did not think this development would meet the character of the neighborhood. She expressed concern about the increased traffic, water in the intermittent stream all year long, and stormwater on her property.

Mr. Sisul provided rebuttal. The stormwater facility would take all of the water from this development and would direct it to the storm system in Hiram.

Chair Mitchell closed the public hearing.

The Commission discussed the application and the reasons for support of the project.

Chair Mitchell suggested adding a condition on Lot 1 that if the lot was redeveloped the standard setbacks would apply.

A motion was made by Commissioner Stoll, seconded by Commissioner Mahoney, to approve GLUA-18-00038- Consolidated File (No. SUB-18-00001: Subdivision, NROD-18-00012: Natural Resource Overlay District, VAR-18-00003: Variance - Planning Commission Type III) for a property located at 16362 Hiram Ave, Oregon City with the added condition that the reduced setback would only apply to the existing house. The motion carried by the following vote:

Aye: 7 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauser, Greg Stoll and Robert Mahoney

3b.

File LEG-18-0001: City Commission Request for Additional Planning Commission Review of Certain Code Amendments

Pete Walter, Planner, discussed four items that the City Commission sent back to the Planning Commission for further review and clarification. These items were: Accessory Dwelling Unit owner occupancy requirements and short-term rental policy, height limit in the Mixed-Use Downtown District for properties located outside of the Downtown Design District, prohibiting 3-4 plexes in the Historic Commercial District, and change or retain the mailed notice area requirement of 300 feet to neighboring property owners for Type II-IV development. He asked if the City should pursue a short-term rental policy and if so, should that policy be in place before removing the Owner Occupancy requirement for ADUs. Also, what aspects of short-term rentals did the Commission want to address.

Denyse McGriff and Damon Mabee, former Planning Commissioners, discussed what the Planning Commission at the time had said about the short-term rental policy.

There was consensus that a short term rental policy should be created through a public process and that there should be no owner occupancy requirement for ADUs.

Mr. Walter asked if 3-4 plexes should be prohibited in the Historic Commercial District.

Patti Webb, resident of Oregon City, lived in Canemah. She thought 3-4 plexes in Canemah went against everything Canemah stood for. It would not fit with the standards or topography and would affect the view. She discussed how the two current apartment complexes were inappropriate for Canemah and with so little land left in Canemah, she did not think it should be used for 3-4 plexes.

Mr. Mabee explained his position on this item which was not to allow 3-4 plexes in this district.

There was discussion regarding what was currently allowed in the code and if it should be changed. There was further discussion about prohibiting 3-4 plexes and multi-family because the use of 3-4 plexes and multi-family was not traditionally in this location.

A motion was made by Commissioner Geil, seconded by Commissioner Schlagenhauser, to prohibit 3-4 plexes and multi-family uses in the Historic Commercial District and to allow up to two residential units above a commercial use. The motion carried by the following vote:

Aye: 7 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauser, Greg Stoll and Robert Mahoney

Mr. Walter asked if the 300 foot notice to neighboring property owners for Type II-IV development should be changed or retained.

There was discussion regarding the current notice process and cost and making better use of the City's website. The majority of the Commission thought the 300 foot notice should be retained due to the cost of increasing the area, low return rate on mailed notices, it was above the State's requirement, and there were other avenues for people to get the information.

Commissioner Geil thought the notice area should be expanded to 500 feet.

A motion was made by Commissioner Mahoney, seconded by Commissioner Gage, to retain the 300 foot notification area. The motion passed by the following vote:

Aye: 6 - Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauser, Greg Stoll and Robert Mahoney

Nay: 1 - Tom Geil

Mr. Walter asked about the height limits for the Mixed Use Downtown District.

There was discussion regarding the current height limits and the proposal to change the 45 foot height limit to 75 feet.

The Commission would like a 3-D rendering of what 45 foot and 75 foot heights would look like before making a decision.

4. Approval of the Minutes

4a. Approval of Planning Commission Minutes

A motion was made by Commissioner Geil, seconded by Commissioner Johnson, to approve the January 22 and February 12, 2018 and January 14,

2019 Planning Commission minutes. The motion carried by the following vote:

Aye: 7 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauser, Greg Stoll and Robert Mahoney

5. Communications

6. Adjournment

Chair Mitchell adjourned the meeting at 9:57 PM.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, June 10, 2019

7:00 PM

Commission Chambers

1. Call to Order

Chair Mitchell called the meeting to order at 7:00 PM.

Present: 7 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauer, Greg Stoll and Robert Mahoney

Staffers: 4 - Laura Terway, Carrie Richter, Pete Walter and Dilliana Vassileva

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearings

4a. GLUA-19-00006 (General Land Use Application), SP-19-00025 (Site Plan and Design Review), and VAR-19-00001 (Variance)

Chair Mitchell opened the public hearing and read the hearing statement. He asked if the Commission had any ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Commissioner Gage had been to the parking lot many times. Commissioner Stoll had driven the parking lot. Commissioner Geil had driven by the site many times. Commissioner Johnson visited the site often. Chair Mitchell had visited the site.

Diliana Vassileva, Planner, presented the staff report. This was a site plan and design review application for a new 6,500 square foot cabinet manufacturing building, removal of 20 parking stalls, and variance that would allow a net loss of approximately 5,000 square feet of landscaping. This was the site of the Wilco retail building and warehouse on the corner of Molalla and Fir. She described the subject site and explained the proposed project. She reviewed the landscaping requirements and variance criteria. Staff recommended approval.

There was discussion regarding the parking on the site and upcoming Code amendments.

George Lister, property owner, and Andrew Montgomery, architect, said they did not want to wait for the upcoming Code amendments to be adopted because they had already been waiting for a year and a half and there were issues with financing. They had looked at areas that could be landscaped to meet the requirements, but there were several leases on the property. One client did agree to taking out some parking, but Wilco used that area for unloading and maneuvering trucks and it would create a hardship.

Kyle Wood, owner of Precision Cabinets, clarified there would be customers coming to the building by appointment. He explained the delivery trucks would be 20 to 24 foot trailers. He thought some landscaping could be put in, but to leave some space for maneuvering.

There was discussion regarding the proposed landscaping and landscaping requirements.

Chair Mitchell closed the public hearing.

A motion was made by Commissioner Geil, seconded by Commissioner Mahoney, to approve GLUA-19-00006 (General Land Use Application), SP-19-00025 (Site Plan and Design Review), and VAR-19-00001 (Variance). The motion carried by the following vote:

Aye: 7 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauser, Greg Stoll and Robert Mahoney

4b. File LEG-18-0001: City Commission Request for Additional Planning Commission Review of Certain Code Amendments

Pete Walter, Planner, said the City Commission sent back to the Planning Commission the issue of height limits in the mixed use downtown zone for further discussion and a recommendation. He displayed several graphics of the current and proposed height limits. The current limits were:

45 foot height limit for properties between Main Street and McLoughlin Boulevard and 11th and 16th Streets.

58 foot height limit in the Downtown Design District.

45 foot height limit for properties within 500 feet of the End of the Oregon Trail Center.

The Commission discussed how the height might affect the view of the river and the River Walk, upcoming Work Session with the City Commission, what had been decided by the previous Planning Commission, increased density and congestion, growth, residential areas near the End of the Oregon Trail Center, and intent of the mixed use downtown zone.

There was consensus that they all needed to agree on the intention of the zone and staff would provide related Comprehensive Plan goals and policies before the meeting with the City Commission.

5. Approval of the Minutes

5a. Approval of Minutes of the January 28, 2019 Planning Commission Meeting

A motion was made by Commissioner Geil, seconded by Commissioner Gage, to approve the minutes of the January 28, 2019 Planning Commission Meeting. The motion carried by the following vote:

Aye: 7 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhauser, Greg Stoll and Robert Mahoney

6. Communications

Laura Terway, Community Development Director, announced changes to the City's website and discussed the items on the next meeting's agenda.

7. Adjournment

Chair Mitchell adjourned the meeting at 8:44 PM.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, September 9, 2019

7:00 PM

Commission Chambers

1. Call to Order

Vice Chair Gage called the meeting to order at 7:00 PM.

Present: 5 - Tom Geil, Vern Johnson, Patti Gage, Dirk Schlagenhauser and Greg Stoll

Absent: 1 - Mike Mitchell

Staffers: 3 - Laura Terway, Christina Robertson-Gardiner and Pete Walter

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

3a. LEG 19-00003 - Beaver Creek Road Concept Plan- Code and Zoning Amendments (Select Topics)

Vice Chair Gage opened the public hearing.

Christina Robertson-Gardiner, Senior Planner, presented the staff report. This was to review and get direction on the Beaver Creek Road Concept Plan zoning and code amendments. The first was to increase the setback of the southern property line to 40 feet to preserve a grove of trees. She added two additional redline clarifications for the southern boundary into the record. The next was to have a 25 foot setback on the northern property line when abutting residential uses. The next was a concern that ancillary warehousing and distribution would not be allowed in the Beaver Creek Road Concept Plan CI zone, however she clarified that distribution/warehousing of items constructed or assembled as part of the permitted use was allowed. The next was a map change request to rezone a property to residential and she clarified it was a Title 4 designated industrial area and any rezoning would require Metro approval and staff did not recommend that at this time. The next was adopting new City Comprehensive Plan and Zoning Maps which would be added into the record this evening. The last one was to expand home occupation uses within the mixed use and residential areas, and staff did not recommend any changes at this time.

James Nicita, resident of Oregon City, discussed a previous City Commission vote in 2011 to add more cottage manufacturing to the Beaver Creek Road Concept Plan area and he thought that vote was binding on this process.

Elizabeth Grasier-Lindsey, resident of the hamlet of Beaver Creek, said when this area

was brought into the Urban Growth Boundary it was envisioned for industry and jobs, but the concept had changed and there was a lot of residential now. She thought the jobs should come in before the residential, and cottage manufacturing would help combine jobs and residential and would help reduce traffic. She thought the home occupation should not be as service oriented, but that the trades could be involved as well.

There was discussion regarding home occupations and cottage manufacturing in this area.

Mr. Nicita said at the time this was being discussed the emphasis was not on the residential, but on the manufacturing uses. He suggested doing outreach to people who were not in Oregon City but who would want this type of model and this would be an incentive for them to come to the City. He also suggested staff find examples of this type of use in other cities.

There was discussion regarding getting more information about additional industrial uses being allowed in the residential areas and how that might affect CC&R's.

There was consensus for staff to look into options to encourage more cottage industrial inside the residential districts and to create a definition and requirements for cottage industrial.

There was discussion regarding staff's recommendations for the southern property line, northern property line, definition of warehouse, map change request, and zoning maps. There was consensus to move forward with those items as recommended by staff.

3b.

Development Code Amendments Including Equitable Housing (Planning File LEG 18-00001): Amendments to the Recently Adopted Code for Clarifications, Corrections of Errors, or Improvements

Pete Walter, Senior Planner, said new Code language became effective in August, however Code clean-up was needed to correct errors and clarify existing adopted standards. The changes included clarification to lot size reduction and how the percentage would be rounded down, definition changes to food cart and net density, correction to the cross-reference for front porch requirements for townhomes, clarification for MUC mixed use corridor district that 1-2 residential units were permitted in conjunction with non-residential uses and that bus stops were not included in the definition of passenger terminals, correction to the MUD mixed use downtown permitted use list and clarification that bus stops were not a conditional use, cross-referencing the existing 15% landscape requirement for the Institutional District, clarification that the 30 day completeness review began upon receipt of all review fees plus land use application form, clarification for off street parking and loading fleet parking calculation and perimeter and building buffer landscaping standards with respect to drive aisles, and corrections to the supplemental zoning regulations including perimeter and building buffer landscaping standards with respect to drive aisles, projections may be limited by easements, subgrade retaining walls/safety railings, mobile food carts, and home occupations (commodity sales). There were also changes regarding mobile food carts, changing "cart" to "unit," removing conflicting language for health regulations, clarifying standards applicable to external site features, removing exterior materials required for food units, clarifying screening requirements for generators, and clarifying the site permit was issued to the property owner and individual units applied for business licenses. There were revisions to the site plan and design review to clarify the

applicability of the standards to manufactured home parks, clarifying the screening of mechanical equipment, and clarifying that vinyl and powder coated chain link fencing was allowed for specific park uses. He then discussed the next steps/schedule.

The Commission asked clarifying questions about these proposed changes.

3c.**Heritage Tree Code Amendments OCMC 12.32**

Mr. Walter gave a background on the Heritage Tree Code and summarized the proposed revisions which would simplify the process for the voluntary nomination and designation of heritage trees and encourage more voluntary nominations. Some of the changes included removal of the requirement for a certified arborist report regarding the tree condition, owner consent would be required in all situations for both private and public owned property, modification of some definitions and reorganization of some sections, clarification of the notice requirements, and all nominations would be submitted to the Natural Resource Committee prior to December 31 and processed as a batch with the recommendations declared concurrently with Oregon Arbor Week. A tree mitigation table was also added indicating the number of replacement trees required if a heritage tree was removed. Native heritage trees must be replaced with heritage tree species. He gave an overview of the process for nominating a heritage tree. He asked for any feedback about these changes. The City Commission would adopt these changes by ordinance.

Dorothy Dahlsrud, resident of Oregon City, discussed how difficult it was to get nominations due to the arborist report requirement. She recommended they not allow hybrid trees to be planted, but only native trees and that the fine for removal of a heritage tree be increased.

The Commission supported the changes presented by staff.

4. Communications**5. Adjournment**

Vice Chair Gage adjourned the meeting at 9:35 PM.