City of Oregon City

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

Meeting Agenda

Planning Commission

Monday, September 10, 2018 | **7:00 PM** | **Commission Chambers**

1. Call to Order

2. Public Comments

3. Public Hearing

3a. LEG-18-00001: Development Code Amendments including Equitable Housing - Public Hearing (Tentative Decision)

Attachments:
- Draft Amendments Dated 9.4.18
- Revised Recommended Findings
- Project Website and Code Amendments
- Land Use Application and Narrative
- Replinger and Associates Memorandum on Transportation Impacts
- Wallace Engineering Memorandum on Utility Impacts
- Equitable Housing Project Advisory Team (PAT) Recommendation
- Feedback from Open Houses #1-3
- April Survey Results
- May Survey Results
- Public Workshop Summary
- Clackamas County 3HS Consolidated Plan 11.3.2017
- Metro Urban Growth Report and Urban Growth Boundary Decision July 3, 2018
- Metro Code 3.07 UGMFP
- Park Place Concept Plan
- South End Concept Plan
- Beavercreek Road Concept Plan
- Community Development Department Statistics as of 6.30.2018
- All Comments as of 9.4.2018

4. Communications

5. 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

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
❑ Compatibility Review	❑ Extension	❑ Annexation
❑ Lot Line Adjustment	❑ Detailed Development Review	❑ Code Interpretation / Similar Use
❑ Non-Conforming Use Review	❑ Geotechnical Hazards	❑ Concept Development Plan
❑ Natural Resource (NROD) Verification	❑ Minor Partition (<4 lots)	❑ Conditional Use
❑ Site Plan and Design Review	❑ Minor Site Plan & Design Review	❑ Comprehensive Plan Amendment (Text/Map)
	❑ Non-Conforming Use Review	❑ Detailed Development Plan
	❑ Site Plan and Design Review	❑ Historic Review
	❑ Subdivision (4+ lots)	❑ Municipal Code Amendment
	❑ Minor Variance	❑ Variance
	❑ Natural Resource (NROD) Review	❑ Zone Change

File Number(s): LEG 18-00001

Proposed Land Use or Activity: AMENDMENT TO THE TEXT OF THE OREGON CITY MUNICIPAL CODE

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

Physical Address of Site: CITY WIDE

Clackamas County Map and Tax Lot Number(s): CITY WIDE

Applicant(s):

Applicant(s) Signature: LAURA TERWAY

Applicant(s) Name Printed: CITY OF OREGON CITY : PLANNING DEPT Date: 6.26.18

Mailing Address: PO BOX 3040

Phone: _____ Fax: _____ Email: _____

Property Owner(s):

Property Owner(s) Signature: Anthony J. Konkol III

Property Owner(s) Name Printed: Anthony J. Konkol III Date: 6-26-18

Mailing Address: 625 Center Street OREGON CITY OR 97045

Phone: 503.657.0891 Fax: _____ Email: tkonkol@orcity.org

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.

Proposed Amendments to the Oregon City Municipal Code

I. PROPOSAL

The proposal includes amendments to the text of the Oregon City Municipal Code including:

- Amendments from an equitable housing project which identified opportunities to support and incentivize a diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities as well as the removal of barriers.
- General clarifications and efficiencies
- A variety of amendments identified by city staff

The City of Oregon City is interested in understanding the barriers and solutions to facilitating diverse, physically accessible, affordable housing choices within the city with access to opportunities, services and amenities. The Equitable Housing Policy project, initiated in 2017, includes a thorough review of housing-related development standards, policies, fees, and procedures. The project's goal is to make equitable housing more accessible by providing greater flexibility in zoning and development policies, informational materials for homeowners and developers to illustrate review processes, and mapping tools to guide housing development in amenity-rich neighborhoods. The outcome of the project will be a series of amendments to development standards and recommended process improvements that will result in clear paths toward additional housing units within Oregon City.

Attached to this narrative by reference are all of the supporting information provided on the process on the City website as well as all meeting agendas, summaries, technical documents, and work products.

II. DECISION-MAKING CRITERIA:

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

Oregon City Comprehensive Plan
Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

Considerations
Section 2 – Land Use of the 2004 Oregon City Comprehensive Plan indicates that the regular review and updated of the Comprehensive Plan should consider the following:

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.

Response:

CODE CHANGES FOR EQUITABLE HOUSING
The Equitable Housing project was initiated in response to the known regional problem of limited housing supply and skyrocketing housing prices affecting the Portland Metro Area and Oregon City. There is a mismatch between supply and demand of housing that is leading to limited availability and affordability challenges for many households.

Single-family detached homes, a traditional free-standing house with a yard and space for 3.2 children, dominate the supply but comes at a high cost that is increasingly out of reach, leading to homelessness in some cases. With smaller households more and more common, the city's needs don't match the homes available.

Limited Housing Choices
Looking at the latest census data, in Oregon City, 71% of residential units are single-family detached homes, dominating the housing market. All other housing types make up 29% of the housing options, combined, ranging from manufactured homes and floating homes to 20 unit apartment complexes.

Alternative Housing Opportunities
Within the remaining 29% of Oregon City's Housing stock, there are a surprising number of options. The most popular alternative is multifamily apartments, and these are even more diverse when broken down by size which is really varied. Townhouses are the next most common option, followed by manufactured homes in the existing parks within the city, then 3-4 unit multiplex buildings and duplexes. The least popular options

currently are ADUs, where city records only show 23 have been constructed in the past 10 years, and no existing cottage housing units though several are under review currently.

Housing Prices

Housing prices are increasingly unaffordable, which is typically defined as spending more than 35% of household income on housing. Almost 24% of homeowners with a mortgage have unaffordable costs, and over 40% of renters can't afford housing costs. Overall, one in four households are struggling to pay for housing.

Homelessness

At the extreme, housing unaffordability, partially linked to limited housing options and limited housing supply, is leading to increased numbers of people experiencing homelessness. 322 individuals experiencing homelessness in 2017 count, over half under 18. 93% increase in students experiencing homelessness in the past decade. City Council has recognized this and made addressing homelessness a priority issue.

Household Sizes are Shrinking

In addition to the high cost of housing, current housing choices are increasingly a poor fit for our households. 55% of households are 1-2 people, at various life stages. Since many households are trending this way there needs to be flexibility either in how we use our homes or flexibility to move to a different home that best meets our needs. This share is expected to increase. Only 37% of homes have children, also a historical driver for single-family detached homes that is changing, as compared to 71% of housing stock of currently single-family homes, which might be too big or too expensive for these small households.

Code Audit – Equitable Housing

The first step in the Equitable Housing Project was an audit of current regulations, processes, and incentives to identify existing barriers and areas for improvement in current residential development regulations. Audit findings guided the development of regulatory amendments and policy changes in later phases of the project. The audit process began with review of adopted plans, regulations, policies and internal procedures. Information sources incorporated into this public review draft include:

- Development code, land division standards, and engineering standards;
- Background documents including long-range planning documents;
- Development review procedures including available informational materials for developers;
- Development review fees including permit fees and System Development Charges (SDCs);
- Previous residential land use decisions and development history; and
- Best practices from policy experts and surrounding jurisdictions.

City staff also provided insight into how regulations and policies work "in the real world" as applied. The public review draft of the audit incorporated public input from stakeholder interviews with a variety of residential development professionals. The final audit findings incorporated additional public input from a survey of the development community, and PAT/TAT review comments at meetings in October 2017. The final audit findings were released in early November.

The audit acknowledges the wide universe of plans, policies, and regulations at federal, state and local levels that impact the availability and affordability of housing choices, with a particular focus on local development regulations that can be analyzed and revised as part of the Equitable Housing Policy project. Those development regulations are designed to implement adopted long-range and housing plans. Plan revisions are generally not recommended at this time based on audit findings; the long-range vision as articulated in adopted plans is in line with providing needed variety of housing units, and the focus for this project is facilitating development of that vision through development regulations. For further information, these plans are detailed and referenced in the Code Audit Report, dated October 17, 2017.

ADDITIONAL CODE CHANGES

The remaining code changes include general clarifications and efficiencies made to the development code. These are a large variety of amendments identified by city staff during previous development review processes. A portion of the code amendments have been suggested by the development community as barriers to development.

All of the changes proposed are summarized in the attachment titles "Code Amendments Summary". Specific tracked changes or red-lined versions of the city code chapters are attached.

CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS

17.68.010 Initiation of the amendment.

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

A. A resolution by the commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

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

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

17.68.020 Criteria.

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

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

Response: Consistency with the Oregon City Comprehensive Plan (OCCP) Goals and Policies follow starting on page 6.

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

Response: The capacity of the respective public facilities and services to support the proposal is addressed below.

Water and Sewer Capacity

Please refer to the attached memorandum from Wallace Engineering. The memorandum provides an assessment of the water and sanitary sewer system implications of the code amendments proposed in

support of the Equitable Housing project. The purpose of this memorandum is to determine the impact of increased density on the water supply and distribution system, and the sanitary sewer collection system. Wastewater treatment is provided by the Tri-City Sewer District, which has provided separate comments.

The Wallace Engineering memorandum concludes that the 160 additional dwelling units anticipated beyond current planning projections as part of proposed code amendments will not have an adverse impact on the future (2035) peak sanitary flows projected as part of the 2014 Sanitary Sewer Master Plan (SSMP) and future (2030) water demand projected as part of the 2012 Water Distribution Master Plan (WMP). The code amendments encourage increased housing densities, and if overall future growth is at a faster rate than anticipated by the SSMP and WMP, then the capital projects identified in each respective plan may need to be completed sooner than anticipated and the prioritization of the projects may need to change. The recommended capital improvement programs in each respective plan will adequately accommodate future growth projections including the 160 additional dwelling units. Completion of capital projects will be in a planned and orderly manner through prioritization of the projects and allocations of the City's annual project funding that is recovered through utility fees and system development charges for the respective utilities.

South Fork Water Board (SFWB), Oregon City's water provider, has indicated that SFWB will be able to provide water service to the additional 160 units over the current projection of 7,962 households anticipated.

Schools
The proposal was sent to the Oregon City School District (OCSD) for comment. OCSD has been informed of the proposal since the beginning of the project. The school district has not indicated that it is incapable of supporting the additional uses allowed by the proposal either now or in the future.

Police and Fire Protection
Oregon City Police Department and Clackamas Fire District capacity would not be affected by the proposal, since proposal does not change existing service areas.

Wastewater Treatment
Tri-City Sewer District indicates that the proposal does not conflicts with their interests.

Storm Drainage
This proposal does not change the city's adopted policies and technical documents related to storm water management and erosion control.

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

Based on the various analyses provided, public facilities and services are presently capable of supporting the uses allowed by the proposal, or can be made available prior to issuing a certificate of occupancy. **This criterion is met.**

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.
Response: The impacts of the proposal on the transportation system were reviewed by the City's Transportation Consultant, Replinger and Associates. Please refer to Mr. Replinger's analysis and memorandum which is attached to this narrative. The memorandum provides an assessment of the transportation implications of the code amendments proposed in support of the Equitable Housing project. The memorandum assesses whether the proposed amendments trigger a finding of significant effect that would require further analysis to determine transportation impacts under OAR 660-12-0060 (Transportation Planning Rule or "TPR").

Mr. Replinger's overall conclusion is that the proposed code amendments do not result in a significant change in the number of dwelling units and more traffic than anticipated and planned for in Oregon City's Transportation System Plan (TSP) adopted in 2013. Therefore, the proposed amendments do not have a significant effect on the transportation system and that the city may adopt findings to that effect when adopting the proposed amendments.

This criterion is met.

D. Statewide planning goals shall by addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.
Response: The acknowledged Oregon City Comprehensive Plan (OCCP) addresses all of the applicable Statewide Planning goals unless the Statewide Goal is inapplicable. The relevant sections of the OCCP implemented by this proposal, and the applicable Statewide Goals is indicated below.

Statewide Planning Goal	OCCP Section / Goal(s) Implemented by this Proposal
1: Citizen Involvement	1. Citizen Involvement / Goals 1.1, 1.2, 1.4, 1.5, 1.8
2: Land Use Planning	2. Land Use Planning / Goals 2.1 – 2.7
3: Agricultural Lands	3. Not applicable within UGB
4: Forest Lands	4. Not applicable within UGB
5: Natural Resources, Scenic and Historic Areas, and Open Spaces	5. Open Spaces, Scenic and Historic Areas, and Natural Resources / Goals 5.2, 5.3, 5.4
6: Air, Water and Land Resources Quality	6. Quality of Air, Water, and Land Resources / Goals 6.1-6.3
7: Areas Subject to Natural Hazards	7. Natural Hazards / Goal 7.1
8: Recreation Needs	8. Parks and Recreation / Not applicable.
9: Economic Development	9. Economic Development / Goal 9.2
10: Housing	10. Housing / Goals 10.1, 10.2
11: Public Facilities and Services.	11. Public Facilities / Goals 11.1, 11.6, 11.7
12: Transportation	12: Transportation / Goal 12.1
13: Energy Conservation	13. Energy Conservation / Goal 13.1
14: Urbanization	14. Urbanization / Goal 14.2
15: Willamette River Greenway	Not affected by this proposal.
16: Estuarine Resources	Not applicable.
17: Coastal Shorelands	Not applicable.
18: Beaches and Dunes	Not applicable.
19: Ocean Resources	Not applicable.

Detailed responses to the OCCP goals and policies are provided in the remainder of this narrative.

OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES

OCCP SECTION 1 – CITIZEN INVOLVEMENT
This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement, which requires local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process." The Citizen Participation Goal in the 1976 Land-Use Policies for Oregon City is to "provide an active and systematic process for citizen and public agency involvement in the land use decision-making for Oregon City." The goal is based on the philosophy that a neighborhood program would provide the best means for citizens to become involved in the planning process.

OCCP Goal 1.1 Citizen Involvement Program

Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.

OCCP Policy 1.1.1
Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

OCCP Goal 1.2 Community and Comprehensive Planning
Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.

OCCP Policy 1.2.1
Encourage citizens to participate in appropriate government functions and land-use planning.

OCCP Goal 1.4 Community Involvement
Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

OCCP Policy 1.4.1
Notify citizens about community involvement opportunities when they occur.

OCCP Goal 1.5 Government/Community Relations
Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.

OCCP Goal 1.8 Advisory Committees
Establish and support citizen advisory committees and commissions.

OCCP Policy 1.8.1
Identify the areas of City government in which the counsel of a formal citizen advisory committee or commission is warranted if funding is available to provide appropriate staff support.

OCCP Policy 1.8.2
Solicit and support citizen participation on citizen advisory committees and commissions. Identify desirable expertise from the Portland metro area as needed to best serve the interests of Oregon City.

Response: **The proposal is consistent with these Goals and Policies**. As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole.

The project kicked off in August 2017 with recruitment for the Project Advisory Team (PAT) with appointments by the Mayor in late September. The following positions are represented on the PAT.

- Citizen Involvement Committee (2)
- Single-Family Developer Interest (1)
- Multi-Family/Mixed Use Developer Interest (1)
- Business Community (OC Chamber, Main Street or OC Business Alliance) (1)
- At large (Youth, Elderly, Working Family) (3)
- Technical Advisory Team member (1)

- Developer of regulated affordable housing (1)
- An organization representing low income families and/or communities of color (1)
- Additional at-large position to be filled if needed based on any additional needs (1)
- City Commission (1)
- Planning Commission (1)
- Oregon City Resident (2)

Additionally, a variety of methods have been used to engage citizens in the process. This includes:

- Project Website with regular updates (https://www.orcity.org/planning/equitable-housing)
- Email Updates announcing upcoming Meetings
- Social Media (Postings on the City Facebook Page by Community)
- Mailing List (more than 250 subscribers)
- Project Advisory Team Meetings
- Staff Presentations at Community Meetings
- Work Sessions
- Surveys
- Press Releases
- Public Notices (for Adoption Process)

The following community meetings were held:

- Project Advisory Team Application Process – August 2017
- Stakeholder Interviews: Fall 2017
- Citizen Involvement Committee: October 2, 2017
- Development Stakeholder Group: October 5, 2017
- Technical Advisory Team Meeting: October 24, 2017
- Project Advisory Team Meeting: October 24, 2017
- Technical Advisory Team Meeting: January 9, 2018
- Project Advisory Team Meeting: January 9, 2018
- Technical Advisory Team Meeting: March 6, 2018
- Project Advisory Team Meeting: March 6, 2018
- Citizen Involvement Committee: April 2, 2018
- Online Survey #1: Mid-April, 2018
- Planning Commission Work Session: April 23, 2018
- Technical Advisory Team Meeting: May 1, 2018
- Project Advisory Team Meeting: May 1, 2018
- Online Survey #2: Early May, 2018
- Public Workshop: May 15, 2018
- City Commission Work Session: May 16, 2018
- Transportation Advisory Committee: June 19, 2018
- Technical Advisory Team Meeting: June 21, 2018
- Project Advisory Team Meeting: June 21, 2018

The 15-member Project Advisory Team represents a broad group of stakeholders of Oregon City which included two representatives of the Citizen Involvement Committee. The CIC is comprised of representatives from all of the active Neighborhood Associations, who report back to the neighborhood associations at their respective meetings. Staff also provided presentations to the CIC throughout the project (see above).

The complete code amendment package was discussed at the following meetings:

- Citizen Involvement Committee: July 2, 2018, 7pm, City Hall

- Planning Commission Work Session #1: July 9th, 2018, 7pm, City Hall
- McLoughlin Neighborhood Association Meeting: July 11th, 2018, 7pm, Public Library
- Natural Resources Committee: July 11th, 2018, 7pm, City Hall
- Development Stakeholders Meeting: July 12, 2018, 7:30am, Community Development
- Open House: July 23rd, 4-6pm, City Hall
- Planning Commission Work Session #2: July 23rd, 2018, 7pm, City Hall
- Historic Review Board: July 24, 2018: 6pm
- Open House #2: August 13, 2018
- Natural Resources Committee: August 8, 2018
- Development Stakeholders Meeting: August 9, 2018
- PC Hearing #1: August 13, 7pm, City Hall
- PC Work Session #3: August 13, 7:10pm, City Hall
- Open House #3: August 20, 5-6:45 pm, City Hall

The following meetings are anticipated as of the date of this report.

- PC Work Session #4: August 20, 7pm, City Hall
- PC Work Session #5: August 27, 5:30pm, City Hall
- PC Hearing #2: August 27, 7pm, City Hall
- City Commission (CC) Work Session #2: September 5, City Hall
- Tentative PC Hearing #3: September 10, 7pm, City Hall
- Tentative PC #4 (if needed): September 24, 7pm, City Hall
- Tentative CC Hearing #1: October 3rd, 7pm, City Hall
- Tentative CC Hearing #2: October 17th, 7pm, City Hall
- Tentative CC Hearing #3: November 7th, 7pm, City Hall

In addition, the application was posted on the City project website, emailed to various entities including neighborhood associations and the Citizen Involvement Committee, and posted in a general circulation newspaper.

Three on-line surveys were conducted in October 2017, late February, 2018, and June 2018 to gauge support for the various proposals. Results of the surveys were posted on the city's project website and shared with the Project Advisory Team.

The proposed amendments clarify administration and procedures of various land use processes. These include:

- Simplify the Type III land use notification process by allowing notice by direct email rather than by placing notices in the newspaper for the acknowledged Neighborhood Associations and Citizen Involvement Committee.
- Remove a seldom used and overly discretionary provision in the administration procedures that allowed reconsideration of a staff decision without public notice and comment.
- Clarify that the appeals process for a Historic Review Board (HRB) decision is the same as for other quasi-judicial (Type III) decisions.
- Provide clarity for the public, staff, and development community by clearly articulating how development is processed and the procedures for appealing said development.
- The equitable housing project includes the development of a variety of education materials, maps and a cost estimating tool to assist prospective homeowners and builders in understanding the requirements for the various housing types proposed.

OCCP SECTION 2 – LAND USE PLANNING

Land Conservation and Development Commission (LCDC) Statewide Planning Goal 2, Land Use Planning, establishes a land-use planning process and policy framework with which local Comprehensive Plans must comply. Another influence on

local plans in the Portland metropolitan area is Metro's 2040 Growth Concept (1995), which defines regional growth and development, including a vision for Downtown Oregon City as a Regional Center.

OCCP Goal 2.1 Efficient Use of Land
Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.
Response: The proposals for additional dwelling unit types in existing zones would create incentives for new development to use land more efficiently. For infill situations in the lower density zones, modest increases to building footprints and the allowance for internal conversions and corner lot duplexes on lots that are already served by existing infrastructure will improve the efficiency of public infrastructure investments. This Goal is also supported by the existing zoning map. This proposal does not amend the zoning map, however, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with better bicycle access, which would provide improved walking and bicycle access to nearby amenities. All three adopted concept plans for the UGB areas that have not yet been annexed to the city: Park Place, South End, and Beavercreek Road, have all been conceptually designed to result in vibrant, walkable, amenity rich neighborhoods with active community centers. The additional housing choices that this proposal would allow, particularly for medium and high density residential and mixed use zones in the concept plan areas, would further serve to implement the Comprehensive Plan designations and concept plans for these areas.

In addition, the application proposed to raise the height limit for a property within the Mixed Use Downtown District as well as amend how the height of development is measured in the floodplain both of which result in potentially a higher density of development which is more efficient for the land. **The proposal is therefore consistent with this goal and policy.**

OCCP Policy 2.1.1
Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.
Response: The proposals for additional dwelling unit types in existing zones would create incentives for new development to use land more efficiently. When appropriate, existing off-street parking standards for multi-family development, 3-4 plexes, townhomes, duplexes, internal conversions and accessory dwelling units would be simplified, minimized or waived. The minimum FAR (Floor Area Ratio) in the mixed use zones would remain at 0.25., which is an appropriate standard for Oregon City when other adopted design review requirements will achieve design intent, such as maximum parking lot allowances and maximum building setbacks abutting the street.

The minimum parking for multi-family is currently based on the number of bedrooms. As this is the only housing type which considers the number of bedrooms for parking minimums, the proposal would create a single parking minimum which reduces the parking standards for units with multiple bedrooms.

The side yard setbacks in the low density and medium density residential districts are currently two different widths, for example in the R-10 zone the side yard setback is 10 feet on one side and 8 on the opposite. This has been quite confusing for property owners trying to understand the distance of a future adjacent home, as well as attempting to plan for a minor addition. In order to add simplicity and clarity for homeowners and the development community, the proposal would reduce the larger side setback to match that of the smaller.

The amendments includes an incentive to add reduced rate units by allowing a density bonus in the R-2 district (of up to 20%) for units below a certain AMI for a designated time. **The proposal is therefore consistent with this policy.**

OCCP Policy 2.1.2

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

Response: The proposal would allow a wider variety of residential units in more configurations including detached cottages and duplexes in the low-density zones, additional options for townhouses and multiplex residential in the medium-density zones, and smaller-scale garden-style apartments in the high-density zone. Because there is no minimum size for dwellings, smaller "tiny homes" with permanent foundations and utility connections would be allowed in cluster projects in any zone. This proposal does not amend the zoning map, however, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with better bicycle access, which would provide improved walking and bicycle access to nearby amenities. All three adopted concept plans for the UGB areas that have not yet been annexed to the city: Park Place, South End, and Beavercreek Road, have all been conceptually designed to result in vibrant, walkable, amenity rich neighborhoods with active community centers. The additional housing choices that this proposal would allow, particularly for medium and high density residential and mixed use zones in the concept plan areas, would further serve to implement the Comprehensive Plan designations and concept plans for these areas.

In addition, the amendments include a proposal that parking lots in the MUC and MUD districts would be utilized more efficiently by allowing property owners to open their off-street parking to the public or any other use while they are not utilizing it. For example, an office downtown could allow parking for the public (free or for charge) after the office is closed. The proposal would allow general parking (not associated with a use within 1,000 feet) outright, as opposed to a conditional use required today. **The proposal is therefore consistent with this policy.**

OCCP Goal 2.2 Downtown Oregon City

Develop the Downtown area, which includes the Historic Downtown Area, the "north end" of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

Response: The proposed code amendments will continue to allow apartment and live-work use in the downtown area which is zoned Mixed Use Downtown (MUD). The proposal would allow outdoor food carts and mobile vendors in the Willamette Falls Downtown District (WFDD) and require a minimum residential density of 17.4 units per net acre for new all residential development in these districts. The current restriction on building height limits of 45' is proposed to be removed for properties between Main Street and McLoughlin Boulevard and 11th and 16th streets; and for properties within one hundred feet of single-family detached or detached units is proposed. This would allow building heights in these areas to be constructed up to the 75' height limit already permitted in the majority of the MUD zone. The definition of building height in OCMC 17.04 is proposed to be modified to allow measurement from the mandatory design flood elevation of 51.7 feet for projects located in the in the floodplain, rather than the at-grade elevation. This will allow developments in the downtown areas of Oregon City that are constrained by floodplain regulations to maximize their potential for usable commercial and residential space, and provide an equitable basis of height measurement. These proposals will help to promote the development of the downtown area. Though the City has not adopted any view corridors, the proposal would increase building height in some locations. The increased height may reduce views for a small number of properties, in exchange for greater use of land through increased development within the regional center. The rationale for reduced height for the properties between Main Street and McLoughlin Boulevard and 11th and 16th streets; and for properties within one hundred feet of single-family detached or detached units is proposed could not be reasonably identified and is inconsistent with the majority of the regional center, including adjacent properties. The reduced height for properties within 100 feet of a single-family home reduces the height of many properties along the southern portion of Main Street within the regional center. **The proposal is therefore consistent with this policy.**

OCCP Policy 2.2.5

Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.
Response: The current restriction on building height limits of 45' is proposed to be removed for properties between Main Street and McLoughlin Boulevard and 11th and 16th streets; and for properties within one hundred feet of single-family detached or detached units is proposed. This would allow building heights in these areas to be constructed up to the 75' height limit already permitted in the majority of the MUD zone. The definition of building height in OCMC 17.04 is proposed to be modified to allow measurement from the mandatory design flood elevation of 51.7 feet for projects located in the in the floodplain, rather than the at-grade elevation. This will allow developments in the downtown areas of Oregon City that are constrained by floodplain regulations to maximize their potential for usable commercial and residential space, and provide an equitable basis of height measurement. These proposals will help to promote the development of the downtown area. Though the City has not adopted any view corridors, the proposal would increase building height in some locations. The increased height may reduce views for a small number of properties, in exchange for greater use of land through increased development within the regional center. The rationale for reduced height for the properties between Main Street and McLoughlin Boulevard and 11th and 16th streets; and for properties within one hundred feet of single-family detached or detached units is proposed could not be reasonably identified and is inconsistent with the majority of the regional center, including adjacent properties. The reduced height for properties within 100 feet of a single-family home reduces the height of many properties along the southern portion of Main Street within the regional center. **The proposal is therefore consistent with this policy.**

OCCP Goal 2.3 Corridors
Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.
Response: This proposal does not amend the zoning map, however, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with higher capacity and width for better pedestrian and bicycle access in accordance with the City's adopted Transportation System Plan. **The proposal is therefore consistent with this policy.**

OCCP Goal 2.4 Neighborhood Livability
Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.
Response: As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. Many of the proposed housing options can be collectively referred to as "missing middle housing," defined as a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing choices at a variety of scales across a variety of neighborhoods. These options provide improved livability in accordance with Housing Goals of the Comprehensive Plan addressed earlier while ensuring compatibility with existing neighborhoods through improved dimensional and design standards for each dwelling unit type. These proposals are intended to fit in with existing residential development city wide, if and when property owners choose to take advantage of the code provisions. In order to retain the character of the existing neighborhoods, the proposed amendments include design requirements which mitigate the increased density. For example, corner duplexes in the low density residential zones may not have more than one external door on a façade, additions to single-family homes are limited for a period of time before and after internal conversions, and duplexes within the medium density districts must comply with design standards. **The proposal is therefore consistent with this policy.**

OCCP Policy 2.4.2
Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.
Response: The proposed code amendments would increase equitable housing options throughout the city in existing and new neighborhoods to provide diverse, quality, physically accessible and affordable housing choices with access to opportunities, services and amenities. The new unit types proposed, such as corner duplexes, cluster housing, 3-4 plexes and accessory dwellings could add diversity and uniqueness interest to

existing residential areas. As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. **The proposal is therefore consistent with this policy.**

OCCP Policy 2.4.5
Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.
Response: The proposed code amendments would increase housing opportunities for residents seeking to downsize from a traditional single family detached house to a more manageable dwelling type. This is a trend that is happening both locally and nationally as the baby boomer generation ages and retires, and as people live longer lives on fixed incomes. Allowing older residents to remain in their homes and "age in place" provides the opportunity for greater community support and services to those residents. The proposed code amendments would increase housing opportunities for younger and residents seeking to rent or buy housing as well.

The amendments also include a definition of transitional shelter and allow them as permitted in the MUC and MUD districts. The amendments would allow for clarity to the public as well as shelter providers as to where the shelters could locate and serve our houseless residences. **The proposal is therefore consistent with this policy.**

OCCP Goal 2.5 Retail and Neighborhood Commercial
Encourage the provision of appropriately scaled services to neighborhoods.

OCCP Policy 2.5.3
Review design standards and the sign code to ensure compatibility with existing neighborhoods.
Response: The proposals include either new or revised design standards for single-family detached homes, duplexes, 3-4 plexes, townhouses, accessory dwelling units, cluster housing, internal conversions, manufactured homes, and live-work units. As stated in the code amendments, the residential design standards are intended to:

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

In order to retain the character of the existing neighborhoods, the proposed amendments include design requirements which mitigate the increased density. For example, corner duplexes in the low density residential zones may not have more than one external door on a façade, additions to single-family homes are limited for a period of time before and after internal conversions, and duplexes within the medium density districts must comply with design standards. **The proposal is therefore consistent with this policy**

Goal 2.6 Industrial Land Development
Ensure an adequate supply of land for major industrial employers with family-wage jobs.

OCCP Policy 2.6.5
Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.
Response: This proposal does not amend the zoning map, however, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with better bicycle and

pedestrian access, which would provide improved walking and bicycle access to nearby amenities. Greater housing supply and a wider range of housing choices generally has the potential to allow residents to live closer to their workplace, particularly if the housing is located close to pedestrian and bicycles amenities, transit corridors and employment areas. **The proposal is therefore consistent with this policy.**

Goal 2.7 Oregon City Comprehensive Plan Land-Use Map
Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.
Response: This proposal does not amend the Comprehensive Plan Land-Use Map, which will continue to serve as the long-range planning guide for land use development.

OCCP SECTION 3: AGRICULTURAL LANDS
Response: The proposed amendments would not preclude the use of agricultural lands. The Comprehensive Plan, Section 3, Agricultural Lands, P.23 states: "Goal 3 states that only land that lies outside Urban Growth Boundaries can be classified as agricultural. Oregon City, which lies wholly within an Urban Growth Boundary, therefore contains no agricultural land according to this definition. However, Oregon City supports preserving designated farm lands in rural areas outside its city limits by encouraging compact growth within the city. The efficient use of urban land in Oregon City slows urban expansion into rural areas. Section 14, Urbanization, discusses appropriate and timely urban expansion." **The proposal is therefore consistent with Statewide Goal 3.**

OCCP SECTION 4: FOREST LANDS
Response: The proposed amendments would not preclude the use of forest lands. Under Goal 4, land is considered forest land if it was acknowledged as such when the goal was adopted. Oregon City has not identified any forest lands within its city limits and has therefore not adopted any goals or policies related to commercial forestry. However, Oregon City recognizes the importance of preserving trees in the urban environment and has adopted goals and policies pertaining to tree preservation. The proposed amendments do not include any changes to current acknowledged tree preservations codes or policies. **The proposal is therefore consistent with Statewide Goal 4.**

OCCP SECTION 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES
This section addresses Land Conservation and Development Commission (LCDC) Statewide Planning Goal 5, which requires that open spaces and natural, scenic, and historic resources be protected. Oregon City is blessed with a wealth of natural resources that visually and physically contribute to its high quality of life and provide a range of ecosystem services. The city's steep topography is carved into 13 watersheds, which benefit from western Oregon's ample rain and collectively support a wide variety of habitats. Oregon City is home to a number of species of fish, wildlife, and plants that are regionally and nationally significant.

OCCP Goal 5.2 Scenic Views and Scenic Sites
Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.

OCCP Policy 5.2.1
Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city.

OCCP Policy 5.2.2
Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.

Response: The proposed code amendments would not affect any specifically protected scenic views in the current Comprehensive Plan. The current restriction on building height limits of 45' in the MUD zone is proposed to be removed for properties between Main Street and McLoughlin Boulevard and 11th and 16th streets; and for properties within one hundred feet of single-family detached or detached units is proposed. This would allow building heights in these areas to be constructed up to the 75' height limit already permitted in the majority of the MUD zone. This change would not affect views of the Willamette River from Mcloughlin Promenade because the promenade is south of the area where the increased height limit is. There are no other proposed increases to height limits in the remaining zone district dimensional standard. The increased height may reduce views for a small number of properties, in exchange for greater use of land through increased development within the regional center. The rationale for reduced height for the properties between Main Street and McLoughlin Boulevard and 11th and 16th streets; and for properties within one hundred feet of single-family detached or detached units is proposed could not be reasonably identified and is inconsistent with the majority of the regional center, including adjacent properties. The proposal would add a more consistent standard for height which increases the evenness and equity of the building height is applied. The properties uphill of this location are significantly higher in elevation and thus the impacts are anticipated to be limited.

Amendments to Chapter 17.62 Site Plan and Design Review will continue to assure visual compatibility of new commercial, mixed use and multi-family structures by consolidating and simplifying the standards for massing, rooflines, articulation, open space and building details.

Standards for all of the other residential types proposed are discussed individually to clarify design and dimensional standards.

The proposal is therefore consistent with this policy.

OCCP Goal 5.3 Historic Resources
Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

OCCP Policy 5.3.1
Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.
Response: The proposed amendments would not preclude the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City. No changes are proposed to any existing historic designations or district, or to the codes, policies and guidelines for historic review. Historic district regulations would continue to apply to properties and new construction within the district pursuant to OCMC 17.40 – Historic Overlay District. No specific limitations are identified in the central downtown area. **The proposal is therefore consistent with this policy.**

OCCP Goal 5.4 Natural Resources
Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.
Response: The proposed amendments do not include any changes to OCMC 17.44, Natural Resources Overlay District, or to OCMC 17.49 – Geologic Hazards. These acknowledged codes are intended to conserve, protect and restore inventoried natural resources within the City's Urban Growth Boundary. **The proposal is therefore consistent with this policy.**

OCCP Policy 5.4.16
Protect surfacewater quality by:

- *providing a vegetated corridor to separate protected water features from development*
- *maintaining or reducing stream temperatures with vegetative shading*

- *minimizing erosion and nutrient and pollutant loading into water*
- *providing infiltration and natural water purification by percolation through soil and vegetation*

Response: The proposed amendments do not include any changes to the City's recently adopted stormwater and erosion control standards, design manuals or review processes. **The proposal is therefore consistent with this policy.**

OCCP SECTION 6: QUALITY OF AIR, WATER AND LAND RESOURCES
To maintain and improve the quality of the air, water and land resources of the state.

OCCP Goal 6.1 Air Quality
Promote the conservation, protection and improvement of the quality of the air in Oregon City.
Response: The proposed amendments will not affect any codes or policies that implement Goal 6. The City's overlay districts, such as the Natural Resource Overlay District, Flood Management Overlay, and Geologic Hazards Overlay will apply regardless of the proposed changes. All engineering standards and building code standards for storm drainage, grading, erosion control, water quality facilities will continue to apply to development. Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. **The proposal is therefore consistent with Statewide Goal 6 and the Goals and Policies of Section 6 of the OCCP.**

OCCP Policy 6.1.2
Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.
Response: Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. Oregon City planning and engineering staff are included in the coordination of these permits prior to issuance by DEQ. **The proposal is therefore consistent with this policy.**

OCCP Goal 6.2 Water Quality
Control erosion and sedimentation associated with construction and development activities to protect water quality.
Response: Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. Oregon City planning and engineering staff are included in the coordination of these permits prior to issuance by DEQ. **The proposal is therefore consistent with this policy.**

Policy 6.2.1
Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.
Response: All engineering standards and building code standards for storm drainage, grading, erosion control, and water quality facilities will continue to apply to development. **The proposal is therefore consistent with this policy.**

Policy 6.2.2
Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.
Response: All engineering standards and building code standards for storm drainage, grading, erosion control, and water quality facilities will continue to apply to development. **The proposal is therefore consistent with this policy.**

OCCP Goal 6.3 Nightlighting
Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.
Response: The proposed code amendments include changes to standards for outdoor lighting, however, the proposed changes will continue to protect the night skies and reduce light pollution and light trespass onto neighboring properties by requiring shielded lighting fixtures and limiting footcandle illumination levels on

other properties. The proposed lighting code changes will ensure that safety of residents and businesses is maintained by requiring lighting in public spaces, such as parking lots, building entrances, and pedestrian accessways. **The proposal is therefore consistent with this policy.**

OCCP Policy 6.3.1
Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.

OCCP Policy 6.3.3
Employ practices in City operations and facilities, including street lighting, which increases safety and reduces unnecessary glare, light trespass, and light pollution.
Response: The proposed code amendments include changes to standards for outdoor lighting, however, the proposed changes will continue to protect the night skies and reduce light pollution and light trespass onto neighboring properties by requiring shielded lighting fixtures and limiting foot-candle illumination levels on other properties. **The proposal is therefore consistent with these lighting policies.**

OCCP SECTION 7: NATURAL HAZARDS
This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 7, Areas Subject to Natural Hazards, which requires local governments to "… reduce risk to people and property from natural hazards." The section is also intended to show compliance with Title 3 of Metro's Urban Growth Management Functional Plan (1998), which requires local governments to comply with regional regulations pertaining to flooding and water quality.

OCCP Goal 7.1 Natural Hazards
Protect life and reduce property loss from the destruction associated with natural hazards
Response: The proposed amendments will not affect natural hazards overlay districts. The overlay districts, such as the Natural Resource Overlay District, Flood Management Overlay, and Geologic Hazards Overlay will apply regardless of the proposed changes. **The proposal is therefore consistent with this policy.**

OCCP Policy 7.1.6
Encourage the use of land and design of structures that are relatively unaffected by the periodic effects of flooding, such as parking and other uses not normally occupied by humans.
Response: The proposed amendments will not affect the Flood Management Overlay District. The definition of building height in OCMC 17.04 is proposed to be modified to allow measurement from the mandatory design flood elevation of 51.7 feet for projects located in the in the floodplain, rather than the at-grade elevation. This will allow developments in the downtown areas of Oregon City that are constrained by floodplain regulations to maximize their potential for usable commercial and residential space, and provide an equitable basis of height measurement. All development within the Flood Management Overlay District or 100-year floodplain must undergo review to ensure compliance with development standards in the Flood Management Overlay District. **The proposal is therefore consistent with this policy.**

OCCP Policy 7.1.7
Prohibit uses in areas subject to flooding that would exacerbate or contribute to hazards posed by flooding by introducing hazardous materials, filling or obstructing floodways, modifying drainage channels, and other detrimental actions.
Response: The proposed amendments will not affect the design standards and construction standards of the Flood Management Overlay District. The definition of building height in OCMC 17.04 is proposed to be modified to allow measurement from the mandatory design flood elevation of 51.7 feet for projects located in the in the floodplain, rather than the at-grade elevation. This will allow developments in the downtown areas of Oregon City that are constrained by floodplain regulations to maximize their potential for usable commercial and residential space, and provide an equitable basis of height measurement. All development within the Flood Management Overlay District or 100-year floodplain must undergo review to ensure compliance with development standards in the Flood Management Overlay District. **The proposal is therefore consistent with this policy.**

OCCP SECTION 9: ECONOMIC DEVELOPMENT

This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 9, Economy of the State, which calls for diversification and improvement of the economy. Goal 9 also requires local governments "to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs." The section is also intended to show compliance with Title 1 of Metro's Urban Growth Management Functional Plan (1998).

OCCP Goal 9.2 Cooperative Partnerships

Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting Economic development.

OCCP Policy 9.2.1

Seek input from local businesses when making decisions that will have a significant economic impact on them.

Response: The Project Advisory Team included members of the Oregon City Downtown Association and Oregon City Chamber of Commerce, who provided updates to their membership. The local building and development community were also included and represented on the Project Advisory Team and staff provided regular updates to the Development Services Group, which meets monthly at the Community Development Department. The public notice for the public hearing process to consider the proposed amendments was provided to all property owners in the city in accordance with state law. As discussed earlies under Goal 1, Citizen Involvement, the City provided numerous ways and opportunities for citizens and business to provide input on the proposed amendments. In addition, many of the staff proposed changes were identified by the development community during previous review processes. **The proposal is therefore consistent with this policy.**

OCCP Policy 9.2.2

Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.

Response: The City seeks to develop code and regulatory improvements that facilitate a fuller spectrum of housing options for its current and future residents in response to increasing cost burdens on Oregon City households, increasing numbers of people experiencing homelessness, and changing household demographics in the city and the broader metro region. The intended outcome for this project is to encourage the development of increased numbers of housing units, of all types, and at a range of affordability levels. Included with these amendments as a tool for implementation is a project cost estimating spreadsheet or "fee estimator". This tool will be provided free to the public for the purposes of transparently and completely summarizing all city fees, review costs and other soft costs that an applicant might expect to incur in the course of pursuing permits to construct the dwelling unit types allowed in the various zones.

Additionally the consideration of the impact of these proposed code amendments was considered with respect to impacts on public infrastructure capacity, as discussed in the attached memorandum from Wallace Engineering. This memorandum concludes that the result of the proposed changes is relatively minor as it relates to utilities and transportation. **The proposal is therefore consistent with this policy.**

OCCP Policy 9.2.3

Simplify, streamline, and continuously improve the permitting and development review process.

Response: Many of the changes generally include reformatting the code for clarity, removing redundant language, removing unnecessary standards, and providing greater details to implement existing standards. Together, the proposal provides more transparency and certainty for residences and the development community alike. The proposed amendments include a variety of simplifications to the permitting and development review processes. These include removing conflicting language as it relates to the appeal process, removing the reconsideration process so that there is only one process to amend/appeal a decision and the time associated with that process may be considered during the review process. In addition, the

proposal allows corner duplexes and 3-4 plexes to be processed as a Type I application with clear and objective standards and provides clarity about the timeline for some affordable housing projects as required by law.

OCCP SECTION 10: HOUSING

This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 10, Housing. The goal requires cities to plan for needed housing types such as multi-family and manufactured housing, to inventory buildable residential land, to project future needs for the land, and to zone enough buildable land to meet those needs. The goal prohibits cities from discriminating against needed housing types. Oregon City is also subject to regional requirements to provide an adequate supply of vacant and buildable land for future residential growth. This section is supported by the resource document, Housing Technical Report (2002).

OCCP Goal 10.1 Diverse Housing Opportunities

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

Response: Goal 10.1 is arguably the most relevant Comprehensive Plan Goal that would be met through adoption of the proposed code amendments. The Oregon City Equitable Housing project is working to understand the existing barriers and future solutions to promote a larger supply of equitable housing options for the community. The City seeks to develop code and regulatory improvements that facilitate a fuller spectrum of housing options for its current and future residents in response to increasing cost burdens on Oregon City households, increasing numbers of people experiencing homelessness, and changing household demographics in the city and the broader metro region. The intended outcome for this project is to encourage the development of increased numbers of housing units, of all types, and at a range of affordability levels. Many of the proposed housing options can be collectively referred to as "missing middle housing," defined as a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing choices at a variety of scales across a variety of neighborhoods.

The proposed code amendments suggest the allowance of corner duplexes in low-density residential zones and internal conversions into 4 dwellings for homes a minimum of 20 years old. Oregon City's medium density residential zones would permit duplexes and 3-4 plexes, encouraging a more diverse housing stock in residential zones that are currently dominated by single-family residential homes. As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. **The proposal is therefore consistent with this goal.**

OCCP Policy 10.1.1

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

Response: The proposal does not change any comprehensive plan or zoning designations. The proposal is to consolidate the separate chapters for the city's existing low-density R-10, R-8 and R-6 zones and also the medium density R-5 and R-3.5 zones into a Low Density Chapter and a Medium Density Residential District chapters to simplify the code. Similarly the R-2 zone will be renamed "High Density Residential District" for consistency.

By permitting internal conversions for homes a minimum of 20 years old, the proposed code amendments balance the need for providing more housing types with the need to maintain the existing residential housing stock in established older neighborhoods through maintaining existing Comprehensive Plan and zoning designations. Furthermore, there are only two additional housing types, corner duplexes and internal conversions that would be added for established older neighborhoods with low density zoning of R6, R8 and R10. These two housing types are compatible with existing older housing stock. As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. **The proposal is therefore consistent with this policy.**

OCCP Policy 10.1.2
Ensure active enforcement of the City of Oregon City Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.
Response: This goal relates to the city's procedures for code enforcement. The Code Enforcement Division responds to citizen complaints as fast as possible by determining if a violation has occurred, alerting the responsible party that they are in violation, and enforcing compliance through the legal process. The city works with property owners to bring properties into compliance voluntarily. Code Enforcement also investigates complaints about parking violations, abandoned vehicles, and properties that are overgrown or dangerously deteriorated. The code enforcement process is also used to investigate any complaints regarding violations of the zoning code and development regulations. The methods that residents may make inquiries about code enforcement include the code enforcement hotline, calling city staff directly, the city web-site portal, and using a smart-phone app downloaded from the city website. As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. **The proposal is therefore consistent with this policy.**

OCCP Policy 10.1.3
Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.
Response: The proposed amendments will allow residential development to achieve a more balanced variety of housing densities and types. Looking at the latest census data, in Oregon City, 71% of residential units are single-family detached homes, dominating the housing market. All other housing types make up 29% of the housing options, combined, ranging from manufactured homes and floating homes to 20 unit apartment complexes. Live-Work and apartment residential use will continue to be permitted in commercial and mixed use zones. Density bonuses in the High Density Residential zone district would be available for units that are affordable to residents making 80% of median family income. **The proposal is therefore consistent with this policy.**

OCCP Policy 10.1.4
Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.
Response: Clackamas County Housing and Community Development is a division within the larger Clackamas County Health, Housing and Human Services Department that includes the Behavioral Health, Public Health, Health Centers, Social Services, the (public) Housing Authority, Community Solutions (workforce programs) and Children Youth and Families divisions. Clackamas County receives grant funds from three HUD programs: Community Development Block Grant (CDBG), Home Investment Partnership (HOME), and Emergency Solutions Grants (ESG). In order to receive these funds the county must prepare a number of plans. The most important is the Consolidated Plan[1] (11/13/2017). The development of the Consolidated Plan has been designed as a collaborative process allowing cities and community organizations and residents to participate in creating a unified vision for community improvements in their neighborhoods. Clackamas County Department of Health, Housing and Human Services staff have been involved as part of the Technical Advisory Team for the Equitable Housing project.

Key components of the consolidated plan include:

- assessment of housing and community development needs and development of long-range strategies
- description of how we plan to use the federal funds to put the strategic goals of the consolidated plan in place
- maps identifying concentrations of low and moderate income residents
- an examination of barriers that limit fair and equal housing opportunities to county residents

[1] https://dochub.clackamas.us/documents/drupal/0b928756-9c92-44f1-9517-13b6ce5401a7

The purpose of this proposal is the same as the fourth component of the Clackamas County Consolidated Plan mentioned above, which is to examine barriers (in the development code) that may limit fair and equal housing to City residents.

The proposed code amendments include reductions to interior corner setbacks as well as allowing for increased height for single and two-family residential structures three feet from the property line. The changes will provide an opportunity for some properties to construct accessory structures onsite. The structures may accommodate accessory dwelling units which would result in a greater opportunity for housing opportunities throughout the city. The proposed code amendments also include a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years. With no existing affordable housing, this policy would serve as a disincentive for developers to cluster low-income housing and encourages the even distribution of housing for various income levels. **The proposal is therefore consistent with this policy.**

OCCP Policy 10.1.5
Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.
Response: Accessory Dwelling Units (ADUs) have been and will continue to be permitted in all zones that permit single-family residential use. Under the code proposed, ADUs would now additionally be permitted in the R-2 Zoning District. The proposed code amendments remove the owner-occupancy requirements of Accessory Dwelling Units that have stifled ADU development in Oregon City as a means of obtaining supplemental income for homeowners. Additionally, ADUs would no longer be required to provide parking, and ADUs would be permitted to use the same setback reductions that apply for accessory structures. Additionally, the size of an ADU would be increased from 40% to 60% of the gross floor area of the principal dwelling. Lot coverage requirements for the low density residential zones would also increase from 40% to 45% if an ADU is onsite, providing more flexibility. **The proposal is therefore consistent with this policy.**

Policy 10.1.6
Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)
Response: The Oregon City Municipal Code does not differentiate between manufactured housing and other housing types on individual lots in single-family residential zones and the proposed code amendments do not propose to change this. The proposed code changes would create a new subsection of OCMC 17.20 with standards suited for manufactured homes. Furthermore, manufactured home parks would be allowed in the R-3.5 zone to provide locational opportunities for manufactured dwellings, to provide a variety of affordable housing options. The manufactured home park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping. Currently manufactured home parks are defined under the city code, nor are they listed as a permitted use in any zone, which creates a barrier to the improvement and expansion of existing parks in the City. Existing codes and review policies for the City's historic districts and designated historic structures remain unchanged. **The proposal is therefore consistent with this policy.**

OCCP Policy 10.1.7
Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.
Response: There have been many code revisions that further Policy 10.1.7 since the last Comprehensive Plan was adopted. These mainly include clear and objective standards for land divisions, single family residential Design and Landscaping Standards, the adoption of multi-family and cottage housing codes in 2010, and the refinement of street standards for regulation of the public right-of-ways, block standards, driveways, etc. in Chapter 12.04 – *Streets, Sidewalks and Public Places*.

The proposed code changes include newer, clearer standards for ADUs, Cluster Housing, Internal Conversions, Live/Work Units, Manufactured Homes, Duplexes and Manufactured Home Parks Residential Design. Allowing a greater variety of unit types on existing zones will serve to incentivize and promote well designed residential development throughout the city. As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. **The proposal is therefore consistent with this policy.**

OCCP Goal 10.2 Supply of Affordable Housing
Provide and maintain an adequate supply of affordable housing.
Response: The city has accomplished the adoption of three acknowledged concept plans for the UGB expansion areas outside the city limit, Park Place Concept Plan (Adopted April 2008), South End Concept Plan (Adopted April 2014) and Beavercreek Road Concept Plan (Re-Adopted in April 2016). Annexation of vacant land within these concept plan areas of the UGB holds the greatest potential for maintaining an adequate supply of housing, since the three concept plan areas will develop at a higher density and variety of housing than the current low density housing that predominates in the existing city limits. The following table is an estimate of the total number of housing units that could be developed in the concept plan areas:

Concept Plan	Adoption Year	Gross Acres	Net Buildable Acres	Density (du/ac)	Overall Estimated Density (Average)*	Total Average Estimated Units
Park Place	2008	418.5	202.5	4 - 22	7.2	1465
South End	2014	498.7	320	8 - 22	7.8	2500
Beavercreek Road**	2018	284	235 (100**)	8 - 22	10	1023
		1201.2	**757**			**4,988**

*Note – estimates are from the buildable land inventories of the concept plans. The actual number of housing units at buildout of the concept plan areas could vary widely due to different zoning. More detailed calculations are available in the concept plan materials and appendices.
** More than half (~190 acres) of the Beavercreek Road Concept Plan area is designated for employment land use, so no residential units are assumed there.

The numbers cited above represent principal dwellings and do not include accessory dwellings or additional unit types that could be legally constructed under the current and proposed amendments. Applications for re-zoning to slightly higher densities within the same comprehensive plan designation is also likely in these areas, if supported by the adopted comprehensive plan designations. Each of the concept plan areas include "main street" or "village center" areas that are intended to support compatible mixed use and commercial use, with walkable centers in close proximity to the surrounding higher residential density neighborhoods.

It should be noted that Metro is responsible for analyzing the UGB and making expansions to it to accommodate a 20-year land supply in accordance with state law. Cities within the UGB have a responsibility to implement concept plans at urban densities that comply with the Metro Urban Growth Functional Plan.

Allowing a greater variety of "missing middle" dwelling unit types by right in the concept plan areas, when they are annexed and zoned, will serve to provide and maintain and adequate supply of affordable housing. **The proposal is therefore consistent with this policy.**

OCCP Policy 10.2.1
Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.

Response: This proposal includes a variety of initiatives that will retain currently affordable housing stock in the city. No changes to the zoning map are proposed, so this proposal will not change any land reserved or committed to residential use, or to the currently permitted residential uses in each zone. **The proposal is therefore consistent with this policy.**

OCCP Policy 10.2.2
Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.
Response: The proposed code amendments include offering up to a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years for apartment projects in the High Density Residential District. **The proposal is therefore consistent with this policy.**

OCCP Policy 10.2.3
Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.
Response: (From Comprehensive Plan, P. 77):

> *In 2001, Metro adopted amendments to Title 7 of the Urban Growth Management Functional Plan to implement the Regional Affordable Housing Strategy (2000), which identifies measures to provide adequate affordable housing in the Metro region. The amendments require local jurisdictions to consider adopting a number of tools and strategies for promoting the creation and retention of affordable housing. The amendments require local jurisdictions to consider adopting a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as one that requires no more than 30 percent of household income for people earning 50 percent of the median household income in their jurisdiction. By that definition, an affordable housing unit in Oregon City in 2000 would cost $570 per month or less. The 2002 housing inventory and analysis showed that the number of lower-cost units in Oregon City was inadequate to meet both the current (2002) and projected housing needs of the city's lower-income residents. Title 7 tools and strategies have been adopted as Goal 10.2 and Policies 10.2.1 through 10.2.4.*

Since 2001, a great deal of growth and increase in housing costs has occurred due to limited housing supply. Also since 2001 a variety of housing inventories have been conducted for the region, including the 2010 US Census. Metro and it's member Cities have responded by advancing and updating regional housing strategies, which include providing Equitable Housing initiatives supported by Metro and the State.

The proposed code amendments directly support the provision of Metro's Title 7 2001 Voluntary Affordable Housing Production Goals and updated Equitable Housing Goals since then. **The proposal is therefore consistent with this policy.**

OCCP Policy 10.2.4
Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).
Response: As mentioned in OCCP Policy 10.1.4, the proposed code amendments include a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years within the R-2 Zoning District. The R-2 Zoning District is primarily found directly on or on the periphery of streets with higher classifications that serve as public transportation routes. **The proposal is therefore consistent with this policy.**

OCCP SECTION 11: PUBLIC FACILITIES
This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 11, Public Facilities. Goal 11 requires that public facilities and services be provided in a timely, orderly and efficient manner. The goal's central concept is that local governments should plan public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur.

OCCP Goal 11.1 Provision of Public Facilities
Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

OCCP Policy 11.1.1
Ensure adequate public funding for the following public facilities and services, if feasible:
- *Transportation infrastructure*
- *Wastewater collection*
- *Stormwater management*
- *Police protection*
- *Fire protection*
- *Parks and recreation*
- *Water distribution*
- *Planning, zoning and subdivision regulation*
- *Library services*
- *Aquatic Center*
- *Carnegie Center*
- *Pioneer Community Center*
- *City Hall*
- *Buena Vista House*
- *Ermatinger House*

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

Policy 11.1.4
Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Policy 11.1.6
Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.

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

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

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

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

OCCP Goal 11.6 Transportation Infrastructure
Optimize the City's investment in transportation infrastructure.

OCCP Goal 11.7 Private Utility Operations
Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.

Response: The capacity of the respective public facilities and services to support the proposal is addressed below.

Water and Sewer Capacity
Please refer to the attached memorandum from Wallace Engineering. The memorandum provides an assessment of the water and sanitary sewer system implications of the code amendments proposed in support of the Equitable Housing project. The purpose of this memorandum is to determine the impact of increased density on the water supply and distribution system, and the sanitary sewer collection system. Wastewater treatment is provided by the Tri-City Sewer District, which has provided separate comments.

The Wallace Engineering memorandum concludes that the 160 additional dwelling units anticipated beyond current planning projections as part of proposed code amendments will not have an adverse impact on the future (2035) peak sanitary flows projected as part of the 2014 Sanitary Sewer Master Plan (SSMP) and future (2030) water demand projected as part of the 2012 Water Distribution Master Plan (WMP). The code amendments encourage increased housing densities, and if overall future growth is at a faster rate than anticipated by the SSMP and WMP, then the capital projects identified in each respective plan may need to be completed sooner than anticipated and the prioritization of the projects may need to change. The recommended capital improvement programs in each respective plan will adequately accommodate future growth projections including the 160 additional dwelling units. Completion of capital projects will be in a planned and orderly manner through prioritization of the projects and allocations of the City's annual project funding that is recovered through utility fees and system development charges for the respective utilities.

South Fork Water Board (SFWB), Oregon City's water provider, has indicated that SFWB will be able to provide water service to the additional 160 units over the current projection of 7,962 households anticipated.

Schools
The proposal was sent to the Oregon City School District (OCSD) for comment. OCSD has been informed of the proposal since the beginning of the project. The school district has not indicated that it is incapable of supporting the additional uses allowed by the proposal either now or in the future.

Police and Fire Protection
Oregon City Police Department and Clackamas Fire District capacity would not be affected by the proposal, since proposal does not change existing service areas.

Wastewater Treatment
Tri-City Sewer District indicates that the proposal does not conflicts with their interests.

Storm Drainage
This proposal does not change the city's adopted policies and technical documents related to storm water management and erosion control.

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

Based on the various analyses provided, public facilities and services are presently capable of supporting the uses allowed by the proposal, or can be made available prior to issuing a certificate of occupancy. **This proposal is consistent with these goals and policies.**

OCCP SECTION 12: TRANSPORTATION
This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 12, Transportation, which aims to provide "a safe, convenient and economic transportation system." A transportation system that functions well contributes to a city's well-being, enhances quality of life, and increases opportunities for growth and development.

OCCP Goal 12.1 Land Use-Transportation Connection
Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.

OCCP Policy 12.1.3
Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.

OCCP Policy 12.1.4
Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.
Response: The impacts of the proposal on the transportation system were reviewed by the City's Transportation Consultant, Replinger and Associates. Please refer to Mr. Replinger's analysis and memorandum which is attached to this narrative. The memorandum provides an assessment of the transportation implications of the code amendments proposed in support of the Equitable Housing project. The memorandum assesses whether the proposed amendments trigger a finding of significant effect that would require further analysis to determine transportation impacts under OAR 660-12-0060 (Transportation Planning Rule or "TPR").

Mr. Replinger's overall conclusion is that the proposed code amendments do not result in a significant change in the number of dwelling units and more traffic than anticipated and planned for in Oregon City's Transportation System Plan (TSP) adopted in 2013. Therefore, the proposed amendments do not have a significant effect on the transportation system and that the city may adopt findings to that effect when adopting the proposed amendments.

The proposed amendments support the adopted Transportation System Plan. This proposal does not amend the zoning map, however, existing medium and high density residential zones and mixed use zones within the city limits are generally located closer to transit corridors and roads with higher capacity and width for better access to public transportation and pedestrian and bicycle facilities in accordance with the City's adopted Transportation System Plan. All new units are responsible for payment of Transportation SDCs.

The proposal is therefore consistent with these goals and policies.

STATEWIDE PLANNING GOAL 13: ENERGY CONSERVATION
To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

OCCP Goal 13.1 Energy Sources
Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

OCCP Goal 13.2 Energy Conservation
Plan public and private development to conserve energy.

OCCP Policy 13.2.1

Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).
Response: This proposal supports the goals of energy conservation through efficient use of land in areas that are well served by public infrastructure, encouragement of construction practices and materials that result in energy conservation, and the addition of smaller dwelling units which have smaller energy consumption. **The proposal is therefore consistent with this policy.**

OCCP SECTION 14: URBANIZATION
This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 14, Urbanization. Goal 14 requires cities to estimate future growth and the need for land and to zone enough land to meet that need. The goal calls for each city to establish an "urban growth boundary" to "identify and separate urbanizable land from rural land."

Goal 14.2 Orderly Redevelopment of Existing City Areas
Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.

OCCP Policy 14.2.1
Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.

OCCP Policy 14.2.2
Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.
Response: This proposal supports the goal of urbanization and orderly redevelopment of both existing city areas and the development of areas not yet annexed to the city within the UGB. As discussed earlier under the Housing section, the proposals for additional dwelling unit types in existing zones would create incentives for new development to use land more efficiently. For infill situations in the lower density zones, modest increases to building footprints and the allowance for internal conversions and corner lot duplexes on lots that are already served by existing infrastructure will improve the efficiency of public infrastructure investments. This Goal is also supported by the existing zoning map. This proposal does not amend the zoning map, however, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with better bicycle access, which would provide improved walking and bicycle access to nearby amenities. All three adopted concept plans for the UGB areas that have not yet been annexed to the city: Park Place, South End, and Beavercreek Road, have all been conceptually designed to result in vibrant, walkable, amenity rich neighborhoods with active community centers. The additional housing choices that this proposal would allow, particularly for medium and high density residential and mixed use zones in the concept plan areas, would further serve to implement the Comprehensive Plan designations and concept plans for these areas. Orderly development of land within the existing UGB at urban densities supports the statewide goals of accommodating re-developable land within the UGB and reducing the need to develop land within the UGB. **The proposal is therefore consistent with this policy.**

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code
Chapter 2.28 Historic Review Board

2.28.010 - Created.

There is created a historic review board for the city and the area within the immediate sphere of influence of the city. The word "board" when used in this chapter means the historic review board.

2.28.020 - Members—Terms.

A. The historic review board shall be composed of ~~five~~ 5 members appointed by the mayor.

B. All members shall have a demonstrated interest, competence or knowledge of historic preservation. The members of the board shall include:

1. ~~One~~ 1 resident from the Canemah neighborhood;
2. ~~One~~ 1 resident from the McLoughlin neighborhood;
3. ~~One~~ 1 member-at-large;
4. ~~One~~ 1 architect experienced in historic preservation;
5. ~~One~~ 1 member from the chamber of commerce.

C. The term of service for members shall be for ~~three~~ 3 years, and no member shall serve more than ~~six~~ 6 consecutive years.

D. A majority of active members shall be residents of Oregon City.

E. A majority of historic review board members shall be preservation professionals and/or person's working in historic-related disciplines, as defined by the National Park Service, to the extent that these members are available in the community.

F. When any member of the historic review board fails to attend three consecutive regular meetings of the board, unless his absence has been excused by the board, the board shall thereupon report this fact to the city commission. The city commission shall thereupon declare the position held by such member vacant and the appointing authority shall appoint another member to the board to serve the unexpired portion of the term of the position so vacated.

G. A vacancy occurring in a position for any reason other than the expiration of the term shall be filled by the appointment of the mayor with confirmation by the city commission for the remainder of the term.

H. If any position remains open after ~~six~~ 6 months of active recruitment, the city commission may allow the position to be filled by an at-large member for one term.

2.28.030 - Officers.

The officers shall consist of a chairperson and any other officer deemed necessary by the board. Officers shall be elected by the board members. No individual shall hold the same office for more than two consecutive years. One city commission members shall serve as a liaison between the board and the city commission and planning commission.

2.28.040 - Secretary—Meetings—Quorum—Staff.

The board shall elect a secretary who need not be a member of the board. Such secretary shall keep an accurate record of the proceedings of the board. The board shall hold official meetings monthly and as called by the chairperson and a quorum at such meeting shall consist of not less than three members. The planning department shall serve as staff and advisor to the board.

2.28.050 - Rules.

The historic review board shall establish and adopt its own rules of procedure consistent with the laws of the state and the ordinances of the city.

2.28.060 - Powers and duties.

A. The historic review board shall have the power to make recommendations to the city commission concerning the following:

1. Public improvements that affect the physical appearance, social environment, or traffic and parking facilities in historic and conservation districts, including but not limited to street widening, street or alley vacations, and realignment of traffic;
2. Preservation related items, upon referral from other interested groups, citizens, agencies or city boards;
3. Relevant ordinances and resolutions;
4. Applications for historic or conservation districts.

B. The following matters must be submitted to the historic review board for its approval or decision:

1. Landmark designations;
2. Designation of new structures, exterior alterations and signs in historic and conservation districts as designated;
3. Demolitions in historic and conservation districts as designated;
4. Archeological site designation;

5. Demolitions of historic landmarks outside of districts.

C. The historic review board shall be responsible for identifying the following based on established criteria:

1. Areas of archeological significance;

2. Buildings of historic or architectural significance;

3. Landmarks;

4. Areas of concentration of such sites within the city.

D. The historic review board shall advise other groups, agencies, boards, commissions or citizens on matters relating to historic preservation within the city, such as traffic density, parking facilities, planned developments and other similar matters.

E. The historic review board shall consult with affected neighborhood associations, interested groups and citizens, the city attorney and planning staff on district designation, and on the formulation of ordinances and resolutions necessary to carry out its work.

F. The historic review board shall disseminate information to educate the public as to the state and federal laws protecting antiquities and historic places. The board shall review local nominations to the National Register of Historic Places and shall forward its recommendation to the State Advisory Committee for Historic Preservation.

G. The historic review board may act as coordinator for local preservation groups.

~~2.28.070 - Appeals.~~

~~A. Applicants, neighborhood groups and residents of the city shall have the right to appeal any final decision of the historic review board to the city commission. This shall apply to decisions arising out of Section 2.28.060(B). An appeal shall stay proceedings in the matter appealed from until the determination of the appeal.~~

~~B. Notice of appeal shall be in writing, shall specify the grounds for appeal, and shall be filed with the city recorder. An appeal from any final decision of the historic review board in the administration or enforcement of the provisions of this chapter shall set forth specifically the conditions being appealed. Appeals shall be filed within ten days of the decision of the historic review board, except building demolition matters for which the appeal period shall be thirty days.~~

~~C. Upon receipt of the notice of appeal, the city commission shall set the matter for hearing and give notice of the date, time and place thereof to the appellant, to the planning department, to the property owner whose property was subject to the action by the historic review board, and to any party who has requested in writing to be so notified.~~

~~D. The city commission shall hear the appeal pursuant to procedures established in Chapter 17.50. The city commission shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify in whole or in part the decision appealed from, or make and substitute such other additional decisions or determinations it may find warranted. The city commission shall forthwith transmit a copy of the decision to the applicant or appellant and the planning department.~~

~~E. The fee for appealing any decision of the historic review board to the city commission shall be fifty dollars.~~

2.28.080 - Advice—Expenditures.

The board shall have the power and authority to seek advice or testimony from any appropriate agency or individual relative to its purposes. The board shall have no authority to make any expenditure on behalf of the city or to obligate the city for payment of any sums of money unless the city commission shall authorize such expenditure.

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Oregon City Municipal Code

Chapter 12.04 Streets Sidewalks and Public Places

-Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

~~12.04.003 - Applicability.~~

~~A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.~~

~~B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:~~

~~1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and~~

~~2. Plant street trees.~~

~~The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.~~

12.04.005 - Jurisdiction and management of the public rights-of-way.

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

~~12.04.007 - Modifications.~~

~~The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:~~

~~A. The modification meets the intent of the standard;~~

~~B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;~~

~~C. The modification is consistent with an adopted plan; and~~

~~D. The modification is complementary with a surrounding street design; or, in the alternative;~~

~~E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.~~

~~12.04.010 - Construction specifications—Improved streets.~~

~~All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.~~

~~12.04.020 - Construction specifications—Unimproved streets.~~

~~Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.~~

12.04.025 - ~~Street design—~~Driveways~~curb cut~~.

Driveways shall be reviewed in accordance with Section 16.12.035.

~~A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.~~

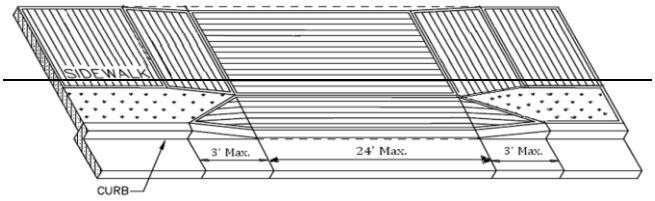
~~B. With the exception of the limitations identified in 12.04.025.C~~ Section ~~16.12.035.D, all driveway curb cuts shall be limited to the following dimensions.~~

~~**Property Use**~~	~~**Minimum Driveway Width at sidewalk or property line**~~	~~**Maximum Driveway Width at sidewalk or property line**~~
~~Single or two-family dwelling with one car garage/parking space~~	~~10 feet~~	~~12 feet~~
~~Single or two-family dwelling with two car garage/parking space~~	~~12 feet~~	~~24 feet~~
~~Single or two-family dwelling with three or more car garages/parking space~~	~~18 feet~~	~~30 feet~~
~~Nonresidential or multi-family residential driveway access~~	~~15 feet~~	~~40 feet~~

~~The driveway width abutting the street pavement may be extended three feet on either side of the driveway to accommodate turn movements. Driveways may be widened onsite in locations other than where the driveway meets sidewalk or property line (for example between the property line and the entrance to a garage).~~

~~**Figure 12.04.025: Example Driveway Curb Cut**~~

Single-Family Dwelling with a Two Car Garage



C. The decision maker shall be authorized through a Type II process, unless another procedure applicable to the proposal applies, to minimize the number and size of curb cuts (including driveways) as far as practicable for any of the following purposes:

1. To provide adequate space for on-street parking;

2. To facilitate street tree planting requirements;

3. To assure pedestrian and vehicular safety by limiting vehicular access points; and

4. To assure that adequate sight distance requirements are met.

a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements.

b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements.

D. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.

2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.

E. D. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings that it is in the best interest of

~~the public to do so.~~ Driveway requirements may be modified through the procedures in Section 16.12.013

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

12.04.031 - Liability for sidewalk injuries.

A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

B. If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.

12.04.032 - Required sidewalk repair.

A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

1. All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. Sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.

2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer. On unimproved streets curbs do not have to be constructed.

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.

12.04.033 - City may do work.

If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.

12.04.034 - Assessment of costs.

Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

12.04.040 - Streets—Enforcement.

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

~~12.04.045 - Reserved.~~

12.04.050 - Retaining walls—Required.

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

12.04.060 - Retaining walls—Maintenance.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

12.04.070 - Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

12.04.080 - Excavations—Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

12.04.090 - Excavations—Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

~~12.04.095 - Reserved.~~

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit ~~application is filed~~ is granted. The city commission may adopt and modify the City of Oregon City Public

Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

12.04.110 - Excavations—Nuisance—Penalty.

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

12.04.120 - Obstructions—Permit required.

A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the city, without obtaining approval for a right-of-way permit from the commission by passage of a resolution.

1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
    a. Site plan showing right-of-way, utilities, driveways as directed by staff;
    b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
    c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
    d. Alternative routes if necessary;
    e. Minimizing obstruction area; and
    f. Hold harmless/maintenance agreement.
3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.
2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.

4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:

    a. Site plan showing right-of-way, utilities, driveways as directed by staff;

    b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;

    c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);

    d. Alternative routes if necessary;

    e. Minimizing obstruction area; and

    f. Hold harmless/maintenance agreement.

5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the city engineer may issue such a permit only after finding that the following criteria have been satisfied:

    a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;

    b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;

    c. No alternative locations are available that would not require use of the public right-of-way; and

    d. Any other factor that the city engineer deems relevant.

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the commission.

12.04.130 - Obstructions—Sidewalk sales.

A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.

B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.

12.04.140 - Obstructions—Nuisance—Penalty.

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

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

~~12.04.170 - Street design—Purpose and general provisions.~~

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

~~12.04.175 - Street design—Generally.~~

~~The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:~~

- ~~A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;~~
- ~~B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city~~

engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with [Chapter] 12.04 shall be required to preserve the objectives of street extensions.

12.04.180 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in [Section] 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

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

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

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

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.

12.04.185 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

12.04.190 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

12.04.194 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

12.04.195 - Spacing standards.

A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

B. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 12.04.195.B.

Table 12.04.195.B Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and	175 ft.

	two-family dwellings	
Minor Arterial Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

12.04.199 - Pedestrian and bicycle accessways.

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

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

B. Accessways shall be free of horizontal obstructions and have a nine-foot, six-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

   1. Accessways shall have a fifteen-foot wide right-of way with a seven-foot wide paved surface between a five-foot planter strip and a three-foot planter strip.

2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-three feet wide with a fifteen-foot paved surface a five-foot planter strip and a three-foot planter strip.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

1. Within the three-foot planter strip, an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average;

2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees;

3. Within the five-foot planter strip, two-inch minimum caliper trees with a maximum of thirty-five feet of separation between the trees to increase the tree canopy over the accessway;

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five foot wide gravel path with wooden, brick or concrete edgings.

J. The community development director may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 12.04.007.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or

2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

~~12.04.200 - Reserved.~~

~~12.04.205 - Mobility standards.~~

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

~~A. For intersections within the regional center, the following mobility standards apply:~~

~~1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.~~

~~2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.~~

~~3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.~~

~~B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:~~

~~1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.~~

~~2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.~~

~~C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:~~

~~1. For signalized intersections:~~

~~a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.~~

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the Regional Center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply: 1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange

State intersections located within or on the Regional Center Boundaries

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and

b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in [Section] 12.04.205.E shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

12.04.210 - Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to

accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

12.04.215 - Street design—Off-site street improvements.

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

12.04.220 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

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

12.04.225 - Street design—Cul-de-sacs and dead-end streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end

roads shall include pedestrian/bicycle accessways as required in this chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way/easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.

12.04.230 - Street design—Street names.

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

12.04.235 - Street design—Grades and curves.

Grades and center line radii shall conform to the standards in the city's street design standards and specifications.

12.04.240 - Street design—Development abutting arterial or collector street.

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

12.04.245 - Street design—Pedestrian and bicycle safety.

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

All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions

~~can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer.~~

~~12.04.255 - Street design—Alleys.~~

~~Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.~~

~~12.04.260 - Street design—Transit.~~

~~Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in [Section] 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary in Chapter 12.04 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.~~

~~12.04.265 - Street design—Planter strips.~~

~~All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.~~

~~To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.~~

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

12.04.280 - Violation—Penalty.

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

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Oregon City Municipal Code

Chapter 12.08 Public and Street Trees

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

12.08.010 - Purpose.

The purpose of this chapter is to:

A. Develop tree-lined streets to protect the living quality and beautify the city;

B. Establish physical separation between pedestrians and vehicular traffic;

C. Create opportunities for solar shading;

D. Improve air quality; and

E. Increase the community tree canopy and resource.

12.08.015 - Street tree selection, planting and maintenance requirements.

All development ~~new construction or major redevelopment~~ shall provide street trees adjacent to all street frontages. Species of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List or be approved by a certified arborist. If a setback sidewalk has already been constructed or the Development Services determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed within the front yard setback, exclusive of any utility easement.

A. One street tree shall be planted for every ~~thirty-five~~ 35 feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.

B. The following clearance distances shall be maintained when planting trees:

1. ~~Fifteen~~ 15 feet from streetlights;

2. ~~Five~~ 5 feet from fire hydrants;

3. ~~Twenty~~ 20 feet from intersections;

4. ~~Five~~ 5 feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);

~~54. A minimum of five feet (at mature height) below power lines.~~

C. All street trees planted in new development shall be a minimum of ~~two~~ 2 inches in caliper at ~~six~~ 6 inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

E. All trees planted within the right-of-way shall be planted with root barriers at least 18 inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location and identified on the Oregon City adopted street tree list, a certified arborist, or on an approved street tree list for a jurisdiction in the metropolitan region. In addition, the trees shall be approved from the associated any franchise powerline utility company.

~~12.08.020 - Street tree species selection.~~

~~The community development director may specify the species of street trees required to be planted if there is an established planting scheme adjacent to a lot frontage, if there are obstructions in the planting strip, or if overhead power lines are present.~~ ~~Street tree species shall be identified as appropriate for the planning location on an adopted street tree list for Oregon City, approved by a certified arborist, or on approved street tree lists for nearby jurisdictions as approved by the Community Development Director.~~ ~~Street tree species shall be selected based on what is appropriate for the location and is identified on the Oregon City adopted street tree list, approved by a certified arborist, or on an approved street tree list for a jurisdiction in the metropolitan region.~~

12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance and replacement of street trees and planting strips. Topping of trees is ~~permitted only~~ prohibited unless under recommendation of a certified arborist, or other qualified professional~~, if required by city staff~~. Trees shall be trimmed appropriately. Maintenance shall include watering during dry periods, trimming of established trees to remove dead branches and dangerous limbs and to maintain a minimum ~~seven~~ seven-foot clearance above all sidewalks, eight-foot clearance in clear vision areas pursuant to ~~Chapter~~ OCMC 10.32, and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

12.08.030 - Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The ~~natural resources~~

~~committee~~ Public Works Department and Parks and Recreation Department may recommend to the C~~c~~ommunity D~~d~~evelopment D~~d~~irector the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities, structures or other public improvements. Removed trees shall be replaced in accordance with this chapter or the mitigation requirements of the ~~Chapter~~ OCMC 17.49 - Natural Resources Overlay District (NROD), if the tree to be removed is within the NROD.

12.08.035 - ~~Public t~~Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during ~~construction~~ development unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, ~~as approved by the community development director~~ in accordance with ~~Section~~ OCMC 17.41. Tree removal shall be mitigated by the following:

A. A diseased or hazardous street tree, as determined by a registered arborist and ~~verified~~ approved by the City, may be removed, if replaced with one new tree for each diseased or hazardous tree. Hazardous trees which have raised the adjacent sidewalk 0.5 inches or greater may be removed and replaced without approval of an arborist.

B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All ~~new~~ replaced street trees ~~will~~shall have a minimum 1.5~~two~~-inch caliper trunk measured ~~six~~ 6 inches above the root crown. ~~The Ccommunity Ddevelopment Ddirector may approve off-site installation of replacement trees where necessary due to planting constraints. If sufficient location to replant the tree is not available the community development director may additionally allow a fee in lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees and tree education in Oregon City, or a tree may be planted or designated on the abutting property within ten feet of the right-of-way with a recorded covenant identifying the tree(s) as subject to the protections and requirements in this chapter in accordance with Oregon City Municipal Code 12.08~~.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees

		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

C. For the purposes of this chapter, trees removed from the right-of-way and on public property shall be replaced by trees within the right-of-way abutting the frontage subject to the clearance distances required under ~~section~~ OCMC 12.08.015(B). If a sufficient location to replant the tree is not available the Community Development Director may allow:

1. Off-site installation of replacement trees within the right-of-way or on public property in accordance with the requirements in section B.

2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way. Designated trees shall be a minimum of 2 inches in caliper and planted trees shall comply with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter.

3. ~~A fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees and tree education in Oregon City~~. If a sufficient location to replant the tree is not available the community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees and tree education in Oregon City.

~~D. Fee-in-Lieu. If a sufficient location to replant the tree is not available. the community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees and tree education in Oregon City.~~

E. Trees that are listed as invasive or nuisance species as defined in OCMC ~~section~~ 17.04.605 may be removed without replacement.

~~12.08.040 - Reserved.~~

12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. The community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be

established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

12.08.050 - Violation—Penalty.

The violation of any provision of this chapter shall be constitute a civil infraction, subject to code enforcement procedures of ~~Chapter~~ OCMC 1.16 and/or ~~Chapter~~ OCMC 1.20.

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Chapter 13.12 Stormwater Management

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

13.12.010 - Purpose.

The purpose of this chapter is to define policies, minimum requirements, minimum standards and design procedures and permits for the construction and maintenance of stormwater conveyance and quantity and quality control facilities in order to:

A. Minimize increased stormwater runoff rates from any development so as to minimize the impact upon any downstream natural channel that may exist between the subject area and the Willamette or Clackamas Rivers;

B. Prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities;

C. Reduce stormwater runoff rates and volumes, soil erosion and pollution, wherever possible, from developed and developing lands;

D. Prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property;

E. Maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes;

F. Have stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition;

G. Have all stormwater facilities:

1. Designed to mimic natural hydrologic conditions, to the maximum extent practicable;
2. Designed in a manner to allow economical future maintenance;
3. If city owned or maintained, designed for maintenance with city owned equipment;
4. Designed using materials that will ensure a minimum practical design life of seventy-five years; and
5. Designed to have sufficient structural strength to resist erosion and all external loads (construction, traffic, seismic) which may be imposed;

H. Establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards;

I. Have all new stormwater facilities comply with applicable National Pollutant Discharge Elimination System (NPDES) requirements;

J. Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures;

K. Minimize increases in stormwater pollution;

L. Allow for periodic inspections of both private and public stormwater quantity control and quality control facilities to verify that they are functioning in substantial conformance with the approved design intent; and

M. Allow issuance of engineering permits for stormwater work in the right-of-way or public easements either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.

13.12.020 - Adoption of standards.

The city commission may establish and modify from time to time by resolution Public Works Stormwater and Grading Design Standards to implement the requirements of this chapter.

13.12.030 - Superseding Oregon City Drainage Master Plan Appendix A.

The policies and standards of this chapter are intended to be consistent with the applicable sections of the Oregon City Drainage Master Plan dated January 1988, and applicable basin master plans, for land drainage and flood control within the Oregon City urban growth area, as adopted by the city. Appendix A of the Oregon City Drainage Master Plan dated January 1988 is superseded by the Public Works Stormwater and Grading Design Standards adopted by resolution and as periodically amended.

13.12.040 - Definitions.

Unless specifically defined below, words and phases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Applicant" means a person, party, firm, corporation or other legal entity that has applied for a development permit or approval.

"Bulk petroleum storage" means storage of any type of bulk liquid petroleum or petroleum waste materials stored outside in multiple above ground storage tanks (AST). Multiple ASTs include two or more tanks that are either within the same secondary containment structure or within twenty feet of each other.

"Catch basin" means a structure, normally with a sump, for receiving drainage from a gutter or median and discharging the water through a conduit.

"City" means the city of Oregon City.

"City engineer" means the city engineering manager, their duly authorized representative(s), or the city's duly authorized representative(s) as designated by the city manager.

"Clearing" means surface removal of vegetation.

"Constructed wetlands" means wetlands developed as a water quality or quantity facility, subject to maintenance and modification as such. These areas must be clearly defined and/or separated from naturally occurring wetlands or wetlands created for mitigation purposes.

"Contributing drainage area" means the subject property together with the land area contributing runoff to it.

"Conveyance" means a channel or conduit to move water from one point to another point.

"Culvert" means a hydraulically short conduit that conveys surface drainage in artificial or natural watercourses through a roadway embankment or past some other type of flow obstruction.

"Dam" means a water storage structure that may or may not meet Oregon Revised Statute (ORS) requirements for height and storage capacity. All such structures require professional engineer design. If the water storage structure exceeds the ORS criteria for height or storage capacity, then the Oregon State Water Resources Commission shall have approval authority.

"DEQ" means the Oregon Department of Environmental Quality.

"Development" means any manmade change to improved or unimproved real estate, including, but not limited to, the construction of building or other structures, utility infrastructure, grading, streets or other structures or facilities, mining, dredging, paving, filling or excavation. "Development" does not include the following:

1. Stream enhancement or restoration projects approved by the city;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter.

"Disturb" means manmade changes to the existing physical status of the land that are made in connection with development.

"Drainage feature" means any natural or manmade structure, facility, conveyance or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate or affect the flow rate of stormwater runoff.

"DSL" means the Oregon Division of State Lands.

"Easement" means the legal right to use a parcel of land for a particular purpose. It does not include fee ownership, but may restrict the owner's use of the land.

"Embankment" means a raised structure of earth, gravel or similar material above the surrounding grade.

"Engineer" means a registered professional engineer licensed by the state of Oregon.

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature that has been degraded by human activity. Enhancement activities may or may not return the site to a predisturbance condition, but create/recreate processes and features that occur naturally.

"Erosion" means the movement of soil particles resulting from actions of water, wind or mechanical means.

"Excavation" means the mechanical removal of earth material.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed for the purposes of development or redevelopment.

"Floodplain" means the land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, the Federal Emergency Management Agency or city of Oregon City that has been or may be covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.

"Fuel dispensing facilities" means the area (including fuel islands, above ground fuel tanks, fuel pumps, and the surrounding pad) where fuel is transferred from bulk storage tanks to vehicles, equipment, and/or mobile containers.

"Grading" means any excavating, filling, embanking or altering contours of earth material.

"Grubbing" means the removal of vegetative matter from below the surface of the ground, such as sod, stumps, roots, buried logs or other debris, and shall include the incidental removal of topsoil to a depth not exceeding twelve inches.

"Impervious surfaces" means a hard surface area which prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater than natural quantities or at an increased rate. Impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials and oiled macadam or other surfaces which similarly impede the infiltration of stormwater. Open, uncovered stormwater management facilities shall not be considered impervious surfaces.

"Inlet" means a connection between the surface of the ground and a drain or sewer for the admission of surface and stormwater runoff.

"Maintenance" means any activity that is necessary to keep an existing stormwater facility in good working order so as to function as designed. Maintenance includes complete reconstruction of a stormwater facility, if needed to return the facility to good working order. Maintenance also includes the correction of any problem on the site property that may directly impact the function of the stormwater facilities.

"Maintenance easement" means a binding agreement between the city and the person or persons holding title to a property served by a stormwater facility where the property owner promises to maintain certain stormwater facilities; grants the city the right to enter the subject property to inspect and make certain repairs, or perform certain maintenance procedures on the stormwater control

facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse the city for the cost should the city perform such repairs or maintenance.

"NPDES" means the National Pollutant Discharge Elimination System. A national permit system that covers discharges to waters of the United States and is enforced under the Federal Water Pollution Control Act, commonly known as the Clean Water Act.

"NROD" means Natural Resource Overlay District.

"Owner" or "property owner" means the person who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser thereunder.

"Parcel" means a single unit of land that is created by a partitioning of land (ORS 92.010(7)).

"Plans" mean the construction documents and specifications, including system site plans, storm drain plans and profiles, cross sections, detailed drawings, etc. or reproductions thereof, approved or to be approved by the city, county, or state. They will show the location, character, dimensions and details for the work to be done.

"Private stormwater facility" means a stormwater facility located on private property and maintained by private property owners.

"Professional engineer" means a registered professional engineer licensed by the state of Oregon.

"Project engineer" means the professional engineer responsible for the project, who will affix his/her seal on the project drainage plans and drainage analysis and supervise construction of the stormwater facilities. The project engineer shall be licensed in the state of Oregon and qualified by experience or examination.

"Public stormwater facility" means any stormwater facility in the public right-of-way or easement operated and maintained by the city, county or state.

"Record drawings" means a set of engineering or site drawings that show how the project was constructed and what materials were used. Record drawings are signed and dated by the project engineer.

"Restoration" means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

"Right-of-way" means all land, or interest therein, which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for, or dedicated to, the use of the general public.

"Sedimentation" means the process of gravity deposition of water suspended matter; the process of depositing soil particles, clays, sands and other sediment that were picked up by stormwater runoff.

"Solid waste storage area" means a place where solid waste containers are stored. Solid waste containers include trash compactors, solid waste dumpsters and garbage cans.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

"Stormwater facility" means a component of a manmade drainage feature, or features designed or constructed to perform a particular function or multiple functions related to stormwater management. Includes, but is not limited to, pipes, swales, ditches, culverts, street gutters, rain gardens, pervious

pavements, green roofs, ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators and sediment basins. Stormwater facilities shall not include building gutters, downspouts, and drains serving one single-family residence.

"Stormwater management" means a program to provide surface water quality and quantity controls through structural and non-structural methods and capital improvement projects. Nonstructural controls include, but are not limited to, maintenance of stormwater facilities, public education, water quality monitoring, and preparation of agreements, ordinances, and regulations.

"Stormwater quality control" means the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater.

"Stormwater quantity control" means the control of the rate and/or volume of stormwater released from a development site.

"Stream" means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

"Structure(s)" means a building or other major improvement that is built, constructed or installed, and it also means manmade improvements to land that are used, or expected to be used, in the operation of a utility. It includes buildings, utility lines, manholes, catch basins, driveways and sidewalks. It does not include minor improvements, such as fences, utility poles, flagpoles or irrigation system components that are not customarily regulated through zoning codes.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter with some degree of regularity. Such flow must be in a definite direction.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

   1. The conveyance facilities are located entirely on one privately owned parcel;

   2. The conveyance facilities are privately maintained; and

   3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

1. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the ~~WQRA~~ NROD ~~–~~or will disturb more than one thousand square feet of existing impervious surface within the ~~WQRA~~ NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or

2. Activities that create or replace more than five thousand square feet of impervious surface ~~per parcel or lot~~, cumulated over any given five-year period.

C. Exemptions. The following exemptions to subsection B of this section apply:

1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in Chapter 17.42, provided that the following conditions are met:

   a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and

   b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.

2. Projects in the following categories are generally exempt from the water quality and flow control requirements:

   a. Stream enhancement or restoration projects approved by the city.

   b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.

   c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.

   d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.

e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.

f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.

g. Maintenance or repair of existing utilities.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;
3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;
7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

13.12.060 - Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of other portions of this code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this chapter imposes restrictions that are more stringent than regional, state or federal law, the provisions of this chapter shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

Compliance with this chapter and the minimum requirements, minimum standards, and design procedures as set forth in the city's adopted Public Works Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the public. It is not the intent of this chapter to make the city a guarantor or protector of public or private property in regard to land development activity.

13.12.070 - Severability.

The provisions of this chapter are severable. If any section, clause, or phrase of this chapter is adjudged invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this ordinance.

13.12.080 - Submittal requirements.

A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.

B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020.

C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.

E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the city engineer. The city engineer may approve any such alternate, provided that the city engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the

material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The city engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the city files.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the city shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the city within seventy-two hours of accepting the position as project engineer.

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

~~13.12.130 - Administrative provisions.~~

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

~~A. Engineer's cost estimate (also may be known as engineer's opinion of probable construction cost).~~

~~B. Plan check and inspection fees (as set by city resolution).~~

~~C. Certificate of liability insurance for city funded public projects contracted by the city (not less than one million dollars single incident and two million dollars aggregate).~~

~~D. Preconstruction meeting (if required by some other provision of this code).~~

~~E. Performance Assurance(s). Applicant must submit a letter of commitment, cash deposit or other form of assurance in form and substance satisfactory to the city engineer and city attorney, to cover the engineer's cost estimate for the construction of the stormwater facility.~~

~~This is required to assure that the following are accomplished to the satisfaction of the city engineer:~~

~~1. Work shown on the development plans is accomplished;~~

~~2. Appropriate as-built/record drawings and electronic files are delivered to the city. (As-built drawings, or record drawings, will be on four mil Mylar.) Electronic files shall be submitted per city engineer format requirements;~~

~~3. Compliance with the criteria in this chapter and the Public Works Stormwater and Grading Design Standards, as well as with other city standards, ordinances, resolutions or rules;~~

~~4. Permanent stabilization and/or restoration of the impact from the development;~~

~~5. Fulfillment of all conditions of approval;~~

~~6. Payment of all outstanding fees;~~

~~7. Submittal of any required maintenance guarantee(s).~~

~~F. Developer/engineer agreement for public works improvements.~~

~~G. Land division compliance agreement (if applicable).~~

~~H. Project engineer's certificate of completion.~~

~~I. Operation and maintenance easement (if applicable).~~

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

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the city as described below, the city shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the city through the granting of a stormwater easement or other means acceptable to the city.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the city a separate two-year landscaping maintenance ~~bond~~ surety for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the city accepts the stormwater conveyance system.

C. The city will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater

system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city.

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to city inspection staff upon request.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

13.12.150 - Penalties and enforcement.

A. The city is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The city has the authority to enter onto land for the purpose of inspecting site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

B. If the city engineer determines a site has any unpermitted or illegal facilities placed, constructed or installed on the site, then the city engineer shall notify the owner in writing directing the owner to submit a written plan (with construction drawings completed by a professional engineer, if otherwise required by this chapter) within ten calendar days. This plan (and drawings, if required) shall depict the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The city engineer shall review the plan (and drawings, if required) for compliance with city standards and issue comments for correction, if necessary, or issue an approval to the owner. The city shall establish a fee by resolution for such review, with all costs borne by the owner. If the required corrective work constitutes a grading permit, then the city shall collect the appropriate grading permit fee.

C. Any person, firm, corporation or entity violating any of the provisions of this chapter, whether they be the property owner, the applicant, the contractor or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

13.12.160 - Hazardous conditions.

A. Determination and Notification. If the city engineer determines that any excavation, embankment, erosion/sedimentation control or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use or stability of a public way, water quality resource areas (pursuant to [Chapter] 17.49) or drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this chapter and the Public Works Stormwater and Grading Design Standards. At the time that the city engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.

B. Order to Correct. The city engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the city engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24.

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate DEQ representatives.

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the city or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate DSL/USACE representatives.

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if city personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the city will bring such conditions to the attention of the appropriate ODFW representatives.

13.12.180 - Violation—Penalty.

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

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 16.08 ~~Subdivisions~~ Land Divisions - Process and Standards

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

16.08.010 - Purpose and general provisions.

A. Applicability. This chapter controls the process and approval standards applicable to land ~~sub~~divisions including:

1. ~~Minor~~ Ppartitions, defined as a single division of land into two or three lots, and/or

2. Ssubdivisions, defined as a single division of land into four or more lots.

Approval shall be granted only upon determination that all applicable requirements of this title, ORS Chapter 92, and ~~including Chapters 16.08, 12.04,~~ the applicable zoning designation, applicable overlay districts, and ~~Chapter~~ OCMC 12.04, 12.08, 15.48, 16.12, 17.41, and 17.50 of the Oregon City Municipal Code as well as any other applicable chapters. ~~A subdivision is defined as a single division of land into four or more lots within a calendar year.~~

B. These applications shall generally follow a Type II process. However, if an applicant opts to process ~~either application~~ a subdivision as an expedited land division, the city shall follow the decision-making process provided by state law and apply the applicable approval standards set forth in this code and elsewhere.

C. Purpose. The purpose of this chapter is to provide a speedy review and decision-making process with relatively clear and objective criteria indicating little discretion, with little opportunity to deviate from the city's dimensional standards. If an applicant wishes greater flexibility in lotting pattern or layout, phasing of development, or relief from dimensional or public improvement standards, the appropriate procedure would be a master plan under ~~Chapter~~ OCMC 17.65 or an additional application for a variance(s) under ~~Chapter~~ OCMC 17.60.

D. Process Overview. ~~Subdivision~~ Land division review process requires a two-step process: preliminary and final plats. The preliminary plat, reviewed through a Type II process, provides all of the essential information about the proposal, including layout, number and pattern of lots, location of all existing structures and improvements, significant natural features, development schedule and any other required information. The final plat is a formal reproduction of the approved preliminary plat, including all conditions imposed by the decision-maker, submitted in recordable form. So long as the final plat does not deviate from the product approved in the preliminary plat, the city's review of the final plat shall be conducted through a Type I process. If the final plat deviates significantly from the approved preliminary plat, the final plat review shall be processed in the same manner as was the preliminary plat.

16.08.015 - Preapplication conference required.

Before the city will ~~accept a subdivision~~ deem a land division application complete, the applicant must schedule and attend a preapplication conference in accordance with ~~Section~~ OCMC 17.50.050. ~~At a minimum, an applicant should bring to the preapplication conference a tax map of the subject tax lot(s) and surrounding tax lots, scale drawings of the proposed subdivision lotting pattern, streets, utilities and important site features and improvements, and a topographic map of the property.~~

16.08.020 - Preliminary ~~subdivision~~ plat application.

Within ~~six~~ 6 months of the preapplication conference, an applicant may apply for preliminary land division ~~subdivision~~ ~~minor partition or subdivision~~ plat approval in accordance with this chapter and ~~Section~~ OCMC 17.50. ~~The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a preliminary subdivision plat, which include plan drawings, a narrative statement and certain tabular information. Once the application is deemed to be complete, the community development director shall provide notice of the application and an invitation to comment for a minimum of fourteen days to surrounding property owners in accordance with Section 17.50.090(A). At the conclusion of the comment period, the community development director will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with Chapter 17.50. The community development director's decision may be appealed to the city commission with notification to the planning commission.~~

16.08.025 - Preliminary ~~subdivision~~ plat—Required ~~plans~~ Information.

The preliminary ~~subdivision~~ plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of ~~one~~ 1 inch to ~~fifty~~ 50 feet.

A. Site Plan. A detailed site development plan drawn to scale by a surveyor showing the location and dimensions of lots, streets, existing and proposed street names, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.), all areas designated as being within an overlay district and an indication of existing and proposed land uses for the site. ~~If required by staff at the pre-application conference, a subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the state of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted~~

~~Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.~~

B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include ~~two~~ 2 elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. In the preparation of the Traffic/Transportation Plan, the applicant shall reference the adopted Transportation System Plan. The city engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.

C. Natural Features Plan and Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within ~~two hundred fifty~~ 250 feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the location of drainage patterns and courses on the site and within ~~two hundred fifty~~ 250 feet of the property boundaries where practicable. Features that must be illustrated shall include the following:

1. Proposed and existing street rights-of-way and all other transportation facilities;
2. All proposed lots and tracts;
3. All trees proposed to be removed prior to final plat with a diameter ~~six~~ 6 inches or greater diameter at breast height (d.b.h);
4. All natural resource areas pursuant to ~~Chapter~~ OCMC 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition, and approved by the Division of State Lands and wetlands identified in the city of Oregon [City] Local Wetlands Inventory, adopted by reference in the city of Oregon City comprehensive plan;
5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to ~~Chapter~~ OCMC 17.42;
6. The location of any known state or federal threatened or endangered species;
7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
8. All wildlife habitat or other natural features listed on any of the city's official inventories.

D. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and

2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after ~~forty-five~~ 45 days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

The C~~c~~ommunity D~~d~~evelopment D~~d~~irector may waive any of the foregoing requirements if the C~~c~~ommunity D~~d~~evelopment D~~d~~irector determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

~~16.08.030 - Preliminary subdivision plat—Narrative statement.~~

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

E~~A. Subdivision Description. A detailed description of the proposed development, including a description of proposed uses, number and type of residential units, allocation and ownership of all lots, tracts, streets, and public improvements, the structure of any homeowner's association, and each instance where the proposed subdivision will vary from some dimensional or other requirement of the underlying zoning district. For each such variance, a separate application will be required pursuant to Chapter 17.60, Variances;~~

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

1. Water,

2. Sanitary sewer,

3. Storm sewer and stormwater drainage,

~~4. Parks and recreation,~~

4~~5~~. Traffic and transportation,

~~6. Schools,~~

5~~7~~. Fire and police services;

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

~~C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60.~~

F~~D~~. Drafts of the proposed covenants, conditions and restrictions (CC&Rs), maintenance agreements, homeowner association agreements, dedications, deeds easements, or reservations of public open spaces not dedicated to the city, and related documents for the subdivision;

~~E. A description of any proposed phasing, including for each phase the time, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;~~

G~~F~~. Overall density of the subdivision and the density by dwelling type for each.

H. If required by staff at the pre-application conference, a ~~subdivision~~ connectivity analysis shall be prepared by a transportation engineer licensed by the state of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The ~~subdivision connectivity~~ analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed land ~~sub~~division will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.

~~16.08.035 - Notice and invitation to comment.~~

~~Upon the city's determination that an application for a preliminary subdivision plat is complete, pursuant to Chapter 17.50, the city shall provide notice of the application in accordance with requirements of Chapter 17.50 applicable to Type II decisions.~~

~~16.08.040 - Preliminary subdivision plat—Approval standards and decision.~~

~~The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this code that corresponds to the underlying zone. The community development director shall evaluate the application to determine that the proposal does, or can through the imposition of conditions of approval, meet these approval standards. The community development director's decision shall be issued in accordance with the requirements of Section 17.50.~~

16.08.27 – Large Parcels.

A. Lot size limitations for partitions in residential zoning designations. A residentially zoned parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into ~~four (4)~~ or more lots shall be subject to the Subdivision procedures and standards ~~specified in Sections 16.08 and 16.12~~. ~~The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the community development director.~~ This standard shall not apply to lands within the R-2 or a non-residential ~~a multi-family~~ zoning designations.

C. A parcel of land large enough to be subdivided into ~~four (4)~~ or more lots is subject to compliance with the subdivision standards or ~~in existence at the time this ordinance was adopted~~ may be partitioned into ~~two~~ 2 lots. If partitioned into ~~two~~ 2 lots, ~~one~~ 1 lot ~~once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the lot size limitation for partitions found in subsection C. above. The parcel to be created for the single-family house~~ shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.

16.08.045 - ~~Building site —~~Frontage width requirement.

Each lot ~~in a subdivision~~ shall abut upon a ~~cul-de-sac or~~ street other than an alley for a width of at least ~~twenty~~ 20 feet unless flag lots are provided pursuant to OCMC 16.08.050, except for Cluster Housing development pursuant to ~~section~~ OCMC 17.20.020.

16.08.050 - Flag lots ~~in subdivisions~~.

A. Flag lots shall not be permitted ~~within subdivisions except as approved by the community development director and in compliance with the following standards.~~ except where the applicant can show that the existing parcel configuration, topographic constraints or the location of a pre-existing dwelling unit ~~where an existing dwelling unit is located so that it~~ precludes a land division that meets the minimum density, dimensional ~~lot width and/or depth~~ standards of the underlying zone, or street connectivity is not practicable.

B. ~~If a flag lot is created, a joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable by the city attorney.~~ A shared joint accessway shall be provided unless the existing topography of the site or the pre-existing dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a form~~at~~ acceptable to the city attorney.

C. Accessways shall have a pavement width of at least ~~sixteen~~ 16 feet to service ~~one~~ 1 or ~~to two~~ 2 units or ~~twenty~~ 20 feet to service ~~three~~ 3 or more units. A fire access corridor of at least

~~twenty~~ 20 feet shall be provided to all parcels with a minimum pavement width of ~~sixteen~~ 16 feet to service ~~two~~ 2 units or ~~twenty~~ 20 feet to service ~~three~~ 3 or more units. At least ~~six~~ 6 inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. ~~The approval~~ The City Engineer and/or Fire District may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. The City Engineer and/or Fire District may prohibit ~~No~~ vehicular obstruction, including trees, fences, landscaping and~~or~~ structures~~, shall be located~~ within the fire access corridor.

If the proposed accessway exceeds ~~one hundred fifty~~ 150 feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than ~~two~~ 2 residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the C~~c~~ity E~~e~~ngineer and Fire District. Improvements shall comply with ~~Chapter~~ OCMC 16.12, Minimum Improvements and Design Standards for Development~~Land Divisions~~.

D~~C~~. The pole portion of the flag lot shall connect to a ~~public~~ street.

E~~D~~. The pole shall be at least ~~8~~10 feet wide for the entire length.

F~~E~~. The pole shall be part of the flag lot and must remain~~be~~ under the same ownership as the flag portion of the lot.

16.08.053 Tracts

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

~~16.08.054 General~~
~~The following shall be submitted:~~
~~A. Authorization signature of all record property owners or contract owners.~~
~~B. Documentation indicating there are no any liens favoring the City on the subject site.~~
~~C. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.~~
~~D. All required application fees;~~

16.08.055 - Final ~~subdivision~~ plat—Application requirements and approval standards.

The applicant shall apply for final ~~subdivision~~ plat approval within ~~twenty four~~ 24 months following approval of a preliminary ~~subdivision~~ plat. The applicant shall apply for final plat approval to the city and shall pay the applicable fees as set forth on the city's adopted fee schedule. The final ~~subdivision~~ plat is processed as an administrative decision by the city so long as the final ~~subdivision~~ plat is consistent with the approved preliminary ~~subdivision~~ plat as conditioned by the decision-maker and identified in 16.08.065.

A. ~~If the community development director determines that the final subdivision plat submitted by the applicant is not consistent with the approved preliminary subdivision plat, the modified subdivision shall be subject to the same Type II process and review standards as were applicable to the preliminary subdivision plat. However,~~ A Type II or Expedited Land Division review is required in order to modify a preliminary plan approval in the following respects: (1) any increases in the number of lots as part of a previously approved partition; (2) increasing the number of lots in a subdivision by no more than ~~one~~ 1 additional lot; and/or (3) a significant change in the location of a street. ~~All modifications to a land division that has received final plat approval but have not platted and result in the increase of any lots for a minor partition or two or more lots for a subdivision or a significant change to the street location for a minor partition or subdivision shall be applied for and processed in the same manner as was the original preliminary subdivision plat and subject to the same approval standards.~~ However, the city is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify. If such a review is necessary, the review shall be limited only to those aspects of the final subdivision plat that deviate from the approved preliminary subdivision plat. ~~The decision-maker's original approval of all other aspects of the subdivision may be relied upon as a conclusive determination of compliance with the applicable standards.~~

B. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector shall approve a final subdivision plat that is consistent with the approved preliminary subdivision plat, including any conditions attached thereto and required permits for access to facilities owned by another jurisdiction.

16.08.060 - Filing and recording of final subdivision plat.

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

~~16.08.065 - Post-approval modifications to approved plat.~~

~~All modifications to a subdivision that has received final plat approval shall be applied for and processed in the same manner as was the original preliminary subdivision plat and subject to the same approval standards. However, the city is entitled to rely upon the prior decision and findings for those portions of the subdivision that the applicant does not propose to modify.~~

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 16.12 Minimum Public Improvements and Design Standards for Development ~~Land Divisions~~

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

16.12.010 - Purpose and general provisions.

All ~~land divisions~~ development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for ~~land division~~ development, the City Engineer shall take into consideration any approved development ~~land divisions~~ and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development ~~land division~~ must be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage~~,~~ of all single and two-family dwellings living space.~~,~~ ~~except~~ Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable single and ~~two~~ 2 family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, ~~the frontage of the site shall comply with the following prioritized standards identified in this chapter~~ the street frontage must be improved to include the following priorities for improvements:

   1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and

   2. Plant street trees.

   The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and

improvements ~~as determined by the community development director~~ is based on the ~~entire~~ proposed construction project and not individual building permits. The entire proposed construction project includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with dedications or easements. ~~It is the responsibility of the applicant to submit to the community development director the value of the required improvements.~~

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

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

16.12.013 - Modifications.

The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. The modification meets the intent of the standard;

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

C. The modification is consistent with an adopted plan; and

D. The modification is complementary with a surrounding street design; or, in the alternative;

E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

16.12.014 - Administrative provisions.

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

A. Pre-Design Meeting

B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer

C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer

D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable)

E. Engineer's Preliminary and Final cost estimates (also may be known as engineer's opinion of probable construction cost).

F. Plan check and inspection fees (as set by city resolution).

G. Certificate of liability insurance for city funded public projects contracted by the city (not less than one million dollars single incident and two million dollars aggregate).

H. Preconstruction meeting

I. Performance Guarantee(s). per OCMC 17.50.141

J. Applicable Approvals/Permits from other agencies or entities

K. Developer/engineer agreement for public works improvements.

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

A. Project engineer's certificate of completion.

B. Stormwater Operation and maintenance easement (if applicable).

C. Deed of Dedication (Bargain and Sale Deed)

D. Recorded Plat and/or Easements (if applicable)

E. Recorded Non-Remonstrance Covenant Agreement

F. Land division compliance agreement (if applicable).

G. Permanent stabilization and/or restoration of the impact from the development;

H. Fulfillment of all conditions of approval;

I. Payment of all outstanding fees;

J. Maintenance Guarantee(s). per OCMC 17.50.141

K. Indemnity Agreement (if applicable)

L. Completed Punchlist

K. As-Built Drawings

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

16.12.015 - Street design—Generally.

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter,

subject to constitutional limitations. ~~demonstrate compliance with Chapter 12.04—Streets, Sidewalks and Public Places.~~

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with this ~~chapter~~ OCMC 16.12.017 shall be required to preserve the objectives of street extensions.

C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

16.12.016 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in ~~Figure~~ Table 16.12.016 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted Transportation System Plan and illustrates the ~~The standards provided below are~~ maximum design standards. These standards ~~and~~ may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC ~~[Section]~~ 16.12.013 or at the discretion of the City Engineer. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 16.12.016 Street Design

Table 16.12.016 Street Design. To read the table ~~below,~~ select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

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

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

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

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of ~~twenty~~ 20 feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.

A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development ~~land division~~. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer. All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development ~~land division~~ without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development ~~land division~~ application. Applicants for partitions may be allowed to meet this requirement by providing the city with a financial guarantee per ~~section~~ OCMC 16.12.112.

B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to ~~the~~ extend~~sion of a system of~~ pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle accessways. ~~Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.~~

C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.

E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the F~~f~~ire M~~m~~arshall to assure an adequate level of fire and life safety. The modified street shall have no less than a ~~twenty-~~ 20-foot wide unobstructed travel lane~~path~~.

F. All development shall include vegetative planter strips that are five feet in width or larger and located between the sidewalk and curb. All development shall utilize the vegetative planter strip for the placement of street trees ~~as required by Chapter 12.08~~ or place street trees in other acceptable locations, as prescribed by ~~Chapter~~ OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. ~~All trees within the right-of-way shall be planted with root barriers adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.~~

In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs approved by a landscape architect spaced ~~four (~~4~~)~~ feet apart.

16.12.017 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of

the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

16.12.018 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than ~~five (5)~~ feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

~~16.12.020 - Blocks—Generally.~~

~~The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.~~

16.12.020 - Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than ~~eighty~~ 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least ~~one hundred~~ 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least ~~fifty~~ 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of ~~twenty-five~~ 25 feet for local streets. Larger radii shall be required for higher street classifications as determined by the City Engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than ~~two~~ 2 streets at any one point.

16.12.021 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

16.12.022 - Street design—Development abutting arterial or collector street.

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

16.12.023 - Street design—Pedestrian and bicycle safety.

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

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

16.12.024 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct a half street with at least ~~twenty~~ 20 feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

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

16.12.025 - Street design—Cul-de-sacs and dead-end streets.

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions

or similar situation as determined by the ~~community development director~~ decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of ~~twenty-five~~ 25 dwelling units.

B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in ~~section~~ OCMC 16.12.030.

C. Cul-de-sacs ~~exceeding a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face,~~ shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards.

D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings ~~for~~ to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. All dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

~~16.12.025 - Reserved.~~

16.12.026 - Street design—Alleys.

Public alleys shall be provided in concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of ~~twenty~~ 20' feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer.

16.12.027 - Street design—Off-site street improvements.

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

16.12.028 - Street design—Transit.

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

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

16.12.029 - Excavations—Restoration of pavement.

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

16.12.030 - Blocks—Width.

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

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be ~~the spacing is~~ determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways must be provided every ~~three hundred thirty~~ 330 feet. The spacing standards within this section do not apply to alleys.

16.12.031 - Street design—Street names.

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

16.12.032 – Public Off-Street Pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding ~~three hundred thirty~~ 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

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

B. Accessways shall be free of horizontal obstructions and have a ~~nine~~9-foot, ~~six~~6-inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

1. Accessways shall have a ~~fifteen~~15-foot-wide right-of-way with a ~~seven~~7-foot wide paved surface between ~~a five-foot planter strip and a three~~ four~~-~~foot planter strips on either side.

2. If an accessway also provides secondary fire access, the right-of-way width shall be at least ~~twenty-three two~~ 22~~-~~feet wide with a ~~fifteen sixteen~~16-foot paved surface between ~~a five-foot planter strip and a three~~3-foot planter strips on either side.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within ~~fifteen~~ 15 feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

1. Within the ~~three~~3-foot planter strip, an evergreen hedge screen of ~~thirty~~ 30 to ~~forty-two~~ 42 inches high or shrubs spaced no more than ~~four~~ 4 feet apart on average;

2. Ground cover covering ~~one hundred~~ 100 percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within ~~two~~ 2 feet of the base of trees;

3. Within the ~~five~~ 5-foot planter strip, two-inch minimum caliper trees with a maximum of ~~thirty-five~~ 35-feet of separation between the trees to increase the tree canopy over the accessway;

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

H. Accessway surfaces shall be paved with all-weather materials as approved by the city. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

I. In parks, greenways or other natural resource areas, accessways may be approved with a ~~five~~5-foot wide gravel path with wooden, brick or concrete edgings.

J. The decision maker~~community development director~~ may approve an alternative accessway design due to existing site constraints through the modification process set forth in Section 16.12.013.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the ~~hearings body~~ City Engineer shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or

2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

16.12.033 - Mobility standards.

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

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the Regional Center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:

1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained.

Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

E. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange

State intersections located within or on the Regional Center Boundaries

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and

b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in [Section] 16.12.033 shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

16.12.035 - ~~Reserved~~. Driveways.

A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.B.

Table 16.12.035.A Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway for all uses	175 ft.

	other than detached single and two-family dwellings	
Minor Arterial Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	25 ft.

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

Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and must adhere to requirements of Section 16.12.020.

a. ~~Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.~~

b. ~~Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.~~

c. ~~Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.~~

d. ~~Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.~~

e. ~~Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker only where dedication of a street is deemed impracticable by the city.~~

f. ~~Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.~~

g. ~~In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future.~~

B. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single-family attached or detached residential property, ~~or~~ two-family residential property, 3-4 plex property, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.

C. When a property fronts multiple roads, access must be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to

arterials and collectors. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a drive-through that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or

2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

D. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.C.

Table 16.12.035.C Driveway Approach Size Standards

Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single or two-family dwelling with one car garage/parking space	10 feet		12 feet
Single or two-family dwelling with two car garage/parking space	12 feet		24 feet
Single or two-family dwelling with three or more car garages/parking space	18 feet		30 feet
Nonresidential or multi-family residential driveway access	One-Way 12 feet	Two-Way 20 feet	40 feet

Driveway widths much match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than ~~four~~ 4 parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

E. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:

1. To provide adequate space for on-street parking;

2. To facilitate street tree planting requirements;

3. To assure pedestrian and vehicular safety by limiting vehicular access points; and

4. To assure that adequate sight distance requirements are met.

~~a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-~~

~~family housing, a shared driveway shall be required and limited to twenty four feet in width adjacent to the sidewalk or property line.~~

~~b. Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development for detached housing within the R-5 or R-3.5 Medium Density Districts "R-5" Single-Family Dwelling District or "R-3.5" Dwelling District, driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk or property line.~~

F. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.

2. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the City Engineer.

3. No driveway with a slope of greater than ~~fifteen~~ 15 percent shall be permitted without approval of the City Engineer.

G. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

16.12.040 - Building sites.

The size, width, shape and orientation of building sites shall be ~~appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:~~

~~A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.~~

~~B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.~~ rectangular or square to the maximum extent practicable.

A. Sites abutting an alley shall gain vehicular access from the alley unless deemed impracticable by the decision maker.

B. Access for emergency services (fire and police) shall be provided.

16.12.045 - Building sites—Minimum density.

All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in ~~Chapter~~ OCMC 17.04.

16.12.050 – Lot size reduction.

A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots for single-family detached residential use, including any proposal with accessory dwelling units, that are up to ~~twenty~~ 20 percent less than the required minimum lot area of the applicable zoning designation provided the average lot size of all proposed single-family detached residential lots ~~lots within the entire subdivision on average~~ meets the minimum site area requirement of the underlying zone. Any area within a powerline easement on a lot shall not count towards the lot area for that lot. Lot averaging is only permitted through the subdivision process or master plan process and may not be used for any other residential uses.

The average lot area is determined by first calculating the total site area devoted to single-family detached dwelling units, subtracting the powerline easement areas, and dividing that figure by the proposed number of single-family detached dwelling lots.

Accessory dwelling units are not included in this determination of total dwelling units nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.

A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.

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

16.12.055 - Building site—Through lots.

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

16.12.060 - Building site—Lot and parcel side lines.

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Lot and parcel side lines

for cluster housing projects proposed consistent with the standards in OCMC ~~Section~~ 17.20.020 are not subject to this standard.

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of ~~Chapter~~ OCMC 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of ~~Chapter~~ OCMC 17.47.

16.12.070 - Building site—Setbacks and building location.

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

A. The front setback of all lots located on a neighborhood collector, collector or minor arterial shall be orientated toward the neighborhood collector, collector or minor arterial street.

B. The most architecturally significant elevation of the house shall face the neighborhood collector, collector or minor arterial street.

C. On corner lots located on the corner of two local streets, the main façade of the dwelling may be oriented towards either street.

~~D. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:~~

~~1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or~~

~~2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.~~

D~~E~~. The decision maker~~community development director~~ may approve an alternative design, consistent with the intent of this section, where the applicant can show that existing development patterns preclude the ability to practically meet this standard.

16.12.075 - Building site—Division of lots.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the C~~c~~ommunity D~~d~~evelopment D~~d~~irector shall require an arrangement of lots, parcels and

streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.

16.12.080 - Protection of trees.

Protection of trees shall comply with the provisions of ~~Chapter~~ OCMC 17.41—Tree Protection Standards.

16.12.085 - Easements.

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

A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development~~land division~~ and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.

B. Franchise Utilities. All new development shall provide a ~~ten~~10-foot wide franchise utility easement within private property adjacent to all property lines fronting an existing or proposed right-of-way. Insofar as practicable, such easements shall be continuous and aligned from block-to-block within a development~~land division~~ or with adjoining properties. Such an easement may be reduced in size or be part of the right-of-way at the discretion of the City Engineer.

~~B~~C. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

D~~C~~. Watercourses. Where a development~~land division~~ is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

E~~D~~. Access. When easements are used to provide vehicular access to lots within a development~~land division~~, the construction standards, but not necessarily width standards, for the easement shall meet city specifications. The minimum width of the easement shall be ~~twenty~~ 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.

FE. Resource Protection. Easements or other protective measures may also be required as the Ccommunity Ddevelopment Ddirector deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

16.12.090 - Minimum improvements—Procedures.

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

A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other city decision-maker, the applicant's project engineer also shall inspect construction.

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of ~~Chapter~~ OCMC 17.49 and the Public Works Erosion and Sediment Control Standards.

D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewers shall be placed beyond the ten-foot wide franchise ~~public~~ utility easement within private property ~~behind to the lot lines~~.

ED. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

FE. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a ~~land division~~ development under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the city's public systems and facilities:

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the ~~land division~~

development and those portions of public streets adjacent to but only partially within ~~land division~~ development. ~~All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property.~~ Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a ~~land divisions~~ development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. ~~All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for stormwater drainage improvements that benefit the applicant's property.~~ Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, ~~Chapter~~ OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a ~~land division~~ development in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. ~~All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property.~~ Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a ~~land division~~ development in accordance with the city public works water system design standards, and shall connect those lots or parcels to the city's water system. ~~All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for water improvements that benefit the applicant's property.~~ Applicants are responsible for extending the city's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

E. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street, stormwater drainage, sanitary sewer and water system improvements that benefit the applicant's property.

~~Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the land division. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a land division without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the land division application. Applicants for partitions may be allowed to meet this requirement by executing a binding agreement to not remonstrate against the formation of a local improvement district for sidewalk improvements that benefit the applicant's property.~~

~~F. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the decision-maker may require the installation of separate bicycle lanes within streets and separate bicycle paths.~~

~~G. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.~~

~~H. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all city regulations.~~

F~~I~~. Street Trees. Refer to ~~Chapter~~ OCMC 12.08, Street Trees.

G~~J~~. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

H~~K~~. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

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

J~~M~~. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of ~~Chapter~~ OCMC 17.47 with regard to erosion control.

K. Food Carts. All food carts as defined by OCMC 17.04.481 shall comply with all standards described within.

1. All food carts shall apply for an Oregon City business license per ~~Chapter~~ OCMC 5.04.

2. All food carts shall submit a wastewater / water operations and maintenance plan to Public Works Development Services for review and approval and pay fees, where applicable for review and inspection.

3. All liquid waste must drain to an approved wastewater tank or public sewer. Wastewater shall be addressed in one of the two following ways :

a. For carts operating a maximum of 5 hours per day where no more than two carts exist on a parcel of land, the carts shall have individual wastewater holding tanks. Tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper. A copy of the contract shall be provided to the City before any food carts are located on site. Holding tanks shall be screened from view of the right-of-way by fully sight obscuring fencing. Indirect discharge or leakage draining into the storm water system is prohibited. The tanks must remain on the unit at all times. Mobile food unit waste water tanks must be at least 10% larger in capacity than the water supply tank and sloped to a drain that is one inch in inner diameter or greater, equipped with a shut-off valve. However, if a mobile food unit only sells beverages, such as coffee, espresso, or soda, where most of the potable water supply is used in the product, they may have a waste water retention tank that is at least 1/2 the volume of the potable water storage tank. All connections on the mobile food unit for servicing the mobile food unit waste disposal facilities must be of a different size or type than those used for supplying potable water to the mobile food unit.

b. For carts operating longer than 5 hours per day and/or where more than two carts exist on a parcel, the carts must either individually or communally connect to the public sewer system. Food carts shall connect to the sanitary sewer consistent with applicable state plumbing codes, and will include an approved grease separator for the disposal of fats, oils and grease. Indirect discharge or leakage draining into the storm water system is prohibited. Applicable system development charges shall apply per ~~Chapter~~ OCMC 13.20.

c. . All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food unit must be captured and properly disposed of in the sanitary sewer. Wastewater cannot be dumped onto the ground, onto the streets, or into a storm a drain

4. Potable water shall be addressed in one of the two following ways :

a. For carts operating a maximum of 5 hours per day where no more than two carts exist on a parcel of land, food carts shall be connected to a potable water tank consistent with Section 5-3 of the Oregon Health Authority's 2012 Food Sanitation Rules. The tanks must remain on the unit at all times.
b. For carts operating longer than 5 hours per day and/or where more than two carts exist on a parcel, food carts shall connect to a permanent water source in conformance with applicable state plumbing codes. Applicable system development charges shall apply per ~~Chapter~~ OCMC 13.20.

5. If a food cart is connected to public water, it also must be connected to public sewer.

6. If a food cart has operated for a period of 12 months in the same location where operation is determined by an active business license, the owner must connect to public utilities per ~~Chapter~~ OCMC 16.12.095 K.3.b. and 16.12.095 K.4.b. within the next 12 months.

6. Food carts and amenities shall connect to a permanent power source. Power connections may not be connected by overhead wires to the individual food carts. Generators are prohibited

7. All utilities shall be placed or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.

8. Food carts are never allowed to be placed within the right of way and must be placed on private property except for when used for a Special Event where ~~Chapter~~ OCMC 12.04.120 applies.

9. Food carts shall be located to prevent any operations interfering with the public right of way including customer service.

16.12.100 - Same—Road standards and requirements.

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter ~~12.04~~. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;

2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the C~~c~~ommunity D~~d~~evelopment D~~d~~irector and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

16.12.101 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or

Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

16.12.105 - Same—Timing requirements.

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with ~~this Chapter~~ OCMC 17.50.140.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement must be complete and accepted by the City Engineer prior to final plat approval.

~~C.~~

~~Financial Guarantee. The applicant shall provide the city with a financial guarantee in a form acceptable to the city attorney and equal to one hundred ten percent of the cost of constructing the public improvements in accordance with Oregon City Municipal Code Chapter 17.50. Possible forms of guarantee include an irrevocable or standby letter of credit, guaranteed construction loan set-aside, reserve account, or performance guarantee, but the form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the City Engineer.~~

16.12.110 -Public ~~Minimum~~ improvements—Financial guarantees.

~~When conditions of permit approval require a permittee to construct certain improvements, the city may, in its discretion, allow the permitee to submit a performance guarantee in lieu of actual construction of the improvement. Performance guarantees shall be governed by this section.~~

~~A. Form of Guarantee. Performance guarantees shall be in a form approved by the city attorney Approvable methods of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the City Engineer.~~

~~B. Timing of Guarantee. A permittee shall be required to provide a performance guarantee as follows:~~

~~1. After Final Approved Design by the City: A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the remaining public improvements as submitted by the permittee's engineer. The engineer's~~

~~estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.~~

~~2. Before Complete Design Approval and Established Engineered Cost Estimate: A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.~~

~~C. Duration of the Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.~~

A. To ensure construction of required public improvements, the applicant shall provide the city with a performance guarantee in accordance with ~~Chapter~~ OCMC 17.50.140.

B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the city, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the city accepts the improvements at the end of the warranty period as prescribed in ~~Chapter~~ OCMC 17.50.141.

16.12.120 Waiver of Remonstrance

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

16.12.1125 - Violation—Penalty.

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

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~~Chapter 16.16 Minor Partitions – Processes and Standards~~

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

Chapter deleted and integrated into 16.08.

~~16.16.010 - Purpose and general provisions.~~

~~A. Minor partitions shall be processed as a Type II decision by the community development director in the same manner as set forth in Section 16.04.020A and the applicable provisions in Chapters 16.16, 12.04, 16.12 and 17.50 of the Oregon City Municipal Code as well as any other applicable chapter. A minor partition is defined as a single division of land into two or three lots. Approval shall be granted only upon determination that all applicable requirements of this title and ORS Chapter 92 have been met.~~

~~B. If a parcel of land to be partitioned will create lots large enough to be divided again, the applicant shall provide a hypothetical non-binding plan or "shadow plat" depicting possible future development of the resulting lots.~~

~~C. Lot size limitations for partitions in residential zoning designations. A residentially zoned parcel of land or the aggregate of contiguous parcels under the same ownership containing sufficient net buildable area to be subdivided by the minimum lot size requirements of the underlying zone into four or more lots shall be subject to the Subdivision procedures and standards specified in Sections 16.08 and 16.12. The calculation of the net buildable area for the parcel or lot to be divided shall be determined by the community development director. This standard shall not apply to a multi-family zoning designation.~~

~~D. A parcel of land in existence at the time this ordinance was adopted may be partitioned once if solely for the purpose of segregating one separate smaller parcel for an existing or proposed single-family house. The original parcel shall be exempt from the lot size limitation for partitions found in subsection C. above. The parcel to be created for the single-family house shall not contain sufficient lot area to allow further partitioning under the standards of the applicable existing zone including the use of administrative variances.~~

~~16.16.015 - Preapplication conference required.~~

~~Before the city will accept an application for a partition, the applicant must attend a preapplication conference under Section 17.50.~~

16.16.020 - Minor partition application submission requirements.

A minor partition application shall include twelve copies of the proposed partition to the community development director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:

A. A completed land use application form as provided by the planning division;

B. Legal descriptions of the parent parcel(s) and a preliminary plat map;

C. The name and address of the owner(s) and the representative, if any;

D. County tax assessment map number(s) of the land to be partitioned;

E. The map scale and north point;

F. Approximate courses and dimensions of all parts of the partition;

G. Around the periphery of the proposed minor partition, the boundary lines and names of adjacent minor partitions and subdivisions, streets and tract lines of adjacent parcels of property;

H. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;

I. All areas designated as being within an overlay district;

J. A connectivity analysis may be required as directed at the pre-application conference. If required, the partition connectivity analysis shall be prepared by an engineer licensed by the state of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.

K. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and

2. A letter or email from the applicable tribal cultural resource representative as designated by the Oregon Legislative Commission on Indian Services (CIS) and the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, "ground disturbance" is defined as the movement of native soils.

16.16.025 - Frontage width requirement.

For parcels of land created by a minor partition the parcels shall have a minimum of twenty feet of frontage on an existing public, county, state or federal road or street (unless as otherwise permitted in OCMC Chapter 16.16).

16.16.030 - Flag lots—R-10, R-8, R-6, and R-3.5.

A. Flag lots may be permitted in partitions only where the configuration, topography, or an existing dwelling unit is located on the property so that it would otherwise preclude the partitioning and development of the property.

B. A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney.

C. Access ways shall have a pavement width of at least sixteen feet to service one to two units or twenty feet to service three or more units. A fire access corridor of at least twenty feet shall be provided to all parcels with a minimum pavement width of sixteen feet to service two units or twenty feet to service three or more units. At least six inches of shoulder on each side of the fire access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The approval may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. No vehicular obstruction, including trees, fences, landscaping or structures, shall be located within the fire access corridor.

D. The pole must connect to a public street.

E. The pole must be at least eight feet wide for its entire length.

F. The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.

16.16.035 - Pavement requirements.

Accessways for lots created through the minor partitioning process shall satisfy the requirements of Sections 16.16.040 and 16.16.050. If the proposed accessway exceeds one hundred fifty feet in length the accessway shall conform to Fire District standards and shall be paved to a minimum width of twenty feet unless an alternative is approved by the Planning Division and Fire District. If more than two residences are served, a turnaround for emergency vehicles shall be provided. The turnaround shall be approved by the city engineer and Fire District. Improvements shall comply with Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions.

16.16.040 - Final recordable partition plat.

If the partition application is approved, the applicant shall prepare a final partition plat that meets all applicable requirements and conditions of the planning manager decision, and the applicable requirements of ORS Chapter 92. The applicant shall then submit the final plat for signature by the appropriate city official prior to recording with the county.

~~16.16.045 - Final minor partition plat requirements.~~

~~The city shall review the final partition plat for conformance with any conditions, required permits for access to facilities owned by another jurisdiction, and the applicable requirements of ORS Chapter 92. The final partition plat shall contain, or be accompanied by, the following information:~~

~~A. The city planning file number, located just below the title block;~~

~~B. The lines and names of all streets or other public and private ways, pedestrian/bicycle accessways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of the owners within the petition;~~

~~C. The length and bearings of all straight lines, curves, radii and arcs of all curves.~~

~~D. Street center line control based on recorded city control surveys for street center lines, if applicable;~~

~~E. The names or official reference numbers of all recorded subdivision or partition plats immediately adjacent to the land division;~~

~~F. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat;~~

~~G. All homeowners' agreements, maintenance agreements, articles of incorporation, bylaws and CC&Rs. These matters shall be reviewed and verified by the city attorney for conformance with state and local requirements before recording with the final plat;~~

~~H. A declaration shall appear on the face of the final plat that conforms with the city's final plat review checklist as published by the city engineer.~~

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Chapter 16.20 Property Line Adjustments and Abandonment Process and Standards

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

16.20.010 - Purpose and general provisions.

The community d~~C~~community D~~d~~evelopment D~~d~~irector evelopment director under the applicable provisions in Chapter 17.50 shall process applications for property line adjustments and abandonments as a Type I decision. Approval shall be granted only upon determination by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector that all applicable requirements of this title and ORS Chapter 92 have been met.

16.20.020 - Adjustment/abandonment submission requirements.

An application for a property line adjustment or abandonment shall include two copies of the following documents submitted to the community development director:

A. ~~A completed application, on a form as provided by the Planning Division~~ Application requirements as identified in OCMC 17.50.080;

B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey," shall identify the city planning file number and approval date immediately below the title block with space for signature and date by the community development director;

C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;

D. ~~A current deed report for the subject property(ies)~~ A current preliminary title report or trio for the subject property(ies);

E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.

F. Documentation indicating there are not any liens favoring the City on the subject site.

16.20.040 - Adjustment/abandonment approval standards.

All parcels ~~created~~ resulting from ~~that will through~~ a lot line adjustment or abandonment~~s~~ shall conform to the applicable requirements of ~~this title~~ Title 16 and 17 of the Oregon City Municipal Code ~~(~~including the standards within the zoning designation such as ~~(~~lot width, depth, lot coverage, subdivision density requirements, etc.~~)~~ as well as access and frontage requirements ~~of OCMC Chapter 16.16~~, ORS 92.010 to ORS 92.160, and any other applicable city or state law. In no case shall a lot line adjustment result in a parcel that is unbuildable due to the presence of an overlay district or other physical constraint unless the parcel is recorded as a tract that is intended for a purpose other than the principal use of the underlying zone.

The C~~c~~ommunity D~~d~~evelopment D~~d~~irector shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with ~~Section~~ OCMC 17.50.120. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector decision is final and not appealable to any other decision-maker within the city.

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Chapter 17.04 Definitions

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.04.005 - Generally.

A. As used in this title, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this title and accompanying zoning maps and all amendments hereafter made thereto.

B. Whenever the following words or terms and their derivatives are used in this title, they shall have the meaning herein ascribed to them, unless the context makes such meaning repugnant thereto.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.006 3-4 plex residential

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

17.04.010 - Accessory building or accessory structure.

"Accessory building" or "accessory structure" means a detached building or structure subordinate in size and use, but located on the same lot as, a principal building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.015 - "Accessory Dwelling Unit" (ADU).

"Accessory Dwelling Unit" (ADU) means a residential dwelling unit located on the same lot as a single-family dwelling, that is not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking, and toilet facilities and may be either attached to ~~within~~ the same building as the single-family dwelling unit or in a detached building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.020 - Access control.

"Access control" means the regulation of public access rights to and from properties abutting public rights-of-way by the construction of physical barriers or conveyance to the city of a property interest (reserve strip) that prevents access to the public right-of-way.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.025 - Accessway.

"Accessway" means any public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. The term "accessway" includes highway, streets, roads, avenues, alleys or similar designations.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.030 - Accessway, pedestrian/bicycle.

"Accessway, pedestrian/bicycle" means any off-street path or way as described in ~~Chapter~~ OCMC 12.04, intended primarily for pedestrians or bicycles and which provides direct routes within and from new developments to residential areas, retail and office areas, transit streets and neighborhood activity centers.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

17.04.035 - Access, vehicular.

"Vehicular access" means an improved roadway, either public or private, providing automobile entrance and/or exit from an approved public street.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.040 - Alley.

"Alley" means a public or private way not more than ~~twenty~~ 20 feet wide that provides access to a property or properties from a side other than the designed front of the property.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.045 - Alteration.

"Alteration" means the addition to, removal of or from, or physical modification or repair of, any exterior part or portion of a landmark or structures in an historic or conservation district. In an historic district any physical change shall be considered a form of alteration and shall be treated as such, except repair and maintenance or change of copy.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.050 - Amateur radio operators.

"Amateur radio operator" means a ham radio operators, are licensed by the United States Government.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.055 - Anadromous fish-bearing stream.

"Anadromous fish-bearing stream" means a stream or portion of a stream which is identified by resolution of the city commission as spawning or rearing habitat for those species of fish which return to rivers from the sea for breeding.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.060 - Antenna.

"Antenna" means any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). The antenna does not include the support structure or tower.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.065 - Appeal.

"Appeal" for the purpose of ~~Chapter~~ OCMC 17.42 means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.070 - Applicant.

"Applicant" means the party or parties who submit an application for approval of a quasi-judicial permit under city code Titles 16 or 17.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.075 - Application.

"Application" means any request for approval of a permit or a legislative amendment to the city's land use regulations, comprehensive plan or related maps.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.080 - Approval criteria and approval standards.

"Approval criteria" and "approval standards" mean all standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in this Code, the Oregon City comprehensive plan and applicable state law.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.081 - Aquifer.

"Aquifer" is a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.082 - Arborist, certified.

"Certified Arborist" means a professional tree service provider whose certification is regulated and current and maintained with the International Society of Arboriculture (ISA). To use the term "Certified Arborist", an individual must have three years of experience and have passed an ISA certification exam that tests a variety of tree care knowledge.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.083 – Arcade, pedestrian.

A covered area contiguous to a street or plaza that is open and unobstructed to a height of not less than ~~ten~~ 10 feet and that provides public access to building entrances, retail space and/or public space. An arcade may include building columns, landscaping, statuary, pools, or fountains as part of the arcade for the purpose of computing area. The term “arcade” shall not include off-street loading areas, driveways, off-street parking areas, or open pedestrian walkways.

17.04.085 - Architect.

"Architect" means an architect licensed by the State of Oregon.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.090 - Architectural significance.

"Architectural significance" for the purposes of ~~Chapter~~ OCMC 17.40 means that the structure or district:

1. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural-type specimen;
3. Is the work of an architect or master builder whose individual work has influenced the development of the city; or

4. Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.095 - Arterial.

"Arterial" means any street so designated in the city's transportation master plan.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.100 - Attachment.

"Attachment" means for the purposes of ~~Chapter~~ OCMC 17.80, an antenna or other piece of related equipment affixed to a transmission tower, building, light, utility pole, or water tower.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.105 - Area of special flood hazard.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.110 - Array.

"Array" means the combination of antennas mounted on a support structure or support tower.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

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 24-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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.120 - Auxiliary support equipment.

"Auxiliary Support Equipment" means for the purposes of ~~Chapter~~ OCMC 17.80 all equipment necessary to provide wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning units, and emergency generators. For the purpose of this chapter, auxiliary support equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include support towers or structures.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.125 - Bankfull stage or bankfull flow.

"Bankfull stage" or "bankfull flow" means the stage or elevation of a stream at which water overflows the natural banks of streams or other waters of this state. The bankfull stage or flow may be approximated using either the ~~two~~2-year recurrence interval flood elevation or one foot measured vertically above the ordinary mean high water line.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.130 - Base flood.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the one hundred-year flood.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.135 - Basement.

"Basement" means a story partly underground. A basement shall be counted as a story in accordance with the accepted Building Division definitions.

For the purpose of ~~Chapter~~ OCMC 17.42 basement means any area of the building having its floor subgrade (below ground level) on all sides.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.140 - Design flood elevation.

"Design flood elevation" means the elevation of the base flood or one hundred-year storm as defined in FEMA (Federal Emergency Management Agency) flood insurance studies, or the highest flood of record since the adoption of the flood insurance maps, or, in areas without FEMA floodplains, the elevation of the twenty-five-year storm, or the edge of mapped floodprone soils or similar methodologies whichever is higher.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.145 - Bed and breakfast inns/boardinghouse.

"Bed and breakfast inns and boardinghouses means building(s) which provides overnight accommodations to the public for fewer than ~~thirty~~ 30 consecutive days, excluding ~~transitional~~ shelters.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.150 - Beneficial uses or beneficial water uses.

"Beneficial uses" or "beneficial water uses" means, as defined by the Oregon Department of Water Resources, use of an in stream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stock water and wildlife uses.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.153 - Board.

"Board" for the purposes of ~~Chapter~~ OCMC 17.40 means the historic review board.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.154 – Building.

“Building” means structure.

17.04.155 - Building, compatible.

"Compatible building" means for the purposes of ~~Chapter~~ OCMC 17.40, buildings in the Canemah National Register Historic District, which date from 1910 to the 1950's.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.160 - Building, historic.

"Historic building" means for the purposes of ~~Chapter~~ OCMC 17.40, any primary, secondary or compatible building in the Canemah National Register Historic District.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.165 - Building of primary historic significance.

"Building of primary historic significance" shall include buildings in the Canemah National Register Historic district shall include buildings dating from prior to 1880 which are primarily one and one-half or two-story frame structures built in the Gothic Revival and Classic Revival styles. These buildings are primarily single-family dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.170 - Building of secondary historic significance.

"Building of secondary historic significance" shall include buildings in the Canemah National Register Historic District dating from 1880 to 1940 which are predominantly rural farm house style and bungalows. These buildings are primarily single-family dwellings.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.175 - Camouflage.

"Camouflage" for the purposes of ~~Chapter~~ OCMC 17.80 means the design and construction of a wireless communications facility (WCF) to resemble an object that is not a wireless communication facility and which is typically present in the environment.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.177 - Cargo container.

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

(Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.178 - Carpool.

"Carpool" means a group of two or more commuters, including the driver, who share the ride to or from work, school or other destination.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.04.180 - Certified engineering geologist.

"Certified Engineering Geologist" is any registered geologist who is certified in the specialty of engineering geology under provisions of ORS 672.505 to 672.705.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.185 - Citizen involvement committee.

"Citizen involvement committee" means an officially recognized advisory body on citizen involvement with one representative from each neighborhood association.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.190 - City.

"City" means the City of Oregon City.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.195 - City engineer.

"City engineer" means the engineer manager for the city, their duly authorized representative(s), or the city's duly authorized representative(s) as designated by the city manager.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.197 - Cluster housing

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

17.04.200 - Code.

"Code" means the Oregon City Municipal Code.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.205 - Commercial vehicles.

"Commercial vehicle" means a vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than ~~eight thousand~~ 8,000 pounds gross weight.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.210 - Collector.

"Collector" means any street so designated in the city's transportation master plan.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.215 - Collocation.

"Collocation" means the use of a common wireless communications support structure or tower for two or more antenna arrays.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.220 - C~~c~~ommunity D~~d~~evelopment D~~d~~irector.

"Community D~~d~~evelopment D~~d~~irector" means the manager of the planning division or the C~~c~~ommunity D~~d~~evelopment D~~d~~irector 's designee.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.225 - Comprehensive plan.

"Comprehensive plan" means the City of Oregon City comprehensive plan.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.230 - Construction area.

Defined as right-of-way, public utility easements, and within the building footprint of a building site for any mixed-use, commercial or industrial development, or if a residential development, within the allowable building footprint permitted by the setback requirements of the zone district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.235 - Constructed wetlands.

"Constructed wetlands" means wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and separated from naturally occurring or created wetlands.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.240 - Crest.

"Crest" of slope means the point of curvature where the ground surface descends from the top of a slope.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.245 - Highly constrained residential lot.

A residential vacant lot of record that has less than thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the Natural Resource Overlay District.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.04.250 - Highly constrained commercial lot.

A commercial or industrially zoned lot of record that has more than seventy-five percent of its area covered by the Natural Resource Overlay District.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.255 - Commercial vehicles.

"Commercial vehicle" means:

A. A vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than eight thousand pounds gross weight with the business name of the user permanently exhibited on one or both of its sides that is designed and being used to transport merchandise;

B. A station wagon or other vehicle with the business name of the user permanently exhibited on one or both of its sides, when used for transporting merchandise.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

~~17.04.260 - Cottage housing.~~

~~"Cottage housing" means two or more single-family structures on a single lot; allowed in single-family and two-family dwelling districts. Cottage housing provides an option that preserves the privacy and personal space of a detached house in a smaller and less costly unit. Cottages provide a way to trade quantity of space for quality of space.~~

~~(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)~~

~~17.04.260 Corner duplexes~~

~~See "Duplex, corner." "Corner duplex" means a building designed or used for residence purposes and containing two dwelling units on one lot, located on a corner lot, where the units share a common structural wall or a common floor/ceiling.~~

17.04.265 - Created wetlands.

"Created wetlands" means wetlands developed in an area previously identified as a non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.270 - Cul-de-sac.

"Cul-de-sac" means a street not more than three hundred fifty feet in length having one end open to traffic and being terminated by a vehicle turnaround. The cul-de-sac is measured from the edge of the right-of-way of the intersecting street to the edge of the pavement at the end of the cul-de-sac.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.275 - Day care facility.

"Day care facility" means a facility that provides regular day care services to children under thirteen years of age, including a day nursery, nursery school group or similar unit operating under any name. A day care facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or day care provided by a "babysitter" or "family day care provider" as defined in this chapter. A day care facility caring for ten or more children shall satisfy the certification requirements of the Children's Services Division.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.280 - Debris.

"Debris" means discarded man-made objects that would not occur in an undeveloped stream corridor or wetland. Debris includes, but is not limited to, tires, vehicles, litter, scrap metal, construction waste, lumber, plastic or styrofoam. Debris does not include objects necessary to a use allowed by this chapter, or ornamental and recreational structures. Debris does not include existing natural plant

materials or natural plant materials which are left after flooding, downed or standing dead trees or trees which have fallen into protected water features.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.285 - Decision-maker.

"Decision-maker" means the city entity rendering a decision on an application. For applications made under this title, the decision-maker will be either the community development director, planning commission or the city commission as designated by Chapter 17.50.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.290 - Demolish.

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of the designated landmark or structure in an historic or conservation district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.295 - Design flood elevation.

"Design flood elevation" means the elevation of the base flood or one hundred-year storm as defined in FEMA (Federal Emergency Management Agency) flood insurance studies, or the highest flood of record since the adoption of the flood insurance maps, or, in areas without FEMA floodplains, the elevation of the twenty-five-year storm, or the edge of mapped flood-prone soils or similar methodologies whichever is higher.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.300 - Development.

"Development" means a building or grading operation, making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, partitioning or subdividing of land as provided in ORS 92.010 to 92.285 or the creation or termination of an access right.

For the purpose of Chapter 17.42 "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

For the purpose of Chapter 17.47, "development" means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, sewers, streets or other structures or facilities, mining, dredging, paving, filling or grading in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development. Development does not include the following:

1. Stream enhancement or restoration projects approved by the city;

2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and

3. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

For the purpose of Chapter 17.49 "development" means any man-made change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading, or site clearing, and grubbing in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development. Development does not include the following:

1. Stream enhancement or restoration projects approved by the city;

2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and

Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) (1995).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.305 - Development site.

"Development site" means any lot or lots on any part of which development is taking place.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.310 - Direct.

"Direct" when used in connection with pedestrian or bicycle access, means the shortest practicable connection or access between two points, which in no instance should involve out-of-direction travel more than fifty percent longer than the straight line distance between two points.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.315 - Director.

"Director" means the director of community development or designee.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.320 - Disturb.

"Disturb" means man-made changes to the existing physical status of the land, which are made in connection with development. The following uses are excluded from the definition:

1. Enhancement or restoration of the water quality resource area;

2. Planting native cover identified in the Oregon City native plant list as adopted by Oregon City commission resolution;

3. Installation of erosion control measures pursuant to an approved erosion and sediment control plan under Chapter 17.47.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.325 - District.

"District" means the area within a designated historic district, conservation district or historic corridor as provided by the zoning maps of the city.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.330 - Dormer.

"Dormer" is a window vertical in a roof or the roofed structure containing such a window. A dormer is considered an alteration to a building, as it stays within the roof line and does not increase the floor area dimensions.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.333 Duplex

" Duplex" means a building designed or used for residence purposes containing two dwelling units on one lot. The units in a duplex must share a common structural wall or a common floor/ceiling.

17.04.334 Duplex, corner

“Duplex, corner” means a building designed or used for residence purposes and containing two dwelling units on one lot, located on a corner lot, where the units share a common structural wall or a common floor/ceiling.

17.04.335 - Dwelling unit.

"Dwelling unit" means a habitable living unit that provides basic living requirements including permanent cooking, and toilet facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

~~17.04.340 - Dwelling apartment or multi-family or condominium.~~

~~"Dwelling apartment or multi-family or condominium" is a structure located on one tax lot and containing three or more dwelling units in any vertical or horizontal arrangement.~~

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.345 - Dwelling, attached.

"Attached dwelling" means a dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

~~17.04.350 - Dwelling, two-family or duplex.~~

~~"Two-family dwelling or duplex" means a building designed or used for residence purposes by not more than two families and containing two dwelling units per lot.~~

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.355 - Elevated building.

"Elevated building" for insurance purposes means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.360 - Emergency.

"Emergency" means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.365 - Engineer.

"Engineer" means a registered professional engineer licensed by the State of Oregon (P.E.).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.370 - Engineering geologist.

"Engineering geologist" means a registered professional engineering geologist licensed by the state of Oregon (CEG).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.375 - Enhancement.

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.380 - Entertainment centers and arcades.

"Entertainment centers and arcades" means a place open to minors where three or more mechanical or electronic amusement devices are located as either the primary or a secondary use.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.385 - Erosion.

"Erosion" is the movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.390 - Excavation.

"Excavation" is any act of development by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, exposed or bulldozed, including the conditions resulting therefrom.

For the purpose of Chapter 17.47 "excavation" means: any act of development by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, exposed or relocated.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

~~17.04.395 - Existing manufactured home park or subdivision.~~

~~"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the ordinance codified in this chapter.~~

~~(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)~~

~~17.04.400 - Expansion to an existing manufactured home park or subdivision.~~

~~"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.405 - Exterior.

"Exterior" for the purpose of Chapter 17.40 means any portion of the outside of a landmark building, structure, or site in a district or any addition thereto.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.410 - Façade.

"Façade" means the exterior wall(s) or elevation(s) of a structure.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

~~17.04.415 - Family.~~

~~"Family" means an individual or two or more persons related by blood, legal adoption, guardianship, domestic partners, common-law habitation, or marriage, plus not more than five additional persons, including foster and shelter care persons, or up to five unrelated persons, all living together as a single housekeeping unit in a dwelling unit. Every additional group of five or less persons living in such housekeeping unit is considered a separate family. Facilities that are operated for the purpose of providing care that includes a planned treatment or training program, with the exception of foster care of five or fewer persons, are not "families."~~

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.420 - Family day care provider.

"Family day care provider" means a day care provider who regularly provides day care to fewer than sixteen children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provisions of day care to sixteen or more children in the home of the provider shall constitute the operations of a "day care facility," as defined in this chapter, and shall be subject to the requirements of this title for day care facilities. A family day care provider shall satisfy the certification requirements of the Office of Child Care.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.425 - Federal Aviation Administration (FAA).

"Federal Aviation Administration (FAA)" means the federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.430 - Federal Communications Commission (FCC).

"Federal Communications Commission (FCC)" means the federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.435 - Fill.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or other natural or man-made material placed by artificial means.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.440 - Final Action and Final Decision.

"Final action" and "final decision" means the city's final decision on a permit application for which there is either no appeal to another decision-maker within the city, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with Section 17.50.190 of this chapter. A decision is deemed to be final on the date that written notice of the decision is mailed to those entitled to notice of the decision.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.445 - Flag Lot.

"Flag lot" means a lot or parcel that has a narrow frontage on a public right-of-way and a narrow accessway which serves the main body of the lot used for building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.450 - Flood or flooding.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.455 - Flood Insurance Rate Map.

"Flood Insurance Rate Map" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.460 - Flood Insurance Study.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.465 - Flood Management Areas.

"Flood management areas" means all lands contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps, floodway maps and the area of inundation for the February 1996 flood.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.470 - Floodplain.

"Floodplain" means the land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, FEMA, or City of Oregon City that has been or may be covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.475 - Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.480 - Floodway Fringe.

"Floodway fringe" means the area of the floodplain, lying outside the floodway, which does not contribute appreciably to the passage of floodwater, but serves as a retention area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

<u>17.04.481 – Food cart, mobile.</u>

<u>A vendor or seller of food and/or beverages from a motorized, non-motorized or towed vehicle including a wheeled trailer or cart capable of being towed or pushed by a vehicle or by hand. Mobile food carts may require licensing from state and county health departments.</u>

17.04.482 - Footcandle.

A unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

<u>17.04.483 Footprint.</u>

“Footprint” for the purposes of Chapter 17.54.010 means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings, garages, carports, and accessory structures, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade, or cantilevered covers, porches or projections which do not have a post touching the ground or ramps and stairways required for access.

17.04.485 - Front façade.

"Front façade" means the exterior wall/foundation of a building exposed to the front lot line. This shall be the most architecturally significant elevation of the building, commonly including a front door or main entrance. If the most architecturally significant elevation of the building is not exposed to the front lot line, the community development director shall determine the front façade.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.490 - Front lot line.

"Front lot line" means a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line follows the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot~~, excluding the unbuildable portion of the pole (see Figure 1, codified at the end of this title)~~.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.495 - Frontage.

"Frontage" means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.497 - Fully shielded or cut-off light fixture.

Any outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal as determined by a photometric test or certified by the manufacturer. For purposes of this standard, "cut-off angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.500 - Garage.

"Garage" means an attached or detached structure(s), or portion thereof used or designed to be used for the parking or storage of vehicles.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.505 - Geological assessment.

"Geological assessment" is an assessment prepared and stamped by a certified engineering geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to specified geologic hazards.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.510 - Geologic hazard areas.

"Geologic hazard areas" mean:

1. Any area identified on the city's steep slope and landslide area map;
2. Area within two hundred feet of the crest or toe of a slope that is twenty-five percent or greater
3. Areas with a slope of twenty-five percent or more;
4. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979);
5. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, landslide, or seismic activity.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.515 - Geologic Hazards Overlay Zone.

"Geologic Hazards Overlay Zone" means the zone mapped by the City of Oregon City that is subject to review pursuant to Oregon City Municipal Code Chapter 17.44 as follows:

1. The following areas identified on the city's slope and geology map which represents:
    a. Areas within fifty feet of the crest or toe of a slope that is twenty-five percent or greater, or within two hundred feet of the crest or toe of a landslide geologic units Qls and Qf identified by DOGAMI and derived from LIDAR IMS-29 and IMS-26 publications in 2009, whichever is greater;
    b. Areas with a slope of twenty-five percent or more;
    c. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) as landslide or debris flow fan (Qls and Qf geologic units derived from LIDAR IMS-29 and IMS-26 publications in 2009);
    d. Geologic Hazards areas identified in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979); and;
2. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that

profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.04.520 - Geotechnical engineer.

"Geotechnical engineer" is a Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.525 - Geotechnical remediation.

"Geotechnical remediation" means construction designed to increase the factor of safety against earth movement.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.530 - Geotechnical report.

"Geotechnical report" is a report prepared and stamped by a Geotechnical Engineer, evaluating the site conditions and mitigation measures necessary to reduce the risks associated with development in geologically hazardous areas.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.532 - Glare.

The reflection of harsh, bright light; and the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.535 - Grading.

"Grading" is the act of excavating and filling.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.540 - Gross floor area.

"Gross floor area" means the total enclosed floor area within buildings, measured in square feet, excluding basement areas used for storage or parking.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.543 - Habitat.

"Habitat" means the location of natural resource areas that support fish and wildlife populations, including wetlands, riparian areas, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the Natural Resource Overlay District.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.545 - Half street.

"Half street" means a portion of the width of a full street, usually along the edge of a subdivision.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.550 - Height.

"Height of building" means a vertical distance measured from the average elevation of the finished grade along the street-facing elevation to:

1. one-half the vertical distance between the eaves and the highest ridge for a gable, hip or gambrel roof,
2. the top of the roof for flat roofs,
3. the deck lines for mansard roofs or
4. the top of the parapet for buildings with parapets that completely surround the perimeter of a roof.

Except that, for buildings within the Flood Management Overlay District subject to Chapter 17.42, height shall be measured from the design flood elevation or average finished grade at front of the structure, whichever is higher. For the purpose of Chapter 17.80, height shall mean the distance measured from the original grade at the base of the wireless communication facility to the highest point on the wireless communication facility, including the antenna(s) and lightning rod(s). Roof structures needed to operate and maintain the building on which they are located such as chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, solar panels, water towers and tanks, and similar are exempt from the building height measurement. Additional decorative and functional elements such as flag poles, partially enclosed parapets and building entry features, steeples and bell towers, carillons, monuments, cupolas, television aerials, broadcasting and microwave transmitting and relay towers, electric transmission line towers, and electric substation structures are also exempt from the building height measurement.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.555 - Heritage Tree.

"Heritage Tree" is a tree or stand of trees that is of landmark importance to the City of Oregon City due to age, size, species, horticultural and ecological value or historical association.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.560 - Heritage Grove.

"Heritage Grove" is at least two heritage trees separated by no more than twenty feet on a property or properties.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.565 - Historical significance.

"Historical significance" means that the structure of district:

1. Has character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation;
2. Is the site of an historic event with an effect upon society;
3. Is identified with a person or group of persons who had some influence on society; or
4. Exemplifies the cultural, political, economic, social or historic heritage of the community.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.570 - Historic corridor.

"Historic corridor" means that portion of a parcel of land that is a part of a designated linear historic feature such as the route of the Oregon Trail-Barlow Road.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.575 - Historic site.

"Historic site" means the structure and the property surrounding a landmark, a structure in an historic district, or a designated structure in a conservation district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.580 - Home occupation.

"Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use, in connection with which no assistants are employed, other than residents of the home, no commodities are sold other than services, no sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a residential dwelling or accessory building of a residence, and not more than one-half of the square-footage is devoted to such use. The business may have off-site

employees or partners provided that they do not report for work at the subject residence. No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.585 - Hotel.

"Hotel" means a building which is designed or used to offer lodging, with or without meals, for compensation, primarily for overnight lodging, excluding ~~transitional~~ shelters.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.586 - Impervious surface.

Any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of stormwater water into the soil, including but not limited to roof tops excepting eaves, swimming pools, paved or graveled roads, and walkways or parking areas and excluding landscaping, surface water retention/detention facilities, access easements serving neighboring property, and driveways.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.587 - Incandescent.

A common form of artificial light in which a filament is contained in a vacuum and heated to brightness by an electric current.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.590 - Infrastructure provider.

"Infrastructure provider" for the purposes of Chapter 17.80 means an applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.595 - Institutional development.

"Institutional development" includes all public, semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities, research institutions, correctional institutions, museums, libraries, stadiums, hospitals, residential care facilities, auditoriums and convention or meeting halls, churches, parks and public recreational facilities, automobile parking structures, and other similar facilities and uses.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.600 - Interior parking lot landscaping.

"Interior parking lot landscaping" means landscaping located inside the surfaced area used for on-site parking and maneuvering.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

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

"Internal conversion" means conversion of an existing single-family residential unit built at least 20 years prior to the date of the proposed conversion into two or more dwelling units in accordance with OCMC 17.20.030.

17.04.605 - Invasive non-native, nuisance, prohibited or noxious vegetation.

"Invasive non-native," "nuisance," "prohibited" or "noxious vegetation" means plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities, or which are listed as invasive, nuisance, prohibited or noxious plants on the Oregon City Nnuisance Pplant Llist, or by the Oregon Department of Agriculture, Clackamas Soil and Water District, or Portland Plant List.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.610 - Land division.

"Land division" means any partition or subdivision.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.615 - Landscaping.

"Landscaping." Site improvements which include lawn, garden, groundcover, trees, plants and other natural and decorative features, including but not limited to, patios or plazas open to the public or open commonly to residents and street furniture and walkways which are contiguous and integrated with plant material landscaped areas. The vertification of plant materials requiring specific characteristics can be achieved by any of the following methods:

1. Description in Sunset Western Garden Book (Editor Sunset Books, 1988 or later edition), or
2. The Oregon City Native Plant List;
3. City of Portland Native Plan List;
4. Metro Native Plant List;
5. By an appendix, definition, or other reference in the Zoning Code, or
6. By specific certification by a licensed landscape architect.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.620 - Landscape area.

"Landscape area" means land set aside and used for planting of grass, shrubs, trees or similar living plants.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.625 - Landslide.

"Landslide" means the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, rockfalls and the source areas for above.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.630 - Lattice tower.

"Lattice tower" is a support tower characterized by an open framework of lateral cross members that stabilize the tower.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.635 - Legislative action.

"Legislative action" means any final decision of the city that approves or denies a request to amend the city's land use regulations, comprehensive plan or related maps and does not pertain to a particular property or small set of properties.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.637 - Licensee representative.

"Licensee representative" means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.640 - Limited land use application.

"Limited land use application" means an application for any use where the decision is based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including subdivision, site plan and design review or any other application which is processed pursuant to a Type II proceeding as provided in this chapter.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.645 - Live/work dwelling.

"Live/work dwelling" a dwelling in which a business is designed to be operated on the ground floor. The ground floor commercial, personal service, or office space has visibility, signage and access from the primary street.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.650 - Loading space.

"Loading space" means an off-street space, having a paved surface, within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.655 - Local street.

"Local street" means any street so designated in the city's transportation master plan. Typically, a local street is a public street that serves abutting lands, is designed to carry a minimal amount and weight of traffic.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.660 - Lot.

"Lot" and "legal lot" mean a single unit of land created by a subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.665 - Lot, corner.

"Corner lot" means a lot abutting upon two or more streets at their intersection.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.670 - Lot coverage.

"Lot coverage" means the area of a lot covered by the footprint of all structures two hundred square feet or greater (excluding decks and porches), expressed as a percentage of the total lot area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.675 - Lot, depth.

"Lot depth" means the distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually rear lot line and generally at approximately right angles to the lot width.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.680 - Local floodplain administrator.

"Local floodplain administrator" means the city's building official.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.685 - Lot, interior.

"Interior lot" means a lot other than a corner lot.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.690 - Lot line adjustment.

"Lot line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.695 - Lot of record.

"Lot of record" means a lot or parcel which has been legally recorded in the office of the county recorder by deed or contract of sale prior to the enactment of an ordinance or regulation by reason of which the lot or parcel no longer meets the dimensional or area requirements of the city.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.700 - Lot, width.

"Lot width" means the perpendicular distance measured between the midpoints of the two principal opposite side lot lines and generally at approximately right angles to the lot depth.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.705 - Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found at Section 17.42.1[6]0E.4. or 5.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.707 - Low impact development standard.

Any construction technique approved by the city engineer that is designed to provide on-site capture, treatment and infiltration of stormwater as a means to improve water quality, reduce the amount of impervious surface, and/or provide habitat benefits on a development site.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.710 - Major modification.

"Major modification" means any of the following changes from a previously approved permit, requiring the application to return through the same process as the original review:

1. For subdivisions or planned unit developments, an increase in the total number of dwelling units by ten percent or more, an increase in the number of multiple-family dwellings by more than ten percent, or a reduction in the amount of landscaping, open space or land reserved for a protected feature of ten percent or more;
2. For design review or conditional use permits for mixed-use or commercial developments, an increase in the area of commercial space by more than ten percent;
3. For any site plan or design review approval, a reduction in the amount of landscaping, open space or land reserved for a protected feature of ten percent or more or the relocation of buildings, streets, access points onto the existing public right-of-way, utility easements, pedestrian/bicycle accessways, parking lots, landscaping, or other site improvements away from the previously approved general location;
4. For any prior approval, an increase in the amount of impervious surface on hillsides or unstable soils subject to regulation under City Code Chapter 17.44 by ten percent or more;
5. Any change that renders the prior approved permit incompatible with surrounding lands or development in noncompliance with any of the conditions of approval or approval criteria.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.712 - Major transit stop.

"Major transit stop" means transit centers, high capacity transit stations, major bus stops, inter-city bus passenger terminals, inter-city rail passenger terminals, and bike-transit facilities as shown in the regional transportation plan.

(Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

17.04.715 - Main building entrance.

"Main building entrance" means a primary entrance to a building, intended for use by residents, employees, customers, clients, visitors, messengers and members of the public.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.720 - Major public improvements.

"Major public improvements" means the expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of lands or the making of public improvements within a district, except for the repair or maintenance of public or private improvements within a district.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.725 - Manager.

"Manager" means the city manager or the city manager's designated representative.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.730 - Manufactured home.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for a residential purpose and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.~~, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities.~~ The term "manufactured home" does not include a "recreational vehicle."

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.735 - Manufactured home park or subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.740 - Map.

"Map" means a final diagram, drawing or other graphical representation concerning a partition or subdivision.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.741.010 - Marijuana.

"Marijuana" means the plant cannabis family cannabaceae, any part of the plant cannabis family cannabaceae and the seeds of the plant cannabis family cannabaceae. "Marijuana" does not include industrial hemp, as defined in state law.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.020 - Marijuana business.

"Marijuana business" means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, or selling marijuana or marijuana items, or (2) any business registered with the Oregon Health Authority for the growing, processing, or dispensing of marijuana or marijuana items.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.030 - Marijuana items.

"Marijuana item" means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.040 - Marijuana laboratory (laboratories).

"Marijuana laboratory (laboratories)" means an entity which tests or researches marijuana products for THC levels, pesticides, mold, etc. pursuant to applicable Oregon Administrative Rules.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.050 - Marijuana licensee.

"Marijuana licensee" means a person who holds a business license issued by the city to engage in a marijuana business in accordance with this chapter.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.060 - Marijuana processor (processing).

"Marijuana processor (processing)" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to process marijuana. This includes the manufacture of concentrates, extracts, edibles and/or topicals.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.070 - Marijuana producer (production).

"Marijuana producer (production)" means an entity licensed by the Oregon Liquor Control Commission or the Oregon Health Authority to manufacture, plant, cultivate, grow or harvest marijuana. This is the only license able to cultivate marijuana.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.080 - Marijuana retailer.

"Marijuana retailer" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.741.090 - Marijuana wholesaler.

"Marijuana wholesaler" means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to purchase items in this state for resale to a person other than a consumer. This means an entity that buys and sells at wholesale.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.742 - Medical marijuana dispensary.

"Medical marijuana dispensary" means an entity registered with the Oregon Liquor Control Commission or Oregon Health Authority to transfer marijuana.

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016)

17.04.743 - Membrane or fabric covered storage area.

A metal sided cargo container or an area covered by a tarp or fabric membrane or that is either attached to a rigid framework, natural feature or some other structure that is used for storage. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010; Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.745 - Metro.

"Metro" means the regional government of the Portland metropolitan area and the elected Metro Council as the policy-setting body of the government.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.746 - Metro ESEE Analysis.

"ESEE" means Economic, Social, Environmental and Energy (ESEE) analysis and is the process by which Metro determined whether to allow, limit, or prohibit activities in the city's significant natural resource sites.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.750 - Micro cell.

"Micro cell" for the purposes of Chapter 17.80 means a wireless communications facility consisting of an antenna that is either: (a) four feet in height and with an area of not more than five hundred eighty square inches; or (b) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.755 - Minor modification.

"Minor modification" means any changes from a previously approved permit which are less than a major modification.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.760 - Mitigation.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and
5. Compensating for the impact by replacing or providing a comparable substitute.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.765 - Mitigation measure.

"Mitigation Measure" is an action designed to reduce project-induced geologically hazardous area impacts.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.766 - Mobile vendor.

A provider, vendor or seller of merchandise~~, food,~~ and/or services, etc. from a motorized or towed vehicle including a wheeled trailer capable of being towed by a vehicle. For the exclusive mobile vending of food, see definition of “food carts, mobile”.

(Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.770 - Monopole.

"Monopole" means a support tower composed of a single upright pole, engineered to be self-supporting, and used to support one or more antenna(s) or array(s). A monopole does not include towers requiring guy wires or lattice cross supports.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.775 - Motel.

"Motel" means a building or series of buildings in which lodging is offered for compensation primarily for overnight lodging ~~d~~ which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit, excluding ~~transitional~~ shelters.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.780 - ~~Multiple~~ Multifamily residential ~~units~~.

"~~Dwelling apartment or~~ Multifamily residential ~~or condominium~~" is a structure or structures located on one lot and containing ~~three~~ five or more total dwelling units in any vertical or horizontal arrangement. Individual units do not have to be structurally attached. Multifamily developments, known as apartments and condominiums, may include structures that are similar in form to townhouses, cluster housing, duplexes, or single-family dwellings. (Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.785 - Native vegetation.

"Native vegetation" means any vegetation listed on the Oregon City native plant list as adopted by Oregon city commission resolution.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.790 - Natural location.

"Natural location" means the location of those channels, swales, and other non-man-made conveyance systems as defined by the first documented topographic contours existing for the subject property either from maps or photographs, or such other means as appropriate.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.795 - Nearby.

"Nearby," when used in connection with pedestrian or bicycle access, means uses within one-quarter mile distance which can reasonably be expected to be used by pedestrians, and uses within two miles distance which can reasonably be expected to be used by bicyclists.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.800 - Neighborhood activity center.

"Neighborhood activity center" refers to land uses which attract or are capable of attracting a substantial amount of pedestrian use. Neighborhood activity centers include, but are not limited to, parks, schools, retail store and service areas, shopping centers, recreational centers, meeting rooms, theaters, museums and other pedestrian oriented uses.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

17.04.805 - Neighborhood Association.

"Neighborhood Association" means a group whose membership is recognized by the city, open to residents, property owners and owners of businesses located in the neighborhood. This group makes comments and recommendations on problems, policies and projects in the neighborhood.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.810 - Net developable area.

"Net developable area" means the area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:

1. Elevation within the one hundred-year floodplain, as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps;
2. The area within an underlying ~~Water~~ Natural Resource Overlay District (NROD) governed by Chapter 17.49 that is indicated on the adopted NROD map or which has been otherwise delineated ~~by a water resource determination and decision~~ pursuant to Chapter 17.49;
3. Steep slopes exceeding thirty-five percent. Applicant may make a request for the community development director to determine whether to make further adjustments for slopes equal to or above twenty-five percent per Section 17.44.060.H.;
4. Open space;
5. Public facilities and rights-of-way;
6. Upon approval of the community development director, any lands where development of structures requiring a building permit is prohibited due to an easement and is similar in nature to items 1.—~~6~~5.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.812 Net Leasable Area.

Actual square-footage of a building or outdoor area that may be leased or rented to tenants, which excludes parking lots, common areas, shared hallways, elevator shafts, stairways, and space devoted to cooling, heating, or other equipment.

17.04.815 - New construction.

"New construction" means structure for which the "start of construction" commenced on or after the effective date of the ordinance codified in this title.

For the purposes of Chapter 17.40, new construction means an additional new building or structure separate from the existing building mass that is larger than two hundred square feet on all properties located within a Historic Overlay District. Any building addition that is thirty percent or more in area (be it individual or cumulative) of the original structure shall be considered new construction.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.820 - New manufactured home park or subdivision.

"New manufactured home park or subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance codified in this chapter.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.825 - Nonconforming use.

"Nonconforming use" means a use which lawfully occupied a building or land at the time this title or subsequent amendments became effective and which does not conform with the use regulations of the district in which it is located.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.830 - Non-final decision.

"Non-final decision" means any decision by the community development director or planning commission which is not a final decision but is appealable to another decision maker within the city.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.835 - Noxious vegetation.

"Noxious vegetation" is the removal or control of noxious vegetation as that term is defined in SRC 50.705.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.840 - Nursery, day or child care center.

"Nursery, day or child care center" means a commercial enterprise where more than five children are cared for during the day, including a kindergarten.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.845 - Office.

"Office" means a place where a particular kind of business is transacted or a service is supplied.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.850 - One hundred-twenty-day period.

"One hundred-twenty-day period" means the one hundred-twenty-day period within which ORS 227.178 requires the city to take final action on a complete application.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.855 - Open space.

"Open space" means land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and schools.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.860 - Ordinary mean high water line.

"Ordinary mean high water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily rises in season; synonymous with mean high water (ORS 274.005).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.865 - Ordinary mean low water line.

"Ordinary mean low water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily recedes in season; synonymous with mean low water (ORS 274.005).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.870 - Owner or property owner.

"Owner or property owner" means the person who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser thereunder.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.875 - Overlay district.

"Overlay district" means a special zoning district, the restrictions and conditions of which shall be in addition to such restrictions and conditions as may be imposed in the underlying zone.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.880 - Parcel.

"Parcel" and "legal parcel" mean a single unit of land created by a partition or subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.885 - Parking area, public.

"Public parking area" means an open off-street area used for the temporary parking of more than three automobiles and available for public use, with or without charge or as an accommodation for clients or customers.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.890 - Parking lot.

"Parking lot" means off-street parking spaces.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.895 - Parking space.

"Parking space" means an unobstructed off-street area having an all-weather surface for the temporary parking or storage of one automobile.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.900 - Partition/partition land.

"Partition or to "partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a subdivision.
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City comprehensive plan, applicable state statutes, and does not create additional parcels.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.905 - Partition plat.

"Partition plat" means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.907 - Pedestrian scale lighting.

Lighting fixtures that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering and which are intended to provide adequate illumination of areas used by pedestrians or bicyclists for security, recreational or commercial purposes. In general pedestrian scale lighting is no higher than twelve feet tall.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.910 - Pedestrian walkway.

"Pedestrian walkway" means a hard surfaced facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian walkway is distinguished from a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway by the function it serves.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.915 - Perimeter parking lot landscaping.

"Perimeter parking lot landscaping" means the five-foot wide landscaped planter strip located on the perimeter of all parking lots located adjacent to the right-of-way and/or adjoining properties. Parking lots are defined as the surfaced area used for on-site automobile parking and maneuvering.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.920 - Permit.

"Permit" means any form of quasi-judicial approval relating to the use of land rendered by the city under Title 16 or Title 17 of this Code, including subdivisions, partitions, lot line adjustments and abandonments, zone changes, plan amendments, conditional use permits, land use and limited land use decisions, and expedited land divisions. Permit does not include any city decision relating to system development charges under Chapter 3.20.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.923 - Pervious.

"Pervious" refers to any material or surface that permits full or partial absorption of stormwater into previously unimproved land.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.925 - Planning division.

"Planning division" means the planning division of the city.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.930 - Planter (or planting) strip.

"Planter (or planting) strip" means an area for landscaping and street trees within the public street right-of-way, usually located between the curb and sidewalk. Also known as a parking strip or tree lawn.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.935 - Plat.

"Plat" means a map of the lots in a proposed partition or subdivision, drawn to scale and which includes all of the information required by the applicable provisions of Title 16 and Title 17.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.937 - Pollutant.

"Pollutant" means the presence in the outdoor atmosphere, ground, or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal, or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.940 - Porch.

"Porch" means a roofed open unenclosed area, which may be screened, attached to or part of and with direct access to or from a building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.945 - Practicable.

"Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.950 - Preliminary plan or plat.

"Preliminary plan" or "plat" mean a preliminary subdivision plat or partition plat as appropriate.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.955 - Principal dwelling unit.

"Principal Dwelling Unit" means the primary residence for a particular lot.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.960 - Private street.

"Private street" means a privately owned and maintained street or accessway. The creation of private streets shall include emergency access and utility easements and reciprocal easements for all properties intended to use the accessway. Private streets shall be designed and constructed to the standards required by the city, but those standards may be different than would apply to public streets.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.965 - Property line.

"Property line" means the division or boundary between two legal lots or parcels.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.970 - Protected water features.

"Protected water features" shall include:

1. Title 3 wetlands;
2. Rivers and perennial and intermittent streams;
3. Springs which feed stream and wetlands and have year-round flow; and
4. Natural lakes.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.973 - Public garage.

"Public garage" means any automobile repairs and servicing when enclosed within the building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.975 - Public recycle drop/receiving center.

"Public recycle drop/receiving center" means a facility that receives and temporarily stores separated recyclable waste materials including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Maximum storage for each type of separated recyclable waste shall not exceed six hundred cubic feet. Oil storage shall not exceed six hundred gallons. Preparation of separated materials shall be limited to nonmechanical methods such as baling and glass breaking.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.980 - Public recycle warehouse.

"Public recycle warehouse" means a facility that receives and stores and prepares for transport separated recyclable waste material including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Preparation of separated materials, including baling, compacting and glass breaking, may be part of this facility.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.985 - Public utilities and services.

"Public utilities and services" means facilities for providing electric power, communication, water, sewers and transportation.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.990 - Quasi-judicial.

"Quasi-judicial" means any final decision of the city that applies the provisions of city code Titles 16 or 17, in response to an application, that pertains to a specific property or small set of properties and which is legally required to result in a decision by the city.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.995 - Radio frequency (RF) energy.

"Radio frequency (RF) energy" means the energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video, and other data information.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1000 - Rear lot line.

"Rear lot line" means a lot line that is opposite to and more distant from the front lot line. In the case of a corner lot, the Ccommunity Ddevelopment Ddirector shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. A lot line abutting an alley is a rear lot line.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1005 - Record.

"Record" means the public record compiled for each quasi-judicial and legislative action and includes the written minutes of all public hearings, audio tape recordings, if any, of the public meetings, the application and all materials duly submitted by the applicant, all documents, evidence, letters and other materials duly submitted by any party to the decision-making proceeding, staff reports, public notices, and all decisions rendered by city decision-makers.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1010 - Recreational vehicle.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily as temporary quarters for recreational, camping, travel or seasonal use and not for use as a dwelling.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1015 - Religious institution.

A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground or cemetery.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1020 - Reserve strip.

"Reserve strip" means a parcel of land, usually one foot in width, running the length of a half-street parallel to the center line or running across the end of a street at right angles to the center line which, when deeded to the city, prevents the abutting property owner from using the street for access to the abutting property without first making the appropriate dedication from his/her land.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1020 – Residence.

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

17.04.1025 - Residential facility.

"Residential facility" means a residential care, residential training or residential treatment facility licensed or registered by or under the authority of the state licensing agency ~~department~~, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the State Office for Services to Children and

Families under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1030 - Residential home.

"Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the state licensing agency ~~department~~, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1035 - Residential zone.

"Residential zone" shall include any of the following zoning districts: R-10 single-family dwelling district, R-8 single-family dwelling district, R-6 single-family dwelling district, R-5 dwelling district, R-3.5 Dwelling District and R-2 Dwelling District.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1040 - Resource versus facility.

"Resource" versus "Facility" means the distinction being made is between a "resource," a functioning natural system such as a wetland or stream; and a "facility" which refers to a created or constructed structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1045 - Restoration.

"Restoration" for the purposes of Chapter 17.49 means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function and/or diversity to that which occurred prior to impacts caused by human activity. Also see "revegetation" and "mitigation".

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1047 - Restrictive covenant.

"Restrictive covenant" means a restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county recorder. It is binding on subsequent owners and may be used to enforce the preservation of trees, wetlands or other natural resources on the property. Also known as "Deed Restriction".

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1048 - Revegetation.

"Revegetation" means the re-establishment of vegetation on previously disturbed land, for the purpose of restoration and mitigation measures for a disturbed natural area or buffer zone. See also "Restoration"

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1050 - Retail store.

"Retail store" means a business establishment where goods are sold in small quantities to the ultimate consumer.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1055 - Right-of-way.

"Right-of-way" means the area between boundary lines of a street, alley or other public accessway.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1060 - Riparian.

"Riparian" means those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1065 - Routine repair and maintenance.

"Routine repair and maintenance" means activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1070 - School, commercial.

"Commercial school" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1075 - School, primary, elementary, junior high or high.

"School, primary, elementary, junior high or high" shall include public or private schools, but not nursery school, kindergarten or day care centers, except when operated in conjunction with a school.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1080 - School, private.

"Private school" means a school not supported by taxes.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1085 - School, public.

"Public school" means a free tax-supported school controlled by a local governmental authority.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1090 - Screening.

"Screening" means for the purposes of Chapter 17.80 means to effectively obscure to a minimum height of six feet the view of the base of a wireless communication facility.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1093 - Security Lighting.

Lighting intended to reduce the risk of personal attack, discourage intruders, vandals, or burglars, and to facilitate active surveillance of an area by designated surveillance personnel or by remote camera.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1095 - Sediment.

"Sediment" means any soil, sand, dirt, dust, mud, rock, gravel, refuse or any other organic or inorganic material that is in suspension, is transported, has been moved or is likely to be moved by erosion. Sedimentation is the process by which sediment is removed from its site of origin by soil erosion, suspension in water, and/or wind or water transport.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1100 - Self-supporting.

"Self-supporting" means the independent support of itself or its own weight.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1105 - Service station.

"Service station" means an establishment where bulk sales, fuels, oils or accessories for motor vehicles are dispensed, sold or offered for retail sale and where minor motor vehicle repair service is available.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1110 - Setback.

"Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1115 - Shade.

"Shade" means a shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1311 – Shelter

"Shelter" means a congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, cooling or warming shelters and other similar shelters. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.

17.04.1120 - Sidewalk, curb-tight (aka attached sidewalk).

"Curb-tight or attached sidewalk" refers to a sidewalk that is attached and not separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1125 - Sidewalk, setback (aka detached sidewalk).

"Setback" or "Detached sidewalk" refers to a sidewalk that is separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping. Setback sidewalks may be placed fully or partially within easements on private property.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1130 - Significant negative impact.

"Significant negative impact" for the purpose of Chapter 17.49 means an impact that affects the natural environment, considered individually or cumulatively with other impacts on the water quality resource area, to the point where existing water quality functions and values are degraded.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.113~~5~~40 - Single-family detached residential units.

"Single-family detached residential units" means one principal dwelling unit per lot that is freestanding and structurally separate from other dwelling units ~~or buildings~~ on the site, except Accessory Dwelling Units. This includes manufactured homes.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.114~~0~~35 - Single-family attached residential units.

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1143 – Skyway or skybridge, pedestrian.

"Pedestrian skyway" or “sky bridge” is an elevated walkway exclusively for pedestrian or bicycle traffic, connecting two or more structures, that passes over a right-of-way or open areas such as alleys, plazas and other similar public amenity areas. Such structures may be enclosed or open to the elements.

17.04.1145 - Slope.

"Slope" is an inclined earth surface, the inclination of which is expressed denoting a given rise in elevation over a given run in distance. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet. A one hundred percent slope equals a forty-five degree angle. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five foot distance. "Slope" shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;

The resulting number is the slope expressed as a percentage.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1150 - Solid waste processing facility.

"Solid waste processing facility" means a place or piece of equipment whereby mixed solid waste is altered in form, condition or content by methods or systems such as, but not limited to, shredding, milling or pulverizing.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1155 - Solid waste transfer facility.

"Solid waste transfer facility" means a waste collection and disposal system between the point of collection and a processing facility or a disposal site.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1160 - South or south facing.

"South" or "south facing" means true south, or twenty degrees east of magnetic south.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1165 - Stable, private.

"Private Stable" means a detached accessory building for the keeping of horses owned by occupants of the premises and which are not kept for remuneration or profit.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1170 - Start of construction.

"Start of construction" is meant to include substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not a part of the main structure.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1175 - Steep slopes.

"Steep slopes" means those slopes that are equal to or greater than twenty-five percent. Steep slopes have been removed from the "buildable lands" inventory and have not been used in calculations

to determine the number of acres within the urban growth boundary which are available for development.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1180 - Stormwater.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1183 - Stormwater pre-treatment facility.

"Stormwater pre-treatment facility" means any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1185 - Stormwater quantity control and quality control facilities.

"Stormwater quantity control and quality control facility" means a component of a man-made drainage feature, or features designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, ditches, culvert, street gutters, detention basins, retention basins, wet ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins. Stormwater facilities shall not include building gutters, downspouts and drains serving one single-family residence.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1190 - Stormwater pretreatment facility.

"Stormwater pretreatment facility" means any structure or drainage way that is designed, constructed and maintained to collect and filter, retain or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1195 - Story.

"Story" means that part of a building between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall count as a story if the finished floor level directly above an underfloor space is more than 6 feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1200 - Story, half.

"Half story" means a story under a gable, hip, or gambrel roof of which the wall are not standard height.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1205 - Stream.

"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses. Streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1210 - Street or road.

"Street or road" means a public or private way that is created to provide the principal means of ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1215 - Structure.

"Structure" means anything constructed or erected that requires location on the ground or attached to something having location on the ground.

For Chapter 17.42 "structure" means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1220 - Structural alterations.

"Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1225 - Subdivide land.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. Subdivide land does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a partition;
4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City Comprehensive Plan, applicable state statutes, and does not create additional parcels.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1230 - Subdivide.

"Subdivide" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1235 - Subdivider.

"Subdivider" means any person who undertakes the subdividing of a parcel of land, including changes in street or lot lines, for the purpose of transfer of ownership or development.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1240 - Subdivision.

"Subdivision" means an act of subdividing land.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1245 - Subdivision plat.

"Subdivision plat" means and includes a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1250 - Subject property.

"Subject property" means the land that is the subject of a permit application.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1255 - Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1260 - Substantial improvement.

"Substantial improvement" for the purpose of Chapter 17.40 means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which has been identified by the local code enforcement official and that is the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1265 - Support structure.

"Support structure" means an existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and billboard signs. Support structures do not include support towers, buildings or structures used for residential purposes, utility poles, light standards, or light poles.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1270 - Support tower.

"Support tower" means a structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1271 - Temporary structure.

A temporary structure permitted in Chapter 17.62 or 17.54.010 of the Oregon City Municipal Code, excluding mobile vendors.

(Ord. No. 17-1007, § 1(Exh. A), 6-21-2017)

17.04.1275 - Temporary wireless communication facility (Temporary WCF).

"Temporary wireless communication facility (Temporary WCF)" means any wireless communication facility that is to be placed in use for not more than sixty days, is not deployed in a permanent manner, and does not have a permanent foundation.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1280 - Through lot.

"Through lot" means a lot having frontage on two streets that are not alleys.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1285 - Title 3.

"Title 3" means that part of the Metro urban growth management functional plan which requires local governments to comply with regional regulations. Title 3 is a part of those regional regulations. An ordinance (Ordinance No. 98-730C) adopted by the Metro Council on June 18, 1998.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1290 - Title 3 wetlands.

"Title 3 "wetlands" means wetlands of metropolitan concern as shown on the Metro water quality and flood management area map and other wetlands added to city or county adopted water quality and flood management area maps consistent with the criteria in Section 17.49.[0]90D. Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1295 - Toe.

"Toe" of slope means the point of curvature where the ground surface flattens from a descending slope.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1300 - Top of bank.

"Top of bank" means the same as "bankfull stage."

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1302 - Townhouse

"Townhouse" means single-family attached residential units.

17.04.1303 – Tract

"Tract" means a piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right of way.

17.04.1305 - Transit stop.

"Transit stop" means any posted bus, light rail or other mass transit stop.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1310 - Transit street.

"Transit street" means any street identified as an existing or planned bus, rail or mass transit route by a transit agency or a street on which transit operates.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

~~17.04.1311 – Transitional shelter~~

~~"Transitional shelter" means a congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis for a period not to exceed 90 days continuously. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Transitional shelters may include day shelters, warming shelters and other similar shelters. Transitional shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.~~

17.04.1312 - Transportation facilities.

"Transportation facilities" shall include construction, operation, and maintenance of travel lanes, bike lanes and facilities, curbs, gutters, drainage facilities, sidewalks, transit stops, landscaping, and related improvements located within rights-of-way controlled by a public agency, consistent with the City Transportation System Plan.

(Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013)

17.04.1315 - Tree.

"Tree" means a living standing woody plant having a trunk six inches in diameter or nineteen inches in circumference or more at a point four and one-half feet above mean ground level at the base of the tree.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1320 - Tree, buffer.

"Buffer tree" means an evergreen or deciduous tree that has been approved as part of a buffering and or screening plan.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1325 - Tree caliper.

"Tree caliper" means an ANSI (American National Standards Institute) standard for the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above the ground level. Trees that a seven to twelve-inch caliper are measured at twelve inches above the ground. For nursery stock above twelve inches in diameter, a DBH measurement is used (see Tree, Diameter at Breast Height).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1330 - Tree, clear cutting.

See "Clear cutting."

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1335 - Tree, critical root zone.

"Tree, critical root zone" means the rooting area of a tree, within the tree's dripline, which if injured or otherwise disturbed is likely to affect a tree's chance for survival.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1340 - Tree, diameter at breast height (DBH).

"Tree, diameter at breast height (DBH)" means a measurement of the trunk or stem diameter of a mature tree at a height 4.5 feet above the ground level at the base of the tree. Trees growing on slopes are measured at the mid-point between the up-slope and down-slope sides (see Trees, Regulated).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1345 - Tree dripline.

"Tree dripline" means an imaginary line along the ground that reflects the perimeter of the crown of a tree extended vertically to the ground. The dripline radius is typically measured at approximately one foot away from the trunk of the tree for each inch of tree diameter.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1350 - Tree, established.

A public or street tree which has been properly planted and maintained in an approved location pursuant to accepted city standards, and which is not diseased, dying or hazardous.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1355 - Tree, Grove/Tree group.

"Tree, Grove/Tree group" means a stand of more than one tree separated by no more than twenty feet.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1360 - Tree, ~~hazardous or~~ diseased.

"~~Hazardous or d~~Diseased tree" means a tree that has a naturally occurring disease that is expected to kill the tree ~~or that presents a significant risk to life or property~~ as determined by a certified arborist, forester or horticulturist. ~~To the extent that the community development director determines that the hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Section 17.41.060. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees.~~ A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a ~~hazardous~~diseased tree.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

Editor's note— Ord. No. 10-1003, § 1(Exh. 1), adopted July 7, 2010, renamed section 17.04.1360 from "Trees, hazardous" to "Tree, hazardous or diseased."

17.04.1363 - Tree, hazardous.

"Hazardous tree" means a tree that presents a significant risk to life or property as determined by a certified arborist. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. A tree harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.

17.04.1365 - Tree (or Grove), Heritage. (Also commonly known as a "Heritage Tree" or "Grove".)

"Heritage Tree" or "Grove" means a tree or group of trees that have been designated by the city as having unique importance, and subject to the Heritage Tree Regulations of Section 12.08.050. Where a grouping of two or more Heritage Trees is separated by no more than twenty feet on a property or properties, the term Heritage Grove may be used.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1370 - Tree, imminent hazard.

"Imminent hazard tree" means a hazardous tree as defined in [ORS] section 3.0010 — 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. (See also Tree, Hazard.) Determination of Imminent Hazard is made by the City of Oregon City Public Works or Emergency Personnel, a PGE forester, or a consulting arborist as defined in [ORS] section 3.0010. (See "Arborist, Consulting".)

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1375 - Tree lawn.

See the definition of "planter strip".

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1380 - Tree (or Grove), native.

"Native Tree" or "Grove" refers to a regulated native tree or groves of trees that are found on the Oregon City Native Plant List. Significant native trees are those that contribute to the landscape character of the area and include Douglas fir, cedar, redwood, sequoia, oak, ash, birch, and maple. Significant native trees are typically suitable for retention next to streets and are not of a species that would likely create a public nuisance, hazard, or maintenance problem.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1385 - Tree, ornamental.

"Ornamental tree" means for purposes of tree removal, any tree (including shade trees) that originated as nursery stock as opposed to native trees that originated at the site prior to development.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1390 - Tree, parking lot.

"Parking lot tree" means a tree the location and variety of which was approved as part of a parking lot plan through the site plan and design review process.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1395 - Tree, perimeter.

"Tree, perimeter" means a tree located within five feet of an adjacent property line.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1400 - Tree protection plan.

"Tree protection plan" means a detailed description of how trees intended to remain after development will be protected and maintained.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1405 - Tree pruning.

"Tree pruning" means the prudent and judicious maintenance of trees through cutting out of branches, water sprouts, suckers, twigs, or branches. Major pruning entails the cutting out of branches three inches in diameter or greater. Major pruning also includes root pruning and cutting out branches and limbs constituting more than twenty percent of the trees foliage bearing area. Minor pruning includes removal of deadwood and pruning less than twenty percent of the tree's foliage bearing area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1410 - Tree, public.

"Public Tree" means a tree or trees within a public park, greenway, or other property owned by a governmental agency or dedicated to the public use. Street trees located in the public right-of-way are considered public trees.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1415 - Tree, (or Grove) regulated.

"Regulated Tree or Grove" means trees and groves located on development properties undergoing land use review which are subject to the tree protection provisions of Chapter 17.41 of the city zoning code. Street trees, buffer trees, and parking lot trees of any size, as well as Heritage trees and groves, may fall under the general category of "regulated" or protected trees.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1420 - Tree removal.

"Tree Removal" means to cut down a tree or remove all or fifty percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. "Removal" includes but is not limited to sever crown reduction (topping), damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of

natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal and prudent trimming or pruning of trees.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1425 - Tree, street.

"Street tree" means any tree located in a public right-of-way, including streets and publicly dedicated alleys. For the purposes of this chapter, street right-of-way includes the area between the edge of pavement, edge of gravel or face of curb and the property line, depending on the circumstances.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1430 - Tree, severe crown reduction.

"Tree, severe crown reduction" means the specific reduction in the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the tree's crown to such a degree as to remove the normal tree canopy and disfigure the tree. Severe crown reduction is not a form of pruning. (Also known as Tree Topping.)

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1435 - Tree topping.

See "Severe Crown Reduction".

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1437 - Tributary.

"Tributary" means a stream, regardless of size or water volume, that flows into or joins another stream. The point where two tributaries meet is called a confluence.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1440 - Undevelopable area.

"Undevelopable area" means an area that cannot be used practicably for a habitable structure because of natural conditions, such as severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1445 - Use.

"Use" means the purpose that land, or a building or a structure now serves or for which is occupied, maintained, arranged or designed.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1450 - Utility facilities.

"Utility facilities" means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1455 - Utility pole placement/replacement.

"Utility pole placement/replacement" means placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1458 - Vanpool

"Vanpool" means a group of five or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.04.1460 - Variance.

"Variance" means a grant of relief from the requirements of Title 16 or 17 of the Oregon City Municipal Code which permit construction in a manner that would otherwise be prohibited.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1465 - Vegetated Corridor.

"Vegetated Corridor" means the area of setback between the top of bank of a protected water feature and the delineated edge of the water quality resource area as defined in Table 17.49-1 of this chapter.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1470 - Visible or measurable erosion.

"Visible or measurable erosion" includes, but is not limited to:

1. Deposits of mud, dirt, sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
2. Evidence of concentrated flows of water aver bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
3. Earth slides, mudflows, earth sloughing, or other earth movement that leaves he property.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1475 - Watercourse.

"Watercourse" means a channel in with a flow of water occurs, either continuously or intermittently, and if the latter, with some degree of regularity. Such flow must be in a definite direction.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1480 - Water dependent.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1485 - Water quality resource areas.

"Water quality resource areas" means vegetated corridors and the adjacent protected water feature as established by Chapter 17.49.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1490 - Watershed.

"Watershed" means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1495 - Wetlands.

"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1500 - Wireless communications.

"Wireless communications" means any personal wireless services as defined by the Federal Telecommunications Act of 1996 as amended, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, and wireless telecommunications services for public safety that currently exist or that may be developed in the future.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1505 - Wireless communications facility (WCF).

"Wireless communications facility (WCF)" means any un-staffed facility for the transmission and/or reception of radio frequency signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1510 - Yard.

"Yard" means an open space other than a court on the same lot with a building unoccupied or unobstructed from the ground upward except for usual building projections as permitted by this title.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1515 - Yard, front.

"Front yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the front lot line to the main building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1520 - Yard, rear.

"Rear yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the rear lot line to the main building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1525 - Yard, side.

"Side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line to the main building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1530 - Yard, side, corner.

"Corner side yard" means a yard lot located on a corner which extends from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line abutting the street to the main building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

17.04.1535 - Yard, side, interior.

"Interior side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line not abutting the street to the main building.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.06 Zoning District Classifications

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.06.010 - General provisions.

Except as hereinafter provided:

A. No building or structure shall be erected, structurally altered, enlarged or moved, nor shall any building, structure or land be used or designated to be used for any use other than is permitted in the district in which such building, structure or land is located, and then only after applying for and securing all permits and licenses required by law and this Code.

B. No building or structure shall be erected, altered, enlarged or moved on a lot unless the building or structure and also the lot conform to the area regulations of the district in which the building or structure is located, except as provided in this title.

17.06.015 - Classification of zoning districts.

For the purpose of this title and to carry out these regulations, the city is divided into districts, known as:

R-10 ~~Single-family dwelling~~ Low-density residential district;

R-8 ~~Single-family dwelling~~ Low-density residential district;

R-6 ~~Single-family dwelling~~ Low-density residential district;

R-5 ~~Single-family dwelling~~ Medium-density residential district;

R-3.5 ~~Dwelling~~ Medium-density residential district;

R-2 ~~Multi-family dwelling~~ High-density residential district;

NC Neighborhood commercial district;

HC Historic commercial district;

C General commercial district;

GI General industrial district;

CI Campus industrial district;

MUC-1 Mixed-use corridor district;

MUC-2 Mixed-use corridor district;

MUE Mixed-use employment district;

MUD Mixed-use downtown district;

I Institutional district.

~~[~~WFDD~~]~~ Willamette Falls Downtown District

In addition to the foregoing districts, special overlay districts shall be known as:

H Historic overlay district;

FP Floodplain overlay district;

US Geologic Hazards overlay district;

P Park Acquisition overlay district;

WRG Willamette River Greenway overlay district;

NROD Natural Resource overlay district.

17.06.020 - Official zoning map.

The foregoing districts and their boundaries are shown on a map entitled "official zoning map" on file in the office of the city recorder. This map and all designations and information shown thereon are made a part of this title, as if the map, designation and information were fully described herein. In addition, special maps shall indicate the overlay districts and their boundaries.

17.06.025 - Boundaries of zoning districts.

Where uncertainty exists with respect to any of the boundaries of the districts as shown on the official zoning map, the following uses shall apply:

A. When the boundaries of the districts designated on the official zoning map are approximately streets or alleys, the certain lines of the streets and alleys shall be construed to be the boundaries of such districts.

B. Where the boundaries of the districts designated on the official zoning map are approximately lot lines, the lot lines shall be construed to be the boundaries of the districts.

C. In subdivided property, the district boundary lines of the official zoning map shall be determined by use of the scale contained on the map.

D. The locations of the zoning districts do not move with land divisions or lot line adjustments unless an associated zone change is approved.

17.06.030 - Zoning of annexed areas.

All lands within the urban growth boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (per the city/county urban growth management area agreement). ~~The planning department shall complete a review of the final zoning classification within sixty days after annexation.~~ The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.

Table 17.06.030

CITY LAND USE CLASSIFICATIONS	
Residential Comprehensive Plan Classification	**City Zone**
Low-Density Residential	R-10, R-8, R-6
Medium-Density Residential	R-3.5, R-5
High-Density Residential	R-2
Commercial and Mixed Use Comprehensive Plan Classification	**City Zone**
General Commercial	C
Mixed-Use Downtown	MUD, WFDD
Mixed-Use Corridor	MUC I, MUC 2, NC, HC
Mixed-Use Employment	MUE
Industrial Comprehensive Plan Classification	**City Zone**

Industrial	CI, GI
Public/Quasi-Public Comprehensive Plan Classification	**City Zone**
Public/Quasi-Public	I

~~In those cases where only a single city zoning designation corresponds to the comprehensive plan designation and thus the rezoning decision does not require the exercise of legal or policy judgment on the part of the community development director, Chapter 17.68 shall control. The decision in these cases shall be a ministerial decision of the community development director made without notice or any opportunity for a hearing.~~

~~A. A public hearing shall be held by both the planning commission and city commission in accordance with the procedures outlined in Chapter 17.68 (except for the provisions of Section 17.68.025) for those instances in which more than one zoning designation carries out a city plan classification.~~

~~17.06.035 - Street and alley vacations.~~

~~Whenever any street, alley or public way is vacated by official action, the zoning districts adjoining the side of such public way shall automatically be extended to the side or sides to which such lands revert, to include the right-of-way thus vacated which shall henceforth be subject to all regulations of the extended district or districts. (Prior code §11-2-6)~~

~~17.06.040 - Requirements table.~~

~~To facilitate public understanding of this title, and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height, and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 92-1024 §3, 1992; prior code §11-3-1)~~

~~OREGON CITY STANDARDS~~

~~Residential~~

~~Standard~~	~~R-10~~	~~R-8~~	~~R-6~~	~~R-5~~	~~R-3.5~~	~~R-2~~
~~Minimum lot size~~	~~10,000 sq. ft.*~~	~~8,000 sq. ft.*~~	~~6,000 sq. ft.*~~	~~5,000 sq. ft.*~~	~~3,500 sq. ft.*~~	~~2,000 sq. ft.*~~

Maximum height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35-45 ft.*
Maximum building lot coverage	40%*	40%*	40%*	50%*	55%*	85%
Minimum front yard setback	20 ft.*	15 ft.*	10 ft.*	10 ft.*	5 ft.*	5 ft.*
Minimum interior side yard setback	10 ft./8 ft.	9 ft./7 ft.	9 ft./5 ft.	7 ft./5 ft.	0-5 ft.Detached — 5 ft. Attached — 7 ft.	0-5 ft.
Minimum corner side yard setback	8 15 ft.	7 15 ft.	5 15 ft.	5 10 ft.	5 10 ft.	5 10 ft.
Minimum rear yard setback	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage standards applicable	Yes*	Yes*	Yes*	Yes*	Yes*	No
Garage setbacks	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley

*See district description for further information

Commercial

Standard	C	MUC-1	MUC-2	NC	HC
Maximum building height	60 ft.	3 Stories (4 ft.)*	60 ft.	3 Stories (35 ft.)	3 Stories (35 ft.)
Minimum building height	—	—	2 Stories (25 ft.)	—	—

Maximum building lot coverage	Building and Parking Lot—5%	Building and Parking Lot—80%	Building and Parking Lot—90%	Building Footprint—10,000 sq. ft.*	Building and Parking Lot—80%
Maximum front yard setback	5 ft.*	5 ft.*	5 ft.*	5 ft.*	5 ft.*
Maximum interior side yard setback	0*	0*	0 ft.*	0 ft.*	0 ft.*
Maximum corner yard setback	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5 ft.*
Maximum rear yard setback	0 ft.	0 ft.	0 ft.	0 ft.	0 — 20 ft.*

-

*See district description for further information

Employment, Downtown and Industrial

Standard	MUE	MUD	MUD—Design District	WFDD	GI	CI
Maximum Building Height	60 ft./85 ft.*	45 ft./75 ft.*	58 ft.	80 feet	3 Stories (40 ft.)*	45 ft./85 ft.*
Minimum Building Height	—	2 Stories (25 ft.)*	2 Stories (25 ft.)*	A. Two entire stories and 25 feet, except for: 1. accessory structures or buildings under 1,000 square feet; and 2. buildings to serve open space or public assembly uses	—	—

Maximum Lot Coverage	Building and Parking Lot—80%	Building and Parking Lot—90%	Building and Parking Lot—100%	Building and Parking Lot—100%	—	—
Maximum Front Yard Setback	*	20 ft.*	10 ft.*	10 ft.*	25 ft.*	*
Maximum Interior Side Yard Setback	*	0 ft.*	0 ft.*	10 ft.*	25 ft.*	*
Maximum Corner Yard Setback	*	20 ft.*	10 ft.*	10 ft.*	25 ft.*	*
Maximum Rear Yard Setback	*	*	0/10 ft.*	10 ft.*	25 ft.*	*

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*See district description for further information

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 14-1016, § 1(Att. B), 11-5-2014)

OREGON CITY

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~~**Chapter 17.08 R-10 Single-Family Dwelling District**~~

Chapter 17.08 Low Density Residential Districts

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.08.010 - Designated.

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

17.08.020 - Permitted uses.

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

A. Single-family detached residential units;

B. Accessory uses, buildings and dwellings;

C. Internal conversions subject to the provisions of OCMC 17.20.030;

D. Corner duplexes;

E. Cluster housing subject to the provisions of OCMC 17.20.020;

F. Residential home per ORS 443.400;

G. Parks, playgrounds, playfields and community or neighborhood centers;

H. Home occupations;

I. Family day care provider, subject to the provisions of ~~Section~~ OCMC 17.54.050;

J. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);

K. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

L. Transportation facilities.

17.08.025 - Conditional uses.

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

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions;

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

K. Transitional shelter with up to 10 beds.

17.08.030 - Master plans.

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

A. Single-family attached residential units.

17.08.035 - Prohibited uses.

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

A. Any use not expressly listed in ~~Section~~ OCMC 17.08.020 or 17.08.030.

B. Marijuana businesses.

17.08.040 - Dimensional standards.

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

Table 17.08.040

Standard	**R-10**	**R-8**	**R-6**
Minimum lot size	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.
Maximum height	35 ft.	35 ft.	35 ft.
Maximum building lot coverage With ADU	40% 45%	40% 45%	40% 45%
Minimum lot width	65 ft.	60 ft.	50 ft.
Minimum lot depth	80 ft.	75 ft.	70 ft.
Minimum front yard setback	20 ft., porch may project 5 ft. into setback	15 ft., porch may project 5 ft. into setback	10 ft., porch may project 5 ft. into setback
Minimum interior side yard	8 ft.	7 ft.	5 ft.

setback			
Minimum corner side yard setback	10~~8~~ ft.	10~~7~~ ft.	10~~5~~ ft.
Minimum rear yard setback	20 ft – main unit 15 ft - porch 10 ft - ADU	20 ft – main unit 15 ft - porch 10 - ADU	20 ft – main unit 15 ft - porch 10 - ADU
Garage setbacks	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley

17.08.045 - Exceptions to setbacks.

Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to ~~twenty-four~~ 24 inches.

Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

17.08.050 - Density standards.

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

Table 17.08.050

Standard	**R-10**	**R-8**	**R-6**
Minimum density, measured as dwelling units per net developable acre	3.5 du/nda	4.4 du/nda	5.8 du/nda
Minimum density, measured as dwelling units per net developable acre	4.4 du/nda	5.4 du/nda	7.3 du/nda

B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.
2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC ~~Section~~ 17.20.020.

~~17.08.010 - Designated.~~

~~This residential district is designed for areas of single-family homes on lot sizes of approximately ten thousand square feet.~~

~~17.08.020 - Permitted uses.~~

~~Permitted uses in the R-10 district are:~~

~~A. Single-family detached residential units;~~

~~B. Parks, playgrounds, playfields and community or neighborhood centers;~~

~~C. Home occupations;~~

~~D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);~~

~~E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;~~

~~F. Accessory uses, buildings and dwellings;~~

~~G. Family day care provider, subject to the provisions of Section 17.54.050;~~

~~H. Residential home per ORS 443.400;~~

~~I. Cottage housing;~~

~~J. Transportation facilities.~~

~~17.08.030 - Conditional uses.~~

~~The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:~~

~~A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;~~

~~B. Bed and breakfast inns/boarding houses;~~

~~C. Cemeteries, crematories, mausoleums and columbariums;~~

~~D. Child care centers and nursery schools;~~

~~E. Emergency service facilities (police and fire), excluding correctional facilities;~~

~~F. Residential care facility;~~

~~G. Private and/or public educational or training facilities;~~

~~H. Public utilities, including sub-stations (such as buildings, plants and other structures);~~

~~I. Religious institutions;~~

~~J. Assisted living facilities; nursing homes and group homes for over fifteen patients.~~

~~17.08.035 - Prohibited uses.~~

Prohibited uses in the R-10 district are:

A. Any use not expressly listed in Section 17.08.020 or 17.08.030.

B. Marijuana businesses.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10 district are:

A. Minimum lot areas, ten thousand square feet;

B. Minimum lot width, sixty-five feet;

C. Minimum lot depth, eighty feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

E. Minimum required setbacks:

1. Front yard, twenty feet minimum setback,

2. Front porch, fifteen feet minimum setback,

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

4. Interior side yard, ten feet minimum setback for at least one side yard; eight feet minimum setback for the other side yard,

5. Corner side yard, fifteen feet minimum setback,

6. Rear yard, twenty feet minimum setback,

7. Rear porch, fifteen feet minimum setback.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

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~~**Chapter 17.10 R-8 Single-Family Dwelling District**~~

Chapter 17.10 Medium Density Residential Districts

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.10.010 - Designated.

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

17.10.020 - Permitted uses.

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

A. Single-family detached residential units;

B. Accessory uses, buildings and dwellings;

C. Internal conversions subject to the provisions of OCMC 17.20.040;

D. Duplexes;

E. Corner duplexes;

F. Single-family attached residential units;

G. 3-4 plex residential units;

H. Cluster housing subject to the provisions of OCMC 17.20.020;

I. Manufactured home park or subdivision in the R-3.5 district only subject to the provisions of OCMC 17.20.050;

J. Residential home per ORS 443.400;

K. Parks, playgrounds, playfields and community or neighborhood centers;

L. Home occupations;

M. Family day care provider, subject to the provisions of ~~Section~~ OCMC 17.54.050;

N. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than ~~twenty thousand~~ 20,000 square feet in area (retail sales of materials grown on-site is permitted);

O. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

P. Transportation facilities.

17.10.025 - Conditional uses.

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

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions;

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

K. Transitional shelter with up to 10 beds.

L. Live/work dwellings~~units~~.

17.10.030 - Master plans.

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

A. Multifamily residential.

17.10.035 - Prohibited uses.

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

A. Any use not expressly listed in ~~Section~~ OCMC 17.10.020, 17.10.025 or 17.10.030.

B. Marijuana businesses.

17.10.040 - Dimensional standards.

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

Table 17.10.040

Standard	**R-5**	**R-3.5**
Minimum lot size		
Single-family detached	5,000 sq. ft.	3,500 sq. ft.
Duplex	6~~5~~,000 sq. ft.	4,000 sq. ft.
Single-family attached	3,500 sq. ft.	2,500 sq. ft.
3-4 plex	2,500 sq. ft. per unit	2,000 sq. ft. per unit

Maximum height	35 ft.	35 ft.
Maximum building lot coverage Single-family detached and all duplexes With ADU Single-family attached and 3-4 plex	 50% 60% 70%	 55% 65% 80%
Minimum lot width All, except Single-family attached	 35 ft. 25 ft.	 25 ft. 20 ft.
Minimum lot depth	70 ft.	70 ft.
Minimum front yard setback	10 ft, porch may project 5 ft. into setback	5 ft., porch may project 5 ft. into setback
Minimum interior side yard setback All, except Single-family attached	 5 ft. 0 ft. (attached) /5 ft. (side)	 5 ft. 0 ft. (attached) /5 ft. (side)
Minimum corner side yard setback	7~~5~~ ft	7~~5~~ ft
Minimum rear yard setback	20 ft – main unit 15 ft - porch 10 ft - ADU	20 ft – main unit 15 ft - porch 5 ft - ADU
Garage setbacks	20 ft. from ROW 5 ft. from alley	20 ft. from ROW 5 ft. from alley

17.10.045 - Exceptions to setbacks.

Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to ~~twenty-four~~ 24 inches.

Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

17.10.050 - Density standards.

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

Table 17.10.050

Standard	**R-5**	**R-3.5**

Minimum density, measured as dwelling units per net developable acre	7.0 du/nda	10 du/nda
Minimum density, measured as dwelling units per net developable acre • Single-family detached • Single-family attached • 3-4 plexes	 8.7 du/nda 12.4 du/nda 17.4 du/nda	 12.4 du/nda 17.4 du/nda 21.8 du/nda

B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes and corner duplexes shall count as a single dwelling unit for the purposes of calculating minimum and maximum density standards.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.10.050; see OCMC ~~Section~~ 17.20.020.

17.10.060 - Conversion of Existing Duplexes.

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

~~17.10.010 - Designated.~~

~~This residential district is designed for areas of single-family homes on lot sizes of approximately eight thousand square feet.~~

~~17.10.020 - Permitted uses.~~

~~Permitted uses in the R-8 district are:~~

~~A. Single-family detached residential units;~~

~~B. Parks, playgrounds, playfields and community or neighborhood centers;~~

~~C. Home occupations;~~

~~D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);~~

~~E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;~~

~~F. Accessory uses, buildings and dwellings;~~

G. Family day care provider, subject to the provisions of Section 17.54.050;

H. Residential home per ORS 443.400;

I. Cottage housing;

J. Transportation facilities.

17.10.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions.

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.10.035 - Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in Section 17.10.020 or 17.10.030.

B. Marijuana businesses.

17.10.040 - Dimensional standards.

Dimensional Standards in the R-8 District are:

A. Minimum lot areas, eight thousand square feet;

B. Minimum lot width, sixty feet;

C. Minimum lot depth, seventy-five feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

~~E. Minimum Required Setbacks:~~

~~1. Front yard fifteen feet minimum setback;~~

~~2. Front porch, ten feet minimum setback;~~

~~3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas;~~

~~4. Interior side yard, nine feet minimum setback for at least one side yard, seven feet minimum setback for the other side yard;~~

~~5. Corner side yard, fifteen feet minimum setback;~~

~~6. Rear yard, twenty feet minimum setback;~~

~~7. Rear porch, fifteen feet minimum setback.~~

~~F. Garage Standards: See Chapter 17.20—Residential Design and Landscaping Standards.~~

~~G. Maximum Lot Coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.~~

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Community Development – Planning

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Oregon City Municipal Code

~~**Chapter 17.12 R-6 Single-Family Dwelling District**~~

Chapter 17.12 High Density Residential District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.12.010 - Designated.

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

17.12.020 - Permitted uses.

Permitted uses in the R-2 district are:

A. Accessory dwelling units for single-family detached residential units constructed prior to the effective date of this ordinance, subject to the provisions of OCMC 17.20.010;

B. Internal conversions of existing single-family detached residential units constructed prior to the effective date of this ordinance, subject to the provisions of OCMC 17.20.030;

C. Duplexes;

D. Corner duplexes;

E. Single-family attached residential units;

F. 3-4 plex residential units;

G. Multifamily residential;

H. Cluster housing subject to the provisions of OCMC 17.20.020;

I. Residential care facility per ORS 443.400;

J. Accessory buildings;

K. Parks, playgrounds, playfields and community or neighborhood centers;

L. Home occupations;

M. Family day care provider, subject to the provisions of ~~Section~~ OCMC 17.54.050;

N. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

O. Management and associated offices and building necessary for the operations of a multi-family residential development;

P. Transportation facilities.

17.12.025 - Conditional uses.

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

A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;

B. Bed and breakfast inns/boarding houses;

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Private and/or public educational or training facilities;

G. Public utilities, including sub-stations (such as buildings, plants and other structures);

H. Religious institutions;

I. Assisted living facilities; nursing homes and group homes for over fifteen patients.

J. Live/work units subject to OCMC ~~Section~~ 17.20.040.

K. Transitional shelter with up to 10 beds.

17.12.030 - Pre-existing industrial use.

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

17.12.035 - Prohibited uses.

Prohibited uses in the R-2 district are:

A. Any use not expressly listed in ~~Section~~ OCMC 17.12.020, 17.12.025 or 17.12.030.

B. Marijuana businesses.

17.10.040 - Dimensional standards.

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

Table 17.12.040

Standard	**R-2**
Minimum lot size • Duplex • Single-family attached	 4,000 sq. ft. 2,000 sq. ft. 6,000 sq. ft.

• 3-4 plex and multifamily	
Maximum height All, except Multifamily	 35 ft. 45 ft.
Maximum building lot coverage	85%
Minimum lot width All, except Single-family attached	 50 ft. 20 ft.
Minimum lot depth All, except Multifamily	 70 ft 75 ft
Minimum front yard setback	5 ft., porch may project 5 ft. into setback
Maximum front yard setback	20 ft., see OCMC 17.18.030.A.
Minimum interior side yard setback All, except Single-family attached	 5 ft.[1] 0 ft. (attached) / 5 ft. (side)
Minimum corner side yard setback	5 ft
Minimum rear yard setback	10 ft.[1], porch may project 5 ft. into setback
Garage setbacks	20 ft. from ROW 5 ft. from alley

Notes:
1. If a multifamily residential development abuts a parcel zoned for R-10, R-8, R-6, there shall be required a landscaped yard of 10 feet on the side abutting the adjacent zone in order to provide a buffer area.

17.12.045 - Exceptions to setbacks.

Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to ~~twenty four~~ 24 inches.

Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

17.12.050 - Density standards.

A. The minimum density in the R-2 district shall be 17.4 dwelling units per net developable acre.

B. The maximum density in the R-2 district shall be 21.8 dwelling units per net developable acre.

C. Affordable housing density bonus. Residential projects in the R-2 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum 20% increase from maximum density or 26.2 du/nda, is allowed. Projects containing exclusively affordable units may develop to the maximum 20% increase or 26.2 du/nda. Affordable units must be affordable to households earning equal to or less than 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee.

~~17.12.010 - Designated.~~

~~This residential district is designed for single-family homes on lot sizes of approximately six thousand square feet.~~

~~17.12.020 - Permitted uses.~~

~~Permitted uses in the R-6 district are:~~

~~A. Single-family detached residential units;~~

~~B. Parks, playgrounds, playfields and community or neighborhood centers;~~

~~C. Home occupations;~~

~~D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);~~

~~E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;~~

~~F. Accessory uses, buildings and dwellings;~~

~~G. Family day care provider, subject to the provisions of Section 17.54.050;~~

~~H. Residential home per ORS 443.400;~~

~~I. Cottage housing;~~

~~J. Transportation facilities.~~

~~17.12.030 - Conditional uses.~~

~~The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:~~

~~A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;~~

~~B. Bed and breakfast inns/boarding houses;~~

C. Cemeteries, crematories, mausoleums and columbariums;

D. Child care centers and nursery schools;

E. Emergency service facilities (police and fire), excluding correctional facilities;

F. Residential care facility;

G. Private and/or public educational or training facilities;

H. Public utilities, including sub-stations (such as buildings, plants and other structures);

I. Religious institutions.

J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.12.035 - Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in Section 17.12.020 or 17.12.030.

B. Marijuana businesses.

17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

A. Minimum lot areas, six thousand square feet;

B. Minimum lot width, fifty feet;

C. Minimum lot depth, seventy feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

E. Minimum required setbacks:

1. Front yard, ten feet minimum setback,

2. Front porch, five feet minimum setback,

3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.

4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,

5. Corner side yard, fifteen feet minimum setback,

6. Rear yard, twenty feet minimum setback,

7. Rear porch, fifteen feet minimum setback.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

~~G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.~~

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~~**Chapter 17.14 R-5 Single-Family Dwelling District**~~

Chapter 17.14 Single-Family Detached & Duplex Residential Design Standards

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.14.010 - Purpose.

The purpose of this chapter is to provide standards for single-family detached and duplexes which ~~two alternatives for design review approval of single family and duplex development - a clear and objective approach or an alternative design path,~~ are intended to: ~~The residential design standards are intended to~~:

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

17.14.020 - Applicability.

This chapter applies to all ~~The standards in Sections OCMC 17.14.030 through 17.14.050 apply to~~ the street-facing facades of all single-family detached and ~~two-family~~ duplex and corner duplex dwellings, excluding those on a flag lot with a minimum pole length of 100 feet.

A. New single-family detached and duplexes or new garages or expansions of an existing garage on properties with this use require compliance with OCMC 17.14.030 through 17.14.050 or OCMC 17.21 as well as 17.14.080 and 17.14.090.
B. The standards in OCMC 17.14.060 as well as 17.14.080 and 17.14.090 apply to all corner duplexes or new garages or expansions of an existing garage on properties with this use.

~~, except corner duplexes which are subject to [Section] 17.14.060. New dwellings, new garages or expansions of an existing garage require compliance with one of the residential design options in OCMC [Section] 17.14.030-050 or Chapter 17.21.~~

For the purpose of this chapter, garages are defined as structures, or portions thereof used or designed to be used for the parking of vehicles, including carports. For purposes of this section, garages

do not include detached Accessory Dwelling Units which are not part of a detached garage. The garage width shall be measured based on the foremost ~~four (~~4~~)~~ feet of the interior garage walls or carport cover. ~~The community development director may approve an alternative measurement location if the exterior facade of the dwelling is designed to screens a section of the garage or better accomplishes the goals of this chapter.~~

Applications are processed as a Type I review.

17.14.030 - Residential design options.

A. A dwelling with no garage, a garage not on a street-facing façade, or a detached garage ~~on any façade~~ shall comply with five of the residential design elements in ~~[Section]~~ OCMC 17.14.040.A on the front facade of the structure.

~~B. A dwelling without a garage on the primary street-facing facade may be permitted if shall include five of the residential design elements in [Section] 17.14.040A. on the front facade of the structure.~~

C. A dwelling with a front-facing garage where the building is less than ~~twenty-four~~ 24 feet wide may be permitted if:
   1. The garage is no more than ~~twelve~~ 12 feet wide and;
   2. The garage does not extend closer to the street than the furthest forward living space on the street-facing facade; and
   3. Six of the residential design elements in ~~Section~~ OCMC 17.14.040.A are included on the front facade of the structure; and
   4. One of the following is provided:
      a. Interior living area above the garage is provided. The living area must be set back no more than four feet from the street-facing garage wall; or
      b. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least six feet deep and accessible from the interior living area of the dwelling unit; or
      c. The garage is rear loaded.

D. A dwelling with a garage that extends up to fifty percent of the length of the street-facing facade and is not closer to the street than the furthest forward living space on the street-facing facade may be permitted if:
   Six of the residential design elements in ~~Section~~ OCMC 17.14.040A. are included on the front facade of the structure.

E. A dwelling with a garage that extends up to sixty percent of the length of the street-facing-facade and is recessed two feet or more from the furthest forward living space on the street-facing facade may be permitted if:
   1. Seven of the residential design elements in ~~Section~~ OCMC 17.14.040A. are included on the front facade of the structure.

F. A dwelling with a garage that extends up to sixty percent of the length of the street-facing facade may extend up to four feet in front of the furthest forward living space on the street-facing facade may be permitted if:
   1. Eight of the residential design elements in ~~Section~~ OCMC 17.14.040A. are included on the front facade of the structure; and
   2. One of the options in ~~Section~~ OCMC 17.14.040B. is provided on the front facade of the structure.

G. A dwelling with a garage that extends up to ~~fifty~~ 50 percent of the length of the street-facing facade may extend up to ~~eight~~ 8 feet in front of the furthest forward living space on the street-facing facade if:

1. Nine of the residential design elements in ~~Section~~ OCMC 17.14.040A. are included on the front facade of the structure; and
2. One of the options in ~~Section~~ OCMC 17.14.040B. is provided on the front facade of the structure.

H. A dwelling with a garage that is side-orientated to the front lot line may extend up to ~~thirty-two~~ 32 feet in front of the furthest forward living space on the street-facing facade if:
1. Windows occupy a minimum of ~~fifteen~~ 15 percent of the lineal length of the street-facing wall of the garage; and
2. Six of the residential design elements in ~~Section~~ OCMC 17.14.040A. are included on the front facade of the structure.
3. The garage wall does not exceed ~~sixty~~ 60 percent of the length of the street-facing façade.

17.14.035 - Corner lots and through lots.

A. Single-family detached homes on corner lots and through lots shall comply with one of the options in ~~[Section]~~ OCMC 17.14.030 for the front of the home. Duplexes on corner lots and through lots shall comply with the standards in ~~[Section]~~ OCMC 17.14.060.

B. The other street-facing side of the single-family detached home on a corner lot or through lot shall include the following:
1. Windows and doors for a minimum of fifteen percent of the lineal length of the ground floor facade; and
2. Minimum four-inch window trim; and
3. Three additional residential design elements selected from ~~[Section]~~ OCMC 17.14.040A.

17.14.040 - Residential design elements.

A. The residential design elements listed below shall be provided as required in Section 17.14.030 above, unless an alternative design is proposed under ~~[Section]~~ OCMC 17.14.070.B. ~~Alternatives to the standards in [Section] 17.14.040 may be approved through a Type II Land Use decision that is in compliance with the purpose of this Chapter listed in [Section] 17.14.010.~~
1. The design of the dwelling includes dormers, which are projecting structures built out from a sloping roof housing a vertical window;
2. The roof design utilizes a:
   a. Gable, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or
   b. Hip, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
3. The building facade includes two or more offsets of ~~sixteen~~16-inches or greater;
4. A roof overhang of ~~sixteen~~16-inches or greater;
5. A recessed entry that is at least ~~two~~ 2-feet behind the furthest forward living space on the ground floor, and a minimum of ~~eight~~ 8-feet wide;
6. A minimum ~~sixty~~ 60 square-foot covered front porch that is at least ~~five~~ 5 feet deep or a minimum ~~forty~~ 40 square-foot covered porch with railings that is at least ~~five~~ 5 feet deep and elevated entirely a minimum of ~~eighteen~~ 18-inches;
7. A bay window that extends a minimum of ~~twelve~~ 12-inches outward from the main wall of a building and forming a bay or alcove in a room within;
8. Windows and main entrance doors that occupy a minimum of ~~fifteen~~ 15 percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door);
9. Window trim (minimum ~~four~~ 4-inches);
10. Window grids (excluding any windows in the garage door or front door).

11. Windows on all elevations include a minimum of ~~four~~ 4-inch trim (worth ~~two~~ 2 elements);
12. Windows on all of the elevations are wood, cladded wood, or fiberglass (worth ~~two~~ 2 elements);
13. Windows on all of the elevations are recessed a minimum of ~~two~~ 2 inches from the facade (worth ~~two~~ 2 elements);
14. A balcony that projects from the wall of the building and is enclosed by a railing or parapet;
15. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of ~~sixty~~ 60 square feet of the street facade;
16. All garage doors are a maximum ~~nine~~ 9-feet wide;
17. All garage doors wider than ~~nine~~ 9-feet are designed to resemble ~~two~~ 2 smaller garage doors;
18. There are a minimum of ~~two~~ 2 windows in each garage door;
19. A third garage door is recessed a minimum of ~~two~~ 2 feet;
20. A window over the garage door that is a minimum of ~~twelve~~ 12 square feet with window trim (minimum ~~four~~ 4-inches);
~~21. There is no attached garage onsite;~~
22. The living space of the dwelling is within ~~five~~ 5 feet of the front yard setback; or
23. The driveway is composed entirely of pervious pavers or porous pavement.

B. If the garage projects in front of the furthest forward living space on the street facing facade, one of the residential design elements (1) or (2) below, shall be provided in addition to the residential design elements required in ~~Section~~ OCMC 17.14.040.A. above. Residential design elements utilized in ~~Section~~ OCMC 17.14.040.B. can be additionally utilized in ~~Section~~ OCMC 17.14.040A.
   1. A minimum ~~sixty~~ 60 square-foot covered front porch that is at least ~~five~~ 5 feet deep; or a minimum ~~forty~~ 40 square-foot covered porch with railings that is at least ~~five~~ 5 feet deep and elevated entirely a minimum of ~~eighteen~~ 18-inches.
   2. The garage is part of a ~~two~~ 2-level facade. The 2nd level facade shall have a window (minimum ~~twelve~~ 12 square feet) with window trim (minimum ~~four~~ 4-inches).

17.14.050 - Main entrances.

A. The main entrance for each ~~structure~~ dwelling unit, including the main entrance for at least one unit in a duplex or corner duplex, shall:
   1. Face the street; or
   2. Be at an angle up to ~~forty-five~~ 45 degrees from the street;

B. All main entrances shall open onto a covered porch that is at least ~~sixty~~ 60 square feet with a minimum depth of ~~five~~ 5 feet on the front or, in the case of a corner lot, the side of the home.

17.14.060 – Corner duplexes.

A. Development standards. Both units of a corner duplex must meet the following standards to ensure that the two units have compatible elements. ~~Adjustments to this section are prohibited, but an alternative design may be proposed per OCMC 17.14.070.B.~~

B. Unit configuration. Units may be located side-by-side or stacked over each other.

C. Entrances. Two street facing frontages shall meet the standards of OCMC 17.14.050. No more than one (1) door may face a single street frontage.

D. Height. The height of the two units must be within ~~four~~ 4 feet of each other; this standard does not apply to stacked units.

E. Façade design. Each street facing façade must comply with OCMC 17.14.030 and 17.14.040 ~~incorporating the required design elements~~.

F. Unit compatibility. ~~On b~~Both units shall comply with the following:

1. Exterior finish materials. The exterior finish material must be the same~~, or visually match~~ in type, size and placement.
2. Roof pitch. The predominant roof pitch must be the same; this standard does not apply to stacked units if they do not both have a roof.
3. Eaves. Roof eaves must project the same distance from the building wall; this standard does not apply to stacked units if they do not both have a roof.
4. Trim. All windows shall include ~~Trim must be~~ the same in trim type~~,~~ and size ~~and location~~. The size of the trim must be a minimum of 2 inches in width.
5. Windows. ~~Windows must match in proportion and orientation.~~ Windows shall occupy a minimum of 15 percent of the lineal length of the street-facing facades.

17.14.080 - Residential ~~yard landscaping~~ lot tree requirements.

The intent of this section is ~~to ensure that residential lots are landscaped and~~ to encourage the retention of trees, minimize the impact of tree loss during development and ensure a sustainable tree canopy in Oregon City at the time of construction. Though not required, the use of large native and heritage tree species ~~and low water use vegetation~~ is recommended as detailed in this section. ~~, but~~ In no case ~~may materials identified on the Oregon City Nuisance Plant list~~ shall any plant listed as a nuisance, invasive or problematic species on any regionally accepted plant list be used.

A. Tree Requirement. This requirement may be met using one or any combination of the three options below (Tree Preservation, Tree Planting, or Tree Fund). Table 17.14.080(A) identifies the minimum number of inches of tree diameter per lot that shall be preserved, planted or paid into the Tree Fund. Adjustments from this section are prohibited. The applicant shall submit a residential tree ~~yard landscaping~~ plan for Options (1) and (2) demonstrating compliance with the requirements of this section.

TABLE 17.14.080(A) - Tree Requirements

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

1. Tree preservation. The size of existing trees to be preserved shall be measured as Diameter at Breast Height (DBH).
   a. This standard shall be met using trees that are located on the lot ~~and trees that are located within public and private right-of-way shall not be used to meet this standard~~. When this option is used, a tree preservation plan is required.
   b. Trees to be preserved may be located anywhere on the lot, and shall be a minimum of two inches caliper DBH.
   c. Large Native or Heritage Tree Incentive. If a tree is preserved that is selected from the list in Table 17.14.080(A)(2)(c), the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080(A) above. For example, an Oregon White Oak with a ~~two~~ 2-inch caliper at DBH may count as a tree diameter of ~~four~~ 4 inches.

2. Tree planting. All planted trees shall measure a minimum ~~two~~ 2-inch caliper at ~~six~~ 6-inches above the root crown. When this option is used, a tree planting plan is required.
   ~~a. Trees planted pursuant to this section on R-6, R-8 and R-10 zoned lots shall include at least one tree in the front yard setback, unless it is demonstrated that it is not feasible due to site constraints.~~
   ~~a~~b. Trees ~~planted pursuant to this section on R-5 and R-3.5 zoned lots~~ may be planted anywhere on the lot as space permits.
   ~~b~~c. Large Native or Heritage Tree Incentive. If a tree is planted that is selected from the list in Table 17.14.080(A)(2)(c), the diameter of the tree may be doubled when demonstrating compliance with the minimum tree requirements indicated in Table 17.14.080(A) above. For example, an Oregon White Oak with a ~~two~~ 2-inch caliper at ~~six~~ 6 inches above the root crown may count as a tree diameter of ~~four~~ 4 inches.

TABLE 17.14.080(A)(2)(c) - Large Native and Heritage Tree List

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

3. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options identified above. The community development director may approve this option in-lieu-of or in addition to requirements 1. and/or 2. above. 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 large native or heritage tree incentive does not apply when using this option to calculate the number of required inches.
   a. The cash-in-lieu payment per tree shall utilize the adopted fee schedule when calculating the total tree fund payment.
   b. The amount to be paid to the tree fund shall be calculated by subtracting the total inches of trees preserved and planted per subsection 2. and 3. above from the minimum tree diameter inches required in Table 17.20.060(A), dividing the sum by two inches and multiplying the remainder by the adopted fee from the Oregon City fee schedule. For example:

Lot Size	a. Tree Requirement per Table 17.20.060(A) (inches)	b. Trees Preserved (inches)	c. Trees Planted (inches)	d. To be mitigated (inches) a.—b.—c.	Number of trees owed to tree fund. d./2" minimum caliper tree
10,000—14,999	10"	2"	4"	4"	2

~~B. Residential front yard landscaping requirements. The following minimum landscaping standards shall apply to residential uses in residential zones:~~

~~1. At a minimum, a three-gallon shrub or three-gallon accent plant shall be planted between the front property line and the front building line for every four linear feet of foundation.~~

~~2. On lots zoned R-5, R-6, R-8 and R-10, fifty percent of the area between the front lot line and the front building line shall be landscaped.~~

~~3. On lots zoned R-3.5, at least forty percent of the area between the front lot line and the front building line shall be landscaped.~~

~~4. At a minimum, the required landscaped area shall be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use or for use by pedestrians, such as walkways, play areas or patios.~~

~~5. A landscaping plan is required.~~

17.14.090 - Street trees.

All new single ~~or two~~-family dwellings and duplexes, or additions of ~~twenty-five~~ 25 percent or more of the existing square footage of the home (including the living space and garage(s)) shall install 1 ~~a~~ street tree in accordance with OCMC 12.08 if there is not at least one 1 street tree for every 35 feet of frontage ~~along the frontage of the site, within the abutting developed right-of-way. Existing trees may be used to meet this requirement. A picture of the planted tree shall be submitted to the planning division prior to issuance of occupancy. Upon approval by the Ccommunity Ddevelopment Ddirector, when a planter strip is not present, a tree may be placed within an easement on the abutting private property within ten feet of the public right-of-way if a covenant is recorded for the property with the Clackamas County Recorder's Office identifying the tree as a city street tree, subject to the standards in Chapter 12.08 of the Oregon City Municipal Code. The street tree shall be a minimum of two-inches in caliper and either selected from the Oregon City Street Tree List or approved by a certified arborist for the planting location~~.

~~17.14.010 - Designated.~~

~~This residential district is designed for single-family homes on lot sizes of approximately five thousand square feet.~~

~~17.14.020 - Permitted uses.~~

~~Permitted uses in the R-5 district are:~~

~~A. Single-family detached residential units;~~

~~B. Parks, playgrounds, playfields and community or neighborhood centers;~~

~~C. Home occupations;~~

~~D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);~~

~~E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;~~

~~F. Accessory uses, buildings and dwellings;~~

~~G. Family day care provider, subject to the provisions of Section 17.54.050;~~

~~H. Residential home per ORS 443.400;~~

~~I. Cottage housing;~~

~~J. Transportation facilities.~~

~~17.14.030 - Conditional uses.~~

~~The following conditional uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:~~

~~A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;~~

~~B. Bed and breakfast inns/boarding houses;~~

~~C. Cemeteries, crematories, mausoleums and columbariums;~~

~~D. Child care centers and nursery schools;~~

~~E. Emergency service facilities (police and fire), excluding correctional facilities;~~

~~F. Residential care facility;~~

~~G. Private and/or public educational or training facilities;~~

~~H. Public utilities, including sub-stations (such as buildings, plants and other structures);~~

~~I. Religious institutions;~~

~~J. Assisted living facilities; nursing homes and group homes for over fifteen patients.~~

~~17.14.035 - Prohibited uses.~~

~~Prohibited uses in the R-5 district are:~~

~~A. Any use not expressly listed in Section 17.14.020 or 17.14.030.~~

~~B. Marijuana businesses.~~

~~17.14.040 - Dimensional standards.~~

~~Dimensional standards in the R-5 district are:~~

~~A. Minimum lot areas, five thousand square feet;~~

~~B. Minimum lot width, thirty-five feet;~~

~~C. Minimum lot depth, seventy feet;~~

~~D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;~~

~~E. Minimum required setbacks:~~

~~1. Front yard, ten feet minimum setback,~~

~~2. Front porch, five feet minimum setback,~~

~~3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.~~

~~4. Interior side yard, seven feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,~~

~~5. Corner side yard, ten feet minimum setback,~~

~~6. Rear yard, twenty feet minimum setback,~~

~~7. Rear porch, fifteen feet minimum setback.~~

~~F. Garage standards: See Chapter 17.21—Residential Design Standards.~~

~~G. Maximum building coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of fifty percent of the lot area.~~

OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
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Oregon City Municipal Code

Chapter 17.16 Townhouse and 3-4 Plex Residential Design Standards

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.16.010 – Purpose.

~~Townhouses, or single-family attached residential units, provide a type of housing that includes many of the benefits of a single-family detached dwelling, such as fee simple ownership and private yard area, while also being a more affordable housing type for new homeowners and a more convenient housing type for households that do not require as much living space~~. The intention of these standards are to promote quality townhouse and 3-4 plex developments that include a private-to-public transition space between individual townhouses and the street, and that minimize the prominence of garages and off-street parking areas ~~on the front of townhouses~~ and are compatible with the surrounding neighborhood.

17.16.020 – Applicability.

~~A.~~ The standards of this chapter apply to single-family attached dwellings as well as 3-4 plexes on their own lot in any zone~~, where the dwelling shares a common wall across a side lot line with at least one other dwelling~~. ~~Townhouse development may take place on existing lots that meet the lot standards for townhouse lots or on land that has been divided to create new townhouse lots~~. The applications are processed as a Type I review.

17.16.030 - Townhouse design standards.

A. Dimensional standards in the zoning designation.~~for townhouses are in (Table 2).~~

B. ~~Individual t~~Townhouses ~~are subject to the design standards for single-family detached dwellings in OCMC 17.14, except for [Subsection] OCMC 17.14.050.B.~~ All main entrances shall open onto a covered porch that is at least sixty square feet with a minimum depth of five feet on the front or, in the case of a corner lot, the side of the home.

C. ~~In lieu of compliance with [Subsection] 17.14.050.B, t~~Townhouses shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the options below. ~~The entry may be either vertical or horizontal, as described below.~~

1. A ~~horizontal transition shall be a~~ covered porch at least sixty (60) square feet with a minimum depth of five (5) feet between the main entrance and the street.
2. ~~In lieu of a covered porch, a townhouse may substitute a vertical transition that shall be an U~~uncovered ~~flight of~~ stairs that lead~~s~~ to the front door or front porch of the dwelling. The stairs must rise at least 3 feet, and not more than 8 feet, from grade. ~~The flight of stairs may encroach into the required front yard to the same extent as a porch is permitted.~~

D. No more than six consecutive townhouses that share a common wall~~(s)~~ are allowed.

E. Driveway and access parking shall comply with 17.16.040.

F. Outdoor space and tree requirements shall comply with 17.16.050.

17.16.040 - Driveway access and parking.

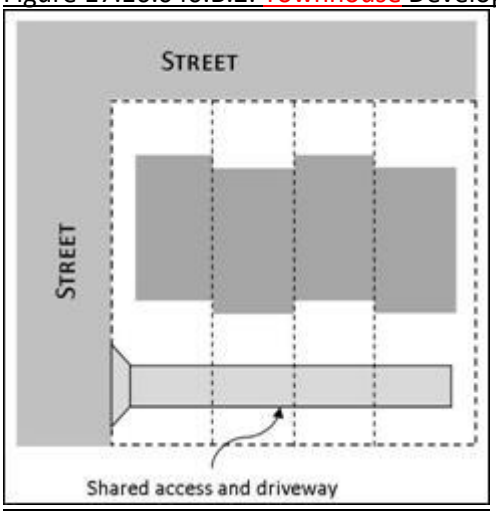
A. Garages on the front façade ~~of a townhouse~~, off-street parking areas in the front yard, and driveway accesses in front of a dwelling ~~townhouse~~ are only permitted in compliance with the following standards.

1. Each townhouse lot has a street frontage of at least 25 feet on a street identified as a Local Street in the Transportation System Plan;
2. Development of 2 townhouses shall have only 1 ~~one~~ shared access, development of 3 or 4 townhouses shall have a maximum of 2 ~~two~~ total accesses including at least 1 ~~one~~ shared access, or development of 5 or 6 townhouses shall have a maximum of 3 ~~three~~ total accesses including at least two shared accesses.
3. Outdoor on-site parking and maneuvering areas do not exceed 12 ft wide on any lot; and
4. The garage width does not exceed 12 ft, as measured from the inside of the garage door frame.

B. The following rules apply to driveways and parking areas for townhouse developments that do not meet all of the standards in ~~[Subsection]~~ OCMC 17.16.040.A.

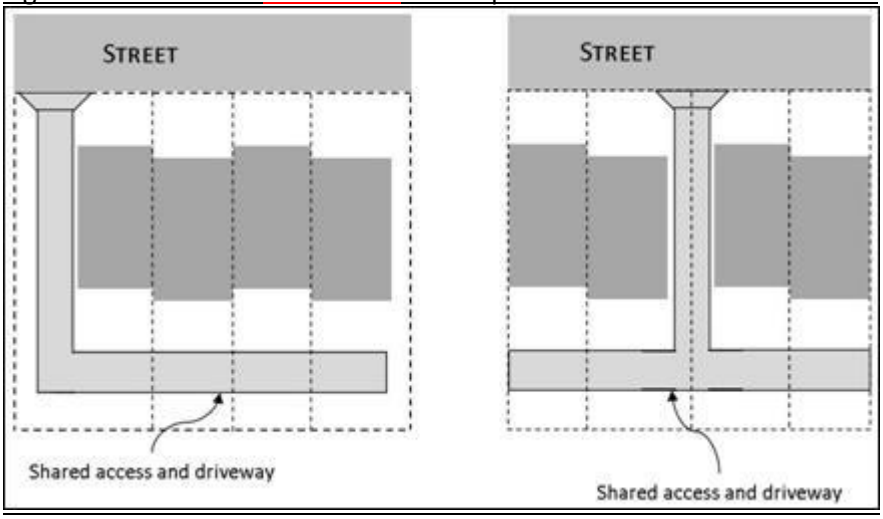
1. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard ~~of a townhouse~~.
2. ~~Townhouse D~~development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The City Engineer ~~Engineering Director~~ may alter this requirement based on street classifications, access spacing, or other provisions. See Figure 17.16.040.B.2.

Figure 17.16.040.B.2: ~~Townhouse~~ Development with Corner Lot Access



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

Figure 17.16.040.B.3: ~~Townhouse~~ Development with Consolidated Access



4. A ~~townhouse~~ development that includes consolidated access or shared driveways shall grant appropriate access easements to allow normal vehicular access and emergency access.

C. ~~Townhouses~~ Development served by a private or public alley providing access to the rear yard are exempt from compliance with Sections 17.16.040.A and 17.16.040.B.

17.16.050 – Outdoor space and tree requirements.

A. Every townhouse and 3-4 plex shall provide a minimum of 200 ~~two hundred~~ square feet of private outdoor living area including landscaping, porches, balconies and decks, to be located in the front, rear or side yard. Outdoor space may be split between front, rear and side yards provided that the spaces meet a minimum size of one hundred square feet and minimum dimension of ten feet, except for:

1. Balconies must be a minimum of 48 square feet with a minimum dimension of 5 ~~five~~ feet.
2. Front porches must meet the minimum requirements of section 17.14.030.C.1.

B. Residential lot tree requirements in 17.14.080 ~~Tree retention and planting requirements of section 17.14.080~~ shall apply to every townhouse at time of construction ~~single-family attached lots.~~

C. Street trees. ~~All new townhouse developments shall install street trees along the frontage of the site at a ratio of one street tree per two dwellings, within the abutting developed right-of-way. Existing trees may be used to meet this requirement. A picture of the planted tree shall be submitted to the planning division prior to issuance of occupancy. Upon approval by the community development director, when a planter strip is not present, a tree may be placed within an easement on the abutting private property within ten feet of the public right-of-way if a covenant is recorded for the property with the Clackamas County Recorders Office identifying the tree as a city street tree, subject to the standards in Chapter 12.08 of the Oregon City Municipal Code. The street tree shall be a minimum of two-inches in caliper and either selected from the Oregon City Street Tree List or approved by a certified arborist for the planting location.~~ All new townhouse and/or 3-4 plex or additions of twenty-five percent or more of the existing square footage of the home (including the living space and garage(s)) shall install 1 street tree in accordance with OCMC 12.08 if there is not at least one 1 street tree for every 35 feet of frontage.

17.16.060 – 3-4 plex development requirements.

A. 3-4 plexes shall meet one of the following design options:

1. Units that are horizontally attached shall meet the townhouse design standards of section 17.16.030 and 17.16.050.

2. 3-4 plexes ~~Units~~ that include any ~~are~~ vertically attached units shall meet the multifamily design standards of section 17.62.050.B and 17.16.050 ~~18.030 through section 17.18.100~~.

B. Parking and access. No off-street parking is required for 3-4 plexes. However, if off-street parking is provided, access and location shall comply with either the standards of Section 17.16.040 or the access and driveway standards of OCMC Section 12.04.025. For purposes of determining whether the site meets the requirements in subsection 17.16.040.A, total lot frontage divided by the number of units along the frontage must be at least 25 feet to qualify for driveways across the front yards; otherwise, the site shall meet the standards of subsection 17.16.040.B or C.

C. ~~Outdoor space. The applicant shall provide open space meeting the minimum requirements for subsection 17.16.050.A.~~ Outdoor space and tree requirements shall comply with 17.16.050.

~~D. Review required. Applications for a building permit for a 3-4 plex shall be made to the building official in accordance with the permit procedures established in OCMC Chapter 15.12 and shall demonstrate compliance with all applicable development standards.~~

OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
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Oregon City Municipal Code

Chapter 17.20 Accessory Dwelling Unit, Cluster Housing, Internal Conversions, Live/Work Units, ~~Manufactured Homes,~~ and Manufactured Home Parks ~~Residential~~ Design ~~and Landscaping~~ Standards

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.20.010 - Accessory dwelling units.

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

A. The purpose of allowing an ADU is to:
   1. Provide homeowners with a means of obtaining ~~through tenants in the ADU or the principal dwelling unit,~~ rental income, companionship, security, ~~and~~ services and flexibility in the use of their property as their household composition and needs evolve over time.
   2. Add affordable housing units to the existing housing inventory.
   3. Support more efficient use of existing housing stock and infrastructure by offering environmentally friendly housing choices. ~~Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.~~
   4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle, that responds to changing family needs, smaller households, and increasing housing costs.
   5. Create new housing units while respecting the look and scale of single-family neighborhoods. ~~Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Section.~~

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

C. Eligibility.
   1. One ADU is allowed per single-family detached residential unit. ADUs are not permitted with any housing units developed under the provisions of the Cluster Housing ~~standards in [Section] OCMC 17.20.020~~.
   2. ADUs may be added to any existing single-family detached residential unit or constructed simultaneously with any new single-family detached residential unit.

3. ADUs are exempt from the density limits of the underlying zone.

~~4. ADUs are a dwelling unit and may be occupied by a family as defined in [Chapter] 17.04 separate from the family occupying the principal dwelling.~~

~~B.~~ D. Design Standards ~~and Criteria~~.

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

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
2. Setbacks.
   a. For attached ADUs, any additions to the existing dwelling unit shall not encroach into the ~~existing~~ minimum setbacks in the underlying zone. However, access structures (e.g. stairs or ramps) may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.
   b. For detached ADUs, structures shall be located behind the front building line of the principal dwelling and shall meet all other rear and side yard setbacks for the underlying zone. Legally nonconforming detached structures that are converted into detached ADUs are exempt from this requirement, provided that the pre-existing structure slated for conversion into a detached ADU complies with ~~does not encroach any farther into~~ the existing setbacks.
3. Height. The height of a detached ADU shall not exceed the greater of the height of the principal dwelling unit or 20 feet.
4. Size. The gross floor area of an ADU shall not be more than 800 square feet or 60 percent of the gross floor area of the principal dwelling unit, whichever is less.

5. Lot Coverage. The ADU shall comply with the lot coverage of the zoning designation.

~~3. The ADU may be attached to, or detached from, the principal dwelling unit.~~

~~4. Only one ADU may be created per lot or parcel.~~

~~5. The installation of an ADU shall be allowed in single-family zones subject to the specific development, design, and owner-occupancy standards in this section. ADUs are not permitted on the same lot as a nonconforming use.~~

~~6. The ADU shall not exceed the height of the principal dwelling unit.~~

~~7. The property owner, which shall include title holders and contract purchasers, must occupy either the principal dwelling unit or the ADU as their permanent residence, for at least seven months out of the year, and at no time receive rent for the owner-occupied unit.~~

~~8. In no case shall an ADU:~~

~~a. Be more than forty percent of the principal dwelling unit's total floor area; nor~~

~~b. Be more than eight hundred square feet; nor~~

~~c. Be less than three hundred square feet; nor~~

~~d. Have more than two sleeping areas.~~

~~9. Detached ADUs:~~

~~a. Shall comply with the requirements OCMC Chapter 17.54.010 — Accessory Buildings and Uses including building footprint, height, placement, exterior building materials, etc.~~

~~b. In the historic overlay district pursuant to OCMC Chapter 17.40, shall be subject to the Design Guidelines for New Construction in Historic Districts.~~

~~10.~~ 6~~5~~. Design. The ADU shall be compatible with the principal dwelling unit, specifically in:

a. Exterior finish materials.

~~1. The exterior finish material must be the same as the principal dwelling unit; or~~

~~2. Visually match in type, size and placement the exterior finish material of the principal dwelling unit.~~ The exterior finish material must be the same in type, size and placement.

b. ~~Trim must be the same in type, size, and location as the trim used on the principal dwelling unit.~~ All windows shall include the same in trim type, and size. The size of the trim must be a minimum of 2 inches in width.

~~c~~. ~~Windows must match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).~~

~~cd~~. Eaves must project from the building walls at the same ~~proportion~~ distance as the eaves on the principal dwelling unit.

~~11.~~ ~~76~~. Parking. No off-street parking is required for an ADU. If off-street parking is provided, it shall meet the access and driveway standards of ~~of~~ OCMC Section 12.04.025 and OCMC Section 16.12.035 for a single or two-family dwelling.

~~a. Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site.~~

~~b. The following parking requirements apply to accessory dwelling units.~~

~~1. No additional parking space is required for the accessory dwelling unit if it is created on a site with a principal dwelling unit and the roadway for at least one abutting street is at least twenty-eight feet wide.~~

~~2. One additional parking space is required for the accessory dwelling unit as follows:~~

~~i. When none of the roadways in abutting streets are at least twenty-eight feet wide; or~~

~~ii. When the accessory dwelling unit is created at the same time as the principal dwelling unit.~~

~~C.~~ E. Application Procedure. Applications are processed as a Type I review.

~~1~~. ~~Application for a building permit for an ADU shall be made to the building official in accordance with the permit procedures established in OCMC Chapter 15.12., and shall include:~~

~~2. ADUs within the Historic Overlay District shall comply with all requirements of OCMC Chapter 17.40, and may require additional review.~~

~~1. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, for seven months out of each year.~~

~~2. The registration application or other forms as required by the building official shall be filed as a deed restriction with Clackamas County Records Division to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.~~

~~3. The building official shall report annually to the community development director on ADU registration with the number of units and distribution throughout the city.~~

~~4. Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the building official for recording at the Clackamas County Records Division, or may occur as a result of enforcement action.~~

17.20.020 – Cluster ~~Cottage~~ Housing

A. Applicability.

These guidelines apply to all cluster ~~cottage~~ developments in any applicable zone within the city. ~~Cottages are considered multi-family development and~~ Cluster developments ~~-~~are subject to all the applicable sections of OCMC 17.62. Site Plan and Design Review and OCMC 17.52 Off Street Parking and Loading. ~~However, this section replaces OCMC 17.62.057—Multifamily.~~ The proposed development shall be processed under the Type II Land Use process and shall remain one lot, or may be proposed concurrent with a land division under OCMC Title 16 to create units on individual lots. Where there is a conflict between these standards and the standards in other chapters, the Cluster ~~Cottage~~ Housing standards shall apply.

B. Intent.

1. To provide a variety of housing types that responds ~~-~~ to changing household sizes and ages, including but not limited to ~~(e.g. -~~retirees, small families, and single-person households~~)~~.
2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units. ~~including bulk and mass of cottage structures and cottage housing developments, remain smaller and incur less visual impact than standard sized single-family dwellings, particularly given the allowed intensity of cottage dwellings.~~
4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster ~~cottage~~ housing developments.
5. ~~To provide private area around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.~~
6. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster ~~cottage~~ housing development as well as adjacent properties, ~~and to maintain a single-family character along public streets~~.

C. Density Standards ~~Bonus~~.

1. For developments in, R-6, R-8 and R-10 zoning districts: ~~The city shall allow~~ Maximum density shall be ~~up to~~ two dwelling ~~cottage~~ units for each regular dwelling unit allowed under existing standards in applicable zoning districts.
2. For developments in the R-3.5 and R-5 zoning district: ~~The city shall allow~~ Maximum density shall be ~~up to~~ 1.5 dwelling ~~cottage~~ units for each regular dwelling unit allowed under existing standards in the applicable zoning district.
3. For development in the R-2 zoning district: Maximum density shall be the same as allowed under the existing standards in the applicable zoning district.
4. Minimum density in all zones shall be the same as allowed under the existing standards in the applicable zoning district. ~~At no time shall the proposed project fall below the minimum required density of the underlying district.~~

D. Dimensional Standards For Cluster ~~Cottage~~ Housing.

Dimensional Standards for Cluster ~~Cottage~~ Housing

Standard Requirements.

1. Maximum average gross floor area ~~eight hundred~~ 1,000 square feet per dwelling unit.
2. Maximum gross floor area ~~one thousand five two hundred~~ 1,500 square feet per dwelling unit.
3. ~~Minimum gross floor area six hundred square feet per dwelling.~~
4. ~~Maximum footprint seven hundred square feet per ground floor dwelling.~~
5. ~~Maximum accessory building footprint for parking or community use six hundred square feet.~~

~~5. Maximum accessory building gross floor area for parking or community use eight hundred square feet.~~

~~2. Minimum common space four hundred square feet per dwelling.~~

~~7. Minimum private open space two hundred square feet per dwelling.~~

~~3~~2. Maximum height ~~twenty-five~~ 25 feet.

~~4~~3. Minimum setbacks from site perimeter ~~to exterior property lines~~: same as the underlying zone.

~~5~~4. Minimum setbacks for single-family and duplex dwellings on individual lots:

a. 10 feet front, porch may project 5 feet into setback

b. 5 feet rear

c. 5 feet side, except 0 feet for attached dwellings

~~6~~5. Setbacks for accessory buildings shall comply with OCMC 17.54.010.

~~7~~6. Maximum building coverage: same as the underlying zone.

~~8~~7. Minimum distance separating dwelling units (excluding attached dwellings and accessory structures) 10 feet.

~~9~~8. Minimum roof slope of all structures ~~6:12~~ 4:12.

~~14. Minimum parking spaces one and one-half space per dwelling.~~

~~10~~9. Clustered developments shall contain a minimum of 4 ~~four~~ and a maximum of ~~twelve~~ 12 dwelling ~~cottage housing~~ units located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one group.

~~1~~10. Minimum Lot size 10,000 square feet for a cluster developed on a single lot, except minimum lot size of 8,000 square feet in the R-2 zone. Minimum lot size for individual lots is 3,500 square feet in the R-10 zone, 3,000 square feet in the R-8 zone, 2,500 square feet in the R-6 zone, 2,000 square feet in the R-5 and R-3.5 zones, and 1,500 square feet in the R-2 zone. Cluster developments shall not utilize lot size reductions through the land division process.

12~~1~~. Minimum lot width for individual lots 20 feet, with a minimum lot depth 50 feet.

13~~2~~. ~~Flag lL~~Lots for individual units are permitted provided that a shared joint accessway is provided in accordance with section 16.08.050 A-F, as applicable and all other standards of this section are met.

~~17. The total square footage of a cottage dwelling unit may not be increased. A deed restriction shall be placed on the title to the property for purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or the duration of the city cottage housing regulations.~~

E. ~~Cottage~~ Open Space Design Standards:

1. The required minimum open space is 400 ~~four hundred~~ square feet per dwelling, which may be a combination of common and private open space provided that a minimum of 50 percent of the required space is provided as common open space.

2. Common open space requirements for cluster ~~cottage~~ developments:

a. A minimum of 25 percent of the total required open space, or 100 square feet per dwelling, shall be provided in a single compact, contiguous, central open space that:

i. Has a minimum dimension of twenty feet.

ii. Abuts at least 50 ~~fifty~~ percent of the dwellings ~~cottages~~ in a cluster ~~cottage~~ housing development.

iii. Has dwellings ~~cottages~~ abutting on at least two sides ~~of the common open space~~.

b. Dwellings ~~Cottages~~ abutting the common open space shall be oriented around and have an entry facing the common open space.

~~d. Cottages shall be within sixty feet walking distance of the common open space.~~

~~e. Shall be at least twenty feet in width.~~

c. The common open space shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, ~~up to twenty-five percent of the required common open space may be utilized through~~ or a community building built for the sole use of the cluster ~~cottage~~ housing residents. Impervious elements of the common open space, excluding community buildings, shall not exceed 30 percent of the total open space.

~~d. The applicant shall implement a mechanism, acceptable to the community development director to ensure the continued care and maintenance of the common areas. A typical example would be creation of a management, home owner's association or condominium association with authority and funding necessary to maintain the common areas.~~

2. ~~Required~~ If private open space is provided for ~~cottage~~ dwelling units, it shall be located on the same lot as each dwelling unit or adjacent to each dwelling unit. Private open space may include landscaping, porches and decks. The minimum dimension for private open spaces shall be ten feet, except that porches meeting the provisions of OCMC ~~[Subsection]~~ 17.20.020.F may be counted towards the requirement and shall have a minimum dimension of 5 ~~five~~ feet. ~~and for the exclusive use of the cottage resident(s). The private space shall be a minimum of two hundred square feet and shall be:~~

~~a. Usable (not on a steep slope).~~

~~b. Oriented toward the common open space as much as possible.~~

~~c. No dimension less than ten feet.~~

3. Alternative open space configurations may be permitted by the community development director provided they ~~present a hierarchy of~~ incorporate usable semi-private and/or public open spaces that meet the intent of the guidelines.

F. Porches and covered entry standards for dwellings ~~cottages~~:

1. Every dwelling unit must have at least one exterior entrance.
2. Residential ~~Cottage~~ facades facing the common open space, common pathway, or street shall feature a roofed porch at least 60 ~~sixty~~ square feet in size with a minimum dimension of ~~six~~ 5 ~~five~~ feet. The front porch shall be covered ~~and must be a minimum of eighteen inches above average grade and contain railings~~.
3. *Exemption:* House styles that do not contain porches or require a reduction in the size of the porch or its location may request an exemption from the C~~c~~ommunity D~~d~~evelopment D~~d~~irector from (~~a~~2) above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded, recessed or enlarged front door, canopy or other ~~articulated~~ entrances projecting from the main building facade, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.

~~G. Architectural Styles. Structures shall be consistent with historic architectural styles. Approved architectural styles include Western Farmhouse/Vernacular, Bungalow and Queen Anne Vernacular. Examples and architectural descriptions of Oregon City historic single-family residential styles can be found in the 2006 Historic Review Board's Design Guidelines for New Construction. An alternate architectural style may be approved by the community development director if it meets the intent of this chapter.~~

G. Dwelling Types.

1. In the R-10, R-8 and R-6 zones~~, single-family~~ detached, ~~single-family attached~~ and groups of up to ~~two~~ 2 units attached together ~~units,~~ and duplex dwelling units are permitted in a cluster housing development.

2. In the R-5 and R-3.5 zones~~, single-family~~ detached, and groups of~~, single-family attached~~ up to four units attached together ~~units~~, duplexes,~~-~~and multiplex residential dwelling units are permitted in a cluster housing development.
3. In the R-2 zone~~, single-family~~ detached, groups of ~~single family attached~~ up to six units attached together, duplexes, multiplex residential, and multifamily residential dwelling units are permitted in a cluster housing development.
4. Accessory dwelling units are not permitted as part of a cluster housing development.

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

1. Each of the types of details listed below are worth one point unless otherwise noted. Dwelling units must achieve the equivalent of 5 ~~five~~ points worth of architectural details on front and corner side façades and 2 ~~two~~ points worth of architectural details on rear and side façades. For multiple attached dwelling units, each unit must achieve the equivalent of 5 ~~five~~ points worth of architectural details though details may be shared with attached units, e.g. a paint scheme for the entire building would be counted as a detail for each unit within it.
   a. Stonework detailing on columns or across foundation.
   b. Brick or stonework covering more than ten percent of the facade.
   c. Wood, cladded wood, or fiberglass windows covering more than 10 ~~ten~~ percent of the façade. ~~on all four elevations of the building. *(Two points)*.~~
   d. All windows include a minimum of 4 ~~four~~-inch trim.
   e. Decorative roofline elements including roof brackets or multiple dormers.
   f. Decorative porch elements including scrolls, or brackets, or railings.
   g. Decorative shingle designs.
   h. Decorative paint schemes (3 ~~three~~ or more colors).
   i. Other architectural detailing may be approved by the by the community development director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.
2. Approved siding materials.
   a. Brick.
   b. Basalt stone or basalt veneer.
   c. Narrow horizontal wood or composite siding (5 ~~five~~ inches wide or less); wider siding may be considered where there is a historic precedent.
   d. Board and baton siding solely as an accent element unless the design has historic precedent and is approved by the community development director through the exemption process.
3. Other materials may be approve by the Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

~~I. Windows.~~

~~1. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width.~~
~~2. Windows on corner lots must provide an average of one window every fifteen feet of linear elevation on each floor of the side elevation.~~

J. ~~Cottage~~ Parking shall be:

1. Provided at a ratio of 1 ~~one~~ parking space per dwelling unit.
1. Parking plan may include shared parking or on-street spaces as allowed by OCMC 17.52.020.B. ~~Located on the same property as the cottage development.~~
2. Screened from public streets and adjacent residential uses by landscaping or architectural screening in compliance with OCMC 17.52.060.

3. Located in clusters of not more than 5 ~~five~~ adjoining spaces (except where parking areas are adjacent to an alley).
4. Parking spaces are prohibited in the front, interior or and side yard setback areas. Drive aisles and access driveways may be allowed in the side or rear yard setback.
5. A pitched roof design is required for all detached parking structures. Detached parking structures/garages shall be 600 ~~six hundred~~ square feet or less and are not counted as part of the gross floor area of the dwellings ~~cottage~~.
6. Garages may be attached to individual dwellings ~~cottages~~ provided all other design standards have been met and the footprint of the ground floor, including the garage, is included as part of the gross floor area calculations. Such garages shall be located away from common open spaces, shall not gain access off a public street and shall have garage doors of ~~ten (~~10~~)~~ feet or less in width and be architecturally subordinate to the dwelling ~~cottage~~. ~~No accessory dwelling units (ADU) are allowed within a cottage housing development.~~

K. Fences.

1. All fences outside of the setbacks shall be no more than 36 ~~thirty-six~~ inches in height.
2. Fences within the setbacks shall comply with OCMC 17.54.100.
3. Chain link fences shall not be allowed.

L. Existing Dwelling Unit Onsite.

One existing single-family home incorporated into a Cluster ~~Cottage~~ Housing Development that does not meet the requirements of this chapter is permitted to remain on a site developed for cluster ~~cottage~~ housing and shall be considered a dwelling in the development. The size of the existing single family dwelling unit may be over the ~~one thousand two hundred~~ square foot maximum and~~. The existing dwelling unit~~ shall not be part of the average gross floor area calculations. Modifications or additions to the existing dwelling unit not consistent with the provisions of this chapter shall not be permitted.

17.20.030 - Internal Conversions

A. Purpose. Internal conversions provide opportunities to adaptively reuse existing dwellings in a manner that preserves existing residences, adds additional dwelling units, maintains building scale and design compatible with surrounding neighborhoods, and makes efficient use of existing housing and infrastructure resources.

B. Eligibility. Single-family detached dwellings constructed at least 20 years prior to application for an internal conversion are eligible for internal conversions.

c. Units Created. An internal conversion may create multiple dwelling units within an existing residence at a maximum ratio of 1 ~~one~~ dwelling unit for each 2,500 square feet of site area, up to a maximum of 4 ~~four~~ units. An internal conversion may be located on the same property as an ADU, provided that the total number of dwelling units, including all internally converted units and ADUs, shall not exceed 4 ~~four~~ and shall not exceed the maximum ratio of 1 ~~one~~ dwelling unit per 2,500 square feet of site area. The internal conversion shall not be subject to the density standards for the underlying zone in which it is located.

D. Size. Limited expansion of the existing single-family detached dwelling is permitted as part of an internal conversion. Total expanded square footage shall not exceed 800 square feet or 60 percent of the gross floor area of the existing dwelling unit, whichever is less. This maximum expansion size shall apply to the cumulative effects of any expansions completed within 2 ~~two~~ years before or after the internal conversion is completed.

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

F. Design.

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

b. Only 1 ~~one~~ entrance may be located on the primary street-facing facade~~, unless the dwelling contained additional entrances before the internal conversion was completed~~.

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

G. Parking. No off-street parking is required for units created through an internal conversion. However, if off-street parking is provided, it shall meet the access and driveway standards of OCMC Section 12.04.025 and OCMC Section 16.12.035 for a single or two-family dwelling.

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

~~1. Application for a building permit for an internal conversion shall be made to the building official in accordance with the permit procedures established in OCMC Chapter 15.12.~~

~~2. Projects within the Historic Overlay District shall comply with all requirements of OCMC Chapter 17.40, and may require additional review.~~

17.20.040 - Live/work units~~.~~

Live/work units provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work units. Live/work units shall be reviewed through ~~that conform to the standards will be approved as~~ a Type II decision ~~and a live/work permit will be granted for the property~~. For all zones where live/work units are permitted, the following standards shall apply. ~~Conditions of approval may be implemented to ensure compliance with the standards through a Type II process~~.

A. The ground floor business shall provide visibility, signage and access from the primary street. The building in which the live/work ~~dwelling~~ unit is located shall architecturally differentiate the ground floor commercial/office space from the rest of the building by meeting the following requirements:

1. The main front elevation shall provide at least 50 ~~fifty~~ percent transparency at the pedestrian level through the use of a storefront window system. The transparency is measured in lineal fashion (for example, a 25 ~~twenty-five~~-foot long building elevation shall have at least 12.5 ~~twelve and one-half~~ feet (50 ~~fifty~~ percent of 25 ~~twenty-five~~ feet) of transparency in length).
2. Windows shall begin 13 ~~thirteen~~ to 30 ~~thirty~~ inches above the sidewalk rather than continue down to street level. Large single paned windows over 10 ~~ten~~ feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.
3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building façades. Exceptions to this prohibition may be granted for LEED certified buildings when documented as part of the application and requested as part of the land use application.

B. A live/work ~~dwelling~~ unit welling is allowed instead of, or in addition to, a home occupation as defined by OCMC Chapter 17.04. The business portion of the dwelling shall be limited to the ground floor and may not exceed 50 ~~fifty~~ percent of the square footage of the entire dwelling, excluding the garage, or 1,000 ~~one thousand~~ square feet, whichever is the smaller number.

C. The primary entrance to the business must be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access

cannot be provided, an alternative parking and refuse and recycling service plan may be approved by the ~~C~~community ~~D~~development ~~D~~director if it meets the intent of the standards.

D. The applicant must show that there is adequate on street or off-street parking for the proposed use. One parking space is required for every 500 ~~five hundred~~ square feet of commercial, personal service, or office use or a portion thereof. For example, 700 ~~seven hundred~~ square feet of commercial use requires 2 ~~two~~ parking spaces. Adequate parking can be shown by meeting one of the following:
   1. Shared Parking. Required parking may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and that the shared parking facility is within 1,000 ~~one thousand~~ feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
   2. On-Street Parking. On-street parking dimensions for live/work units shall conform to the standards set forth in OCMC ~~Section~~ 17.52.010.C.
   3. Onsite Parking. Parking spaces are provided onsite and meet the requirements of OCMC Chapter 17.52—Off-~~S~~street Parking and Loading.

E. The number of employees permitted onsite for employment purposes shall be limited to five persons at one time.

F. All live/work ~~dwelling~~ units shall be subject to ongoing compliance with the following performance standards: ~~The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat (if applicable) and a deed restriction shall be placed on all units describing the restrictions placed upon these units. These include, but are not limited to, the following:~~
   1. The work use shall not generate noise exceeding 55 ~~fifty-five~~ decibel level as measured at the lot line of the lot containing the live/work ~~dwelling~~ unit.
   2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building ~~and can be set out no more than four hours before the solid waste pickup~~.
   3. No dust or noxious odor shall be evident off the premises.
   4. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before 7 ~~seven~~ a.m. or after 8 ~~eight~~ p.m.

17.20.0~~6~~50 - Manufactured Home Park

A. Purpose. Manufactured home parks provide locational opportunities for manufactured dwellings, to support a variety of affordable housing options. These manufactured home park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.

B. Review Required.
   1. New manufactured home parks shall be subject to a Type III Land Use Review.
   2. Modifications of existing manufactured home parks shall be subject to a Type II Land Use Review.
   3. Applications for new or modified manufactured home parks shall include a site plan drawn to scale of the specific layout of the entire park. The site plan shall include both the dimensions and the existing and proposed locations of all utilities, roadways, structures, parking,

landscaping and open areas, and manufactured home spaces on the site. In addition, the location of structures on adjacent properties shall be shown.

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

1. The minimum size of a manufactured home park shall be 2 ~~two~~ acres.
2. The number of units allowed in the manufactured home park shall be subject to the density requirements of the underlying zone after area used for public and private streets and access drives has been deducted.
3. A minimum setback of 15 feet is required around the outer boundary of the manufactured home park. Exterior boundaries of the park shall be screened to a height of 6 feet by a sight-obscuring solid wall, fence, or evergreen or other suitable hedge planting, exclusive of required openings, except where height is limited pursuant to OCMC 17.54.100. Chain link fences are prohibited unless screened with vegetation.
4. Each manufactured home or accessory structure shall maintain a minimum 10-foot setback from the private street and the nearest point of the unit or accessory structure. If the manufactured dwelling space is on the side of a private street bounded by a sidewalk, the unit or accessory structure shall be set back 10 ft from the sidewalk. Each unit or accessory structure shall be separated from any unit or accessory structure on an adjacent space by a minimum of 15 ft.
5. A minimum of 15% of the gross site area shall be reserved for common open space for the use of all residents. Open space requirements may include up to 100 square feet per unit of indoor facilities. Outdoor open space areas should be suitably landscaped pursuant to the following standards: A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than 500 square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within 2 ~~two~~ feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.
6. A manufactured home park shall have an entrance drive from a public street. Access to individual units shall be from private streets within the site which have a minimum width of 24 feet of paving from curb to curb. A paved sidewalk shall be provided along at least one side of each private street in the park and shall be a minimum of 4 feet in width. Parking shall be permitted on one side of those private streets constructed with a minimum width of 30 feet of paving.
7. Off-street parking. An onsite paved parking area shall be provided for each manufactured home, either within the park or adjacent to each unit.
8. Except for a structure which conforms to the State definition of a manufactured dwelling accessory structure, no other extension shall be attached to a manufactured dwelling, except a garage or carport constructed to the specifications of the Oregon State Structural Specialty Code.
9. Standards of the underlying zone also apply except where otherwise provided for in this subsection.

D. In addition to conformance with these standards, all parks shall comply with the manufactured dwelling park and mobile home park rules adopted by OAR 918-600-0005 through 918-600-0095, as amended.

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.24 NC Neighborhood Commercial District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.24.010 - Designated.

The Neighborhood Commercial District is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a site plan and design review application pursuant to OCMC 17.62 is required.

17.24.020 - Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District:

A. Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter.

B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet.

C. Live/work units, pursuant to Section 17.54.105—Live/work units.

D. Multi-family, 3-4 plex, single-family attached or two-family residential, when proposed along with any nonresidential allowed use in the NC district in a single development application and not exceeding fifty percent of the total building square feet in said application.

E. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

17.24.025 - Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in Chapter 17.56:

A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet.

B. Emergency and ambulance services;

C. Drive-thru facilities;

D. Outdoor markets that are operated before six p.m. on weekdays;

E. Public utilities and services such as pump stations and sub-stations;

F. Religious institutions;

G. Public and or private educational or training facilities;

H. Gas stations;

I. Hotels and motels, commercial lodging;

J. Vet clinic or pet hospital.

17.24.035 - Prohibited uses.

The following uses are prohibited in the NC District:

A. Distributing, wholesaling and warehousing;

B. Outdoor storage;

C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;

D. Hospitals;

E. Kennels;

F. Motor vehicle sales and incidental service;

G. Motor vehicle repair and service;

H. Self-service storage facilities;

I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

J. Marijuana production, processing, wholesaling, research, testing, and laboratories.

K. ~~Transitional~~ Shelter~~s~~

L. Outdoor Mobile Food Carts or Vendors, except with a special event permit.

17.24.040 - Dimensional standards.

Dimensional standards in the NC district are:

A. Maximum building height: Forty feet or three stories, whichever is less.

B. Maximum building footprint: Ten thousand square feet.

C. Minimum required setbacks if not abutting a residential zone: None.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one foot additional yard setback for every one foot of building height over thirty-five feet.

E. Maximum Allowed Setback.

1. Front yard setback: Five feet (may be extended with Site Plan and Design Review, Section 17.62.055).

2. Interior yard setback: None.

3. Corner side yard setback abutting a street: Thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.

4. Rear yard setback: None.

F. Standards for residential uses: Residential uses shall meet the minimum density standards for the R-3.5 district, except that no minimum density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work units. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-3.5 zone for the proposed residential use type.

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Chapter 17.26 HC Historic Commercial District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.26.010 - Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director.

17.26.020 - Permitted uses.

A. Residential units, single-family detached.
B. Residential units, duplex.
C. Accessory uses, buildings and dwellings.
D. Banquet, conference facilities and meeting rooms;
E. Bed and breakfast and other lodging facilities for up to ten guests per night;
F. Child care centers and/or nursery schools;
G. Indoor entertainment centers and arcades;
H. Health and fitness clubs;
I. Medical and dental clinics, outpatient; infirmary services;
J. Museums, libraries and cultural facilities;
K. Offices, including finance, insurance, real estate and government;
L. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
M. Postal services;
N. Parks, playgrounds, play fields and community or neighborhood centers;

O. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;

P. Residential units, multi-family and 3-4 plex;

Q. Restaurants, eating and drinking establishments without a drive through;

R. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;

S. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana pursuant to Section 17.54.110, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;

T. Seasonal sales, subject to OCMC Section 17.54.060;

U. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

V. Studios and galleries, including dance, art, photography, music and other arts;

W. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

X. Veterinary clinics or pet hospitals, pet day care;

Y. Home occupations;

Z. Research and development activities;

AA. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

BB. Residential care facility licensed by the state;

CC. Transportation facilities;

DD. Live/work units, pursuant to Section 17.20.040—Live/work units.

EE. Parking not in conjunction with a primary use when the primary use parking is not needed on private property;

FF. Hotels and motels, commercial lodging;

~~A. Uses permitted in the MUC-1 Mixed-Use Corridor District.~~

~~B. Residential units, single-family detached.~~

~~C. Residential units, duplex.~~

~~D. Accessory uses, buildings and dwellings.~~

17.26.030 - Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

~~A. Conditional uses listed in the MUC Mixed-Use Corridor District.~~

A. Ancillary drive-in or drive-through facilities;

B. Emergency service facilities (police and fire), excluding correctional facilities;

C. Gas stations;

D. Outdoor markets that do not meet the criteria of Section 17.29.020.I.;

E. Public utilities and services including sub-stations (such as buildings, plants and other structures);

F. Public and/or private educational or training facilities;

G. Religious institutions;

H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;

J. Hospitals;

K. Parking not in conjunction with a primary use on private property;

L. Passenger terminals.

17.26.035 - Prohibited uses.

A. Single-family attached dwellings.

B. Marijuana businesses.

C. ~~Transitional s~~Shelters

D. Outdoor Mobile Food Carts or Vendors, except with a special event permit.

17.26.040 - Historic building preservation.

Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district or are in Oregon City's inventory of Historic Buildings) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the planning commission that no economically feasible return can be gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the planning commission may grant an exception to the historic building preservation policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the historic building preservation policy in other structures in the area. The planning commission may condition the grant of any such

application to these ends. The members of the historic review board shall be notified of the application and may request a delay in the decision or the planning commission, of its own volition, may delay a decision on such an application subject to consideration by the historic review board as provided in Chapter 17.40.

17.26.050 - Dimensional standards.

A. Residential unit, single-family detached:

1. Dimensional standards required for the R-6 Single-Family Dwelling District.

B. All other uses:

1. Minimum lot area: None.
2. Maximum building height: Thirty-five feet or three stories, whichever is less.
3. Minimum required setbacks if not abutting a residential zone: None.
4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
6. Maximum front yard setback: Five feet (May be extended with Site Plan and Design Review Section 17.62.055).
7. Maximum interior side yard: None.
8. Maximum rear yard: None.
9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
10. Any new duplex lots shall meet the minimum lot size, minimum and maximum density, and setbacks for duplexes in the R-3.5 zone.

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Chapter 17.29 MUC Mixed Use Corridor District

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17.29.010 - Designated.

The Mixed-Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street and Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

17.29.020 - Permitted uses—MUC-1 and MUC-2.

A. Banquet, conference facilities and meeting rooms;

B. Bed and breakfast and other lodging facilities for up to ten guests per night;

C. Child care centers and/or nursery schools;

D. Indoor entertainment centers and arcades;

E. Health and fitness clubs;

F. Medical and dental clinics, outpatient; infirmary services;

G. Museums, libraries and cultural facilities;

H. Offices, including finance, insurance, real estate and government;

I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;

J. Postal services;

K. Parks, playgrounds, play fields and community or neighborhood centers;

L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;

M. Residential units, multi-family and 3-4 plex;

N. Restaurants, eating and drinking establishments without a drive through;

O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;

P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana pursuant to Section 17.54.110, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;

Q. Seasonal sales, subject to OCMC Section 17.54.060;

R. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

S. Studios and galleries, including dance, art, photography, music and other arts;

T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

U. Veterinary clinics or pet hospitals, pet day care;

V. Home occupations;

W. Research and development activities;

X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

Y. Residential care facility licensed by the state;

Z. Transportation facilities;

AA. Live/work units, pursuant to Section 17.20.040~~17.54.105~~—Live/work units.

AB. ~~Transitional s~~Shelter

AC. Parking not in conjunction with a primary use when the primary use parking is not needed on private property;

AD. Hotels and motels, commercial lodging;

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

A. Ancillary drive-in or drive-through facilities;

B. Emergency service facilities (police and fire), excluding correctional facilities;

C. Gas stations;

D. Outdoor markets that do not meet the criteria of Section 17.29.020H.;

E. Public utilities and services including sub-stations (such as buildings, plants and other structures);

F. Public and/or private educational or training facilities;

G. Religious institutions;

H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;

~~I. Hotels and motels, commercial lodging;~~

J. Hospitals;

K. Parking ~~structures and lots~~ not in conjunction with a primary use on private property;

L. Passenger terminals ~~(water, auto, bus, train)~~.

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

A. Distributing, wholesaling and warehousing;

B. Outdoor storage;

C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;

D. Correctional facilities;

E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);

F. Kennels;

G. Motor vehicle and recreational vehicle sales and incidental service;

H. Motor vehicle and recreational vehicle repair/service;

I. Self-service storage facilities.

J. Marijuana production, processing, wholesaling, research, testing, and laboratories, pursuant to Section 17.54.110.

K. Outdoor Mobile Food Carts or Vendors, except with a special event permit.

17.29.050 - Dimensional standards—MUC-1.

A. Minimum lot areas: None.

B. Maximum building height: Forty feet or three stories, whichever is less.

C. Minimum required setbacks if not abutting a residential zone: None.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.

E. Maximum allowed setbacks.

1. Front yard: Five feet (may be extended with Site Plan and Design Review (Section 17.62.055).

2. Interior side yard: None.

3. Corner side setback abutting street: Thirty feet provided the Site Plan and Design Review requirements of Section 17.62.055 are met.

4. Rear yard: None.

F. Maximum lot coverage of the building and parking lot: Eighty percent.

G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

H. Residential density minimum of 17.4 units per net developable acre, except that no minimum density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work units.

17.29.060 - Dimensional standards—MUC-2.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.25.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

D. Maximum building height: Sixty feet.

E. Minimum required setbacks if not abutting a residential zone: None.

F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.

G. Maximum Allowed Setbacks.

1. Front yard: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).

2. Interior side yard: None.

3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

4. Rear yard: None.

H. Maximum site coverage of building and parking lot: Ninety percent.

I. Minimum landscaping requirement (including parking lot): Ten percent.

J. Residential density minimum of 17.4 units per net developable acre, except that no minimum density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work units.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. Standards.

1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.

2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.32 C General Commercial District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.32.010 - Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.

17.32.020 - Permitted uses.

A. Banquet, conference facilities and meeting rooms;

B. Bed and breakfast and other lodging facilities for up to ten guests per night;

C. Child care centers and/or nursery schools;

D. Drive-in or drive-through facilities;

E. Gas stations;

F. Indoor entertainment centers and arcades;

G. Hotels and motels;

H. Health and fitness clubs;

I. Motor vehicle and recreational vehicle sales and/or incidental service;

J. Motor vehicle and recreational vehicle repair and/or service;

K. Custom or specialized vehicle alterations or repair wholly within a building.

L. Medical and dental clinics, outpatient; infirmary services;

M. Museums, libraries and cultural facilities;

N. Offices, including finance, insurance, real estate and government;

O. Outdoor markets, such as produce stands, craft markets and farmers markets;

P. Postal services;

Q. Passenger terminals (water, auto, bus, train);

R. Parks, playgrounds, play fields and community or neighborhood centers;

S. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;

T. Residential units, multi-family and 3-4 plex;

U. Restaurants, eating and drinking establishments without a drive through;

V. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;

W. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana pursuant to Section 17.54.110, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;

X. Seasonal sales, subject to OCMC Section 17.54.060;

Y. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

Z. Studios and galleries, including dance, art, photography, music and other arts;

AA. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

BB. Veterinary clinics or pet hospitals, pet day care;

CC. Home occupations;

DD. Research and development activities;

EE. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

FF. Residential care facility licensed by the state;

GG. Transportation facilities;

HH. Live/work units, pursuant to Section 17.20.040—Live/work units.

~~A. Any use permitted in the MUC - Mixed Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections 17.249.020, 17.249.030 or 17.249.040;~~

~~B. Hotels and motels;~~

~~C. Drive-in or droive-through facilities;~~

~~D. Passenger terminals (water, auto, bus, train);~~

~~E. Gas stations;~~

~~F. Outdoor markets that do not meet Section 17.29.020.H;~~

~~G. Motor vehicle and recreational vehicle sales and/or incidental service;~~

~~H. Motor vehicle and recreational vehicle repair and/or service;~~

~~I. Custom or specialized vehicle alterations or repair wholly within a building.~~

17.32.030 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in Chapter 17.56:

A. Religious institutions;

B. Hospitals;

C. Self service storage facilities;

D. Public utilities, including sub-stations (such as buildings, plants and other structures);

E. Public and/or private educational or training facilities;

F. Parking structures and lots not in conjunction with a primary use;

G. Emergency service facilities (police and fire), excluding correctional facilities.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

A. Distribution, wholesaling and warehousing.

B. Outdoor sales or storage (Except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building).

C. General manufacturing or fabrication.

D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

E. Marijuana production, processing, wholesaling, research, testing, and laboratories.

F. ~~Transitional~~ Shelter~~s~~

G. Outdoor Mobile ~~Food Carts or~~ Vendors, except with a special event permit.

H. Food carts, except with a special event permit.

17.32.050 - Dimensional standards.

A. Minimum lot area: None.

B. Maximum building height: Sixty feet.

C. Minimum required setbacks if not abutting a residential zone: None.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.

E. Maximum Allowed Setbacks.

1. Front yard setback: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
2. Interior side yard setback: None.
3. Corner side yard setback abutting street: None
4. Rear yard setback: None.

F. Maximum site coverage of building and parking lot: Eighty-five percent

G. Minimum landscaping requirement (including parking lot): Fifteen percent.

H. Residential density minimum of 17.4 units per net developable acre, except that no minimum density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work units.

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.34 MUD Mixed Use Downtown District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.34.010 - Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

~~A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections 17.34.020, 17.34.030 or 17.34.040;~~

A. Banquet, conference facilities and meeting rooms;

B. Bed and breakfast and other lodging facilities for up to ten guests per night;

C. Child care centers and/or nursery schools;

D. Indoor entertainment centers and arcades;

E. Health and fitness clubs;

F. Medical and dental clinics, outpatient; infirmary services;

G. Museums, libraries and cultural facilities;

H. Offices, including finance, insurance, real estate and government;

I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;

J. Postal services;

K. Parks, playgrounds, play fields and community or neighborhood centers;

L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;

M. Residential units, multi-family and 3-4 plex;

N. Restaurants, eating and drinking establishments without a drive through;

O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;

E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);

Q. Seasonal sales, subject to OCMC Section 17.54.060;

R. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

S. Studios and galleries, including dance, art, photography, music and other arts;

T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

U. Veterinary clinics or pet hospitals, pet day care;

V. Home occupations;

W. Research and development activities;

X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;

Y. Residential care facility licensed by the state;

Z. Transportation facilities;

AA. Live/work units, pursuant to Section 17.20.040—Live/work units.

AB. ~~Transitional s~~Shelter

BB. Parking not in conjunction with a primary use when the primary use parking is not needed on private property;

CC~~B~~. Hotel and motel, commercial lodging;

DD~~C~~. Marinas;

EE~~D~~. Religious institutions;

~~E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);~~

~~F. Live/work units.~~

17.34.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56.

A. Ancillary drive-in or drive-through facilities;

B. Emergency services;

C. Hospitals;

D. Outdoor markets that do not meet the criteria of Section 17.34.020.I.;

E. Parks, playgrounds, play fields and community or neighborhood centers;

F. Parking structures and lots not in conjunction with a primary use on private property;

G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;

H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;

I. Public utilities and services such as pump stations and sub-stations;

J. Distributing, wholesaling and warehousing;

K. Gas stations;

L. Public and or private educational or training facilities;

M. Stadiums and arenas;

N. Passenger terminals (water, auto, bus, train);

O. Recycling center and/or solid waste facility.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

A. Kennels;

B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030;

C. Self-service storage;

D. Single-Family and two-family residential units;

E. Motor vehicle and recreational vehicle repair/service;

F. Motor vehicle and recreational vehicle sales and incidental service;

G. Heavy equipment service, repair, sales, storage or rental [2] (including but not limited to construction equipment and machinery and farming equipment);

H. Marijuana production, processing, wholesaling, research, testing, and laboratories, pursuant to Section 17.54.110.

I. Outdoor Mobile ~~Food Carts~~ or Vendors, except with a special event permit.

J. Food carts, except with a special event permit.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.30.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

D. Maximum building height: Seventy-five feet, except for the following location~~s~~ where the maximum building height shall be forty-five feet:

~~1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;~~

1~~2~~. Property within five hundred feet of the End of the Oregon Trail Center property~~; and~~

~~3. Property within one hundred feet of single-family detached or detached units.~~

E. Minimum required setbacks, if not abutting a residential zone: None.

F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.

G. Maximum Allowed Setbacks.

1. Front yard: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

2. Interior side yard: No maximum.

3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

4. Rear yard: No maximum.

5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

H. Maximum site coverage including the building and parking lot: Ninety percent.

I. Minimum landscape requirement (including parking lot): Ten percent.

J. Residential density minimum of 17.4 units per net developable acre, except that no minimum density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work units.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

A. Minimum lot area: None.

B. Minimum floor area ratio: 0.5.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

D. Maximum building height: Fifty-eight feet.

E. Minimum required setbacks, if not abutting a residential zone: None.

F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.

G. Maximum Allowed Setbacks.

1. Front yard setback: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.

2. Interior side yard setback: No maximum.

3. Corner side yard setback abutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.

4. Rear yard setback: No maximum.

5. Rear yard setback abutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.

H. Maximum site coverage of the building and parking lot: ~~One hundred~~ 95 percent.

I. ~~Minimum Landscape Requirement. Development within the downtown design district overlay is exempt from required landscaping standards in Section 17.62.050A.1. However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the~~

~~pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the standards of Chapter 12.08 and Chapter 17.52~~. Minimum landscape requirement (including parking lot): 5 percent.

J. Residential density minimum of 17.4 units per net developable acre, except that no minimum density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work units.

17.34.080 - Explanation of certain standards.

A. Floor Area Ratio (FAR).

1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

2. Standards.

a. The minimum floor area ratios contained in Sections 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.

b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.

c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Building height.

1. Purpose.

a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.

b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

OREGON CITY

Community Development – Planning

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Chapter 17.35 Willamette Falls Downtown District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.35.010 - Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this subdistrict require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:

A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to Section 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses).

B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet.

C. Research and development activities.

D. Offices, including finance, insurance, real estate, software, engineering, design, and government.

E. Restaurants, eating and drinking establishments without a drive through, and mobile food carts.

F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers.

G. Museums, libraries, and interpretive/education facilities.

H. Outdoor markets, such as produce stands, craft markets and farmers markets.

I. Indoor entertainment centers and arcades.

J. Studios and galleries, including dance, art, film and film production, photography, and music.

K. Hotel and motel, commercial lodging.

L. Conference facilities and meeting rooms.

M. Public and/or private educational or training facilities.

N. Child care centers and/or nursery schools.

O. Health and fitness clubs.

P. Medical and dental clinics, outpatient; infirmary services.

Q. Repair shops, except automotive or heavy equipment repair.

R. Residential units—Multi-family.

S. Services, including personal, professional, educational and financial services; laundry and dry cleaning.

T. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060.

U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.

V. Veterinary clinics or pet hospitals, pet day care.

W. Home occupations.

X. Religious institutions.

Y. Live/work units, including an individual residential unit in association with a permitted use.

Z. Water-dependent uses, such as boat docks.

AA. Passenger terminals (water, auto, bus, train).

AB~~B~~B. Existing parking and loading areas, as an interim use, to support open space/recreational uses.

AC. Parking not in conjunction with a primary use when the primary use parking is not needed on private property;

17.35.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

A. Emergency services.

B. Hospitals.

C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients.

D. Parking ~~structures and lots~~ not in conjunction with a primary use on private property;

E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet.

F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers.

G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, that exceed sixty thousand square feet.

H. Public utilities and services such as pump stations and sub-stations.

I. Stadiums and arenas.

17.35.040 - Prohibited uses.

The following uses are prohibited in the WFD district:

A. Kennels.

B. Outdoor sales or storage that is not accessory to a retail use allowed in Section 17.35.020 or 17.35.030.

C. Self-service storage.

D. Distributing, wholesaling and warehousing not in association with a permitted use.

E. Single-family and two-family residential units.

F. Motor vehicle and recreational vehicle repair/service.

G. Motor vehicle and recreational vehicle sales and incidental service.

H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

I. Marijuana production, processing, wholesaling, research, testing, and laboratories.

J. Shelters.

17.35.050 - Temporary uses.

A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition

any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Ttype II land use action.

B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:

1. Outdoor storage or warehousing not accessory to a use allowed in Section 17.35.020 or 17.35.030.

2. Movie and television filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district.

C. General Regulations for Temporary Uses.

1. The temporary use permit is good for one year and can be renewed for a total of three years.

2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district.

3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

17.35.060 - Willamette Falls Downtown District dimensional standards.

A. Minimum lot area: None.

B. Minimum floor area ratio (as defined in Section 17.34.080): 1.0.

C. Minimum building height: Two entire stories and twenty-five feet, except for:

1. Accessory structures or buildings under one thousand square feet; and

2. Buildings to serve open space or public assembly uses.

D. Maximum building height: Eighty feet.

E. Minimum required setbacks: None.

F. Maximum allowed setbacks: Ten feet, provided site plan and design review requirements are met.

G. Maximum site coverage: One hundred percent.

H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per Chapter 17.52.

I. Street standards: Per Chapter 12.04, except where modified by a master plan.

J. Parking: Per Chapter 17.52, Off-Street Parking and Loading. The Willamette Falls Downtown District is within the Downtown Parking Overlay District.

OREGON CITY

Community Development – Planning

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

Oregon City Municipal Code

Chapter 17.36 GI General Industrial District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.36.010 - Designated.

The general industrial district is designed to allow uses relating to manufacturing, processing, production, storage, fabrication and distribution of goods or similar as defined by the community development director. The uses permitted in the general industrial district are intended to protect existing industrial and employment lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the industrial areas.

17.36.020 - Permitted uses.

In the GI district, the following uses are permitted if enclosed within a building:

A. Manufacturing and/or fabrication;

B. Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety;

C. Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);

D. Veterinary or pet hospital, kennel;

E. Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited);

F. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or marijuana pursuant to Section 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;

G. Emergency service facilities (police and fire), excluding correctional facilities;

H. Outdoor sales and storage;

I. Recycling center and solid waste facility;

J. Wrecking yards;

K. Public utilities, including sub-stations (such as buildings, plants and other structures);

L. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

~~M. Kennels;~~

MN. Storage facilities;

NO. Transportation facilities.

OP. Marijuana production, processing, wholesaling, and laboratories pursuant to Section 17.54.110.

17.36.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:

A. Any use in which more than half of the business is conducted outdoors.

B. Hospitals.

17.36.035 – Prohibited Uses

The following uses are prohibited in GI:

A. Outdoor Mobile ~~or~~ Vendors and Food Carts, except with a special event permit.

B. Shelter

17.36.040 - Dimensional standards.

Dimensional standards in the GI district are:

A. Minimum lot area, minimum not required;

B. Maximum building height, three stories, not to exceed forty feet;

C. Minimum required setbacks:

1. Front yard, ten feet minimum setback;

2. Interior side yard, no minimum setback;

3. Corner side yard, ten feet minimum setback;

4. Rear yard, ten feet minimum setback;

D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.

E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.

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Chapter 17.37 CI Campus Industrial District

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17.37.010 - Designated.

The campus industrial district is designed for a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on campus industrial lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within industrial and employment areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.

17.37.020 - Permitted uses.

The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:

A. Experimental or testing laboratories;

B. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;

C. Public and/or private educational or training facilities;

D. Corporate or government headquarters or regional offices with fifty or more employees;

E. Computer component assembly plants;

F. Information and data processing centers;

G. Software and hardware development;

H. Engineering, architectural and surveying services;

I. Non-commercial, educational, scientific and research organizations;

J. Research and development activities;

K. Industrial and professional equipment and supply stores, which may include service and repair of the same;

L. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or retail sales of marijuana pursuant to Section 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less, and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands.

M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited;

N. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

O. Transportation facilities.

P. Marijuana processors, processing sites, wholesalers and laboratories pursuant to Section 17.54.110.

17.37.030 - Conditional uses.

The following conditional uses may be established in a campus industrial district subject to review and action on the specific proposal, pursuant to the criteria and review procedures in Chapters 17.50 and 17.56:

A. Distribution or warehousing.

B. Any other use which, in the opinion of the planning commission, is of similar character of those specified in Sections 17.37.020 and 17.37.030. In addition, the proposed conditional uses:

1. Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;

2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;

3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;

4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

<u>17.37.035 – Prohibited Uses</u>

<u>The following uses are prohibited in CI:</u>

A. <u>Outdoor Mobile Food Carts or Vendors, except with a special event permit.</u>

B. Shelters

17.37.040 - Dimensional standards.

Dimensional standards in the CI district are:

A. Minimum lot area: No minimum required.

B. Maximum building height: except as otherwise provided in subsection B.1. of this section building height shall not exceed forty-five feet.

1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.

C. Minimum required setbacks:

1. Front yard: Twenty feet minimum setback;

2. Interior side yard: No minimum setback;

3. Corner side yard: Twenty feet minimum setback;

4. Rear yard: Ten feet minimum setback.

D. Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.

E. If the height of the building exceeds forty-five feet, as provided in subsection B.1. of this section for every additional story built above forty-five feet, an additional twenty-five foot buffer shall be provided.

17.37.050 - Development standards.

All development within the CI district is subject to the review procedures and application requirements under Chapter 17.50, and the development standards under Chapter 17.62. Multiple building developments are exempt from the setback requirements of Section 17.62.055. In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:

1. Enhance the appearance of the site internally and from a distance;

2. Include street trees and street side landscaping;

3. Provide an integrated open space and pedestrian system within the development with appropriate connections to surrounding properties;

4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;

5. Provide buffering or transitions between uses;

6. Encourage outdoor eating areas conveniently located for use by employees;

7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

B. Parking. No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.

C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.

D. Signs. One ground-mounted sign may be provided for a development. Other signage shall be regulated by Title 15.

E. Outdoor storage and refuse/recycling collection areas.

1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;

2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street.

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Chapter 17.39 I Institutional District

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17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

A. Private and/or public educational or training facilities;

B. Parks, playgrounds, playfields and community or neighborhood community centers;

C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;

D. Stadiums and arenas;

E. Banquet, conference facilities and meeting rooms;

F. Government offices;

G. Transportation facilities.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

A. Offices;

B. Retail (not to exceed twenty percent of total gross floor area of all building);

C. Child care centers or nursery schools;

D. Scientific, educational, or medical research facilities and laboratories;

E. Religious institutions.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

A. Any uses listed under Section 17.39.030 that are not accessory to the primary institutional use;

B. Boarding and lodging houses, bed and breakfast inns;

C. Cemeteries, crematories, mausoleums, and columbariums;

D. Correctional facilities;

E. Helipad in conjunction with a permitted use;

F. Parking lots not in conjunction with a primary use;

G. Public utilities, including sub-stations (such as buildings, plants and other structures);

H. Fire stations.

I. Police Station

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

A. Any use not expressly listed in Section 17.39.020, 17.39.030 or 17.39.040;

B. Marijuana businesses.

C. Outdoor Mobile Food Carts or Vendors, except with a special event permit.

D. Shelter

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.

B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

17.39.060 - Relationship to master plan.

A. A master plan is required for any development within the I district on a site over ten acres in size that:

1. Is for a new development on a vacant property;

2. Is for the redevelopment of a property previously used an a non-institutional use; or

3. Increases the floor area of the existing development by ten thousand square feet over existing conditions

B. Master plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Section 17.65.70 and will be processed concurrently with the master plan application.

C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications must be in accordance with the requirements of the master plan adjustment process identified in Section 17.65.070.

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Chapter 17.41 Tree Protection, Preservation, Removal and Replanting Standards

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

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 subdivision, partition and site plan and design review applications.

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.
2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.
3. Tree canopy removal greater than twenty-five percent on sites greater than twenty-five percent slope, unless exempted under Section 17.41.040, shall be subject to these standards.
4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

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 Section 17.04, shall govern.

17.41.040 - ~~Same—~~Exemptions.

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 section 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930. Farm or forest resources. 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 Ccommunity Ddevelopment Ddirector has the authority to modify or waive compliance in this case.

17.41.050 - ~~Same—~~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 Sections 17.41.060 or 17.41.070. ~~All replanted and saved trees shall be protected by a permanent restrictive covenant or easement approved in form by the city.~~

B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or

D. Option 4—Cash-in-lieu of planting pursuant to Section 17.41.130.

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The Ccommunity Ddevelopment Ddirector, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

1. Preclude achieving eighty percent of minimum density with reduction of lot size; or
2. Preclude meeting minimum connectivity requirements for subdivisions.

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 Chapter 17.04 to the extent practicable. 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 arborculture. Tree inventories for the purposes of mitigation calculations may be prepared by a 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 section 12.08—Community Forest and Street Trees, any required tree planting in stormwater facilities on site, and any trees planted in pedestrian and bicycle accessways. Mitigation is required from the date a land use application is submitted until a land division is recorded or a development is final.

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, ~~D~~diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definition in Section 17.04.1360, 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. Regulated healthy 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. Regulated healthy trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2.

Table 17.41.060-1
Tree Replacement Requirements
~~All replacement trees shall be either:~~
~~Two-inch caliper deciduous, or~~
~~Six-foot high conifer~~

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 (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently 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. Define the construction area (as defined in Chapter 17.04).
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.

~~17.41.070~~ – C. Planting area priority for mitigation (Option 1).

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

~~A~~1. First Priority. Replanting on the development site.

~~B~~2. Second Priority. Off-site replacement tree planting locations. If the C~~c~~ommunity D~~d~~evelopment D~~d~~irector 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 must be approved by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector.

D. Replacement tree planting standards (Option 1).

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, certified arborist or found on the City's native plant list, or street tree list.

17.41.075 - Alternative mitigation plan.

The Ccommunity Ddevelopment Ddirector 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, Section 17.49.190.

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

A. Applicants for new subdivision and partition plats 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.

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 Section 17.41100 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 structure. 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 homeowners 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. At the owners option, 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 Ccommunity Ddevelopment Ddirector. (Ord. 99-1013 §10(part), 1999).

~~17.41.090 –~~ E. Density transfers incentive for tree protection tracts (Option 2).

~~A~~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. This provision applies on-site and density shall not be transferred beyond the boundaries of the development site.

~~B~~2. Development applications for subdivisions and minor partitions that request a density transfer shall:

~~1i~~a. Provide a map showing the net buildable area of the tree protection tract;

~~2ii~~b. Provide calculations justifying the requested dimensional adjustments;

~~3iii~~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 Section 17.41.080;

~~4iv~~d. Demonstrate that, with the exception of the tree protection tract created pursuant to Section 17.41.080, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;

~~5v~~e. Meet all other standards of the base zone except as modified in section 17.41.100.

~~C~~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.

~~17.41.100 –~~ F. Permitted modifications to dimensional standards (Option 2 only).

~~A~~1. An applicant proposing to protect trees in a dedicated tract pursuant to section 17.41.080 may request, and the C~~c~~ommunity D~~d~~evelopment D~~d~~irector, 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 17.41.100 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'

Table 17.41.100 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 17.41.100 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

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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector. 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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector, are determined to be diseased or hazardous.

17.41.120 – Permitted adjustments (Option 3 Only).

A. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 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 reduce 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.

B. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector, pursuant to a Type II procedure, 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.

C. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector, 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.

17.41.1[25] - Cash-in-lieu of planting (tree bank/fund) (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector 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.

A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.

B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector 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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector.

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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector, 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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector.

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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector.

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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector.

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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.

9. The city 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 Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector 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

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.49 Natural Resources Overlay District

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.49.[0]10 - Purpose.

The Natural Resource Overlay District designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.

B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.

C. Protect upland habitats, and enhance connections between upland and riparian habitat.

D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.

E. Conserve scenic, recreational, and educational values of significant natural resources.

The NROD ecological functions listed above are planned for integration with existing neighborhoods and new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

The public is encouraged to contact the Oregon City Natural Resources Committee for input and advice on ways to further the purpose of the Natural Resources Overlay District, whether or not a development application is proposed within the Natural Resources Overlay District. Any advice given by the Natural Resources Committee is non-binding on the applicant and the Natural Resources Committee, and shall not relieve an applicant from compliance with this Chapter.

General

17.49.020 - NROD identifying documents.

A. The NROD protects as one connected system the habitats and associated functions of the streams, riparian corridors, wetlands and the regulated upland habitats found in Oregon City. These habitats and functions are described in the following documents upon which the NROD is based:

1. The 1999 Oregon City Local Wetland Inventory.
2. The Oregon City Water Quality Resource Area Map (Ord. 99-1013).
3. 2004 Oregon City slope data and mapping (LIDAR).
4. Metro Regionally Significant Habitat Map (Aerial Photos taken 2002).
5. National Wetland Inventory (published 1992).
6. Beavercreek Road Concept Plan (adopted September 2008).
7. Park Place Concept Plan (adopted April 2008).

The NROD provisions apply only to properties within the NROD as shown on the NROD Map, as amended.

The intent of these regulations is to provide applicants the ability to choose a clear and objective review process or a discretionary review process. The NROD provisions do not affect existing uses and development, or the normal maintenance of existing structures, driveways/parking areas, public facilities, farmland and landscaped areas. New public facilities such as recreation trails, planned road and utility line crossings and stormwater facilities, are allowed within the overlay district under prescribed conditions as described in Section 17.49.090. In addition, provisions to allow a limited portion of the NROD to be developed on existing lots of record that are entirely or mostly covered by the NROD ("highly constrained") are described in Section 17.49.120.

17.49.[0]30 - Map as reference.

This chapter applies to all development within the Natural Resources Overlay District as shown on the NROD Map, which is a regulatory boundary mapped ten feet beyond the required vegetated corridor width specified in section 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in Sections 17.49.020A.1.—17.19.020A.8., however the adopted map may not indicate the true location of protected features. Notwithstanding changing field conditions or updated mapping approved by the city (and processed as a Type I Verification per OCMC 17.49.255), the applicant may choose to either accept the adopted NROD boundary or provide a verifiable delineation of the true location of the natural resource feature pursuant to the Type I or Type II procedure in accordance with this chapter. The NROD boundary shall be shown on all development permit applications and its location shall be verified in the field before development activity (including grading) commences. The official NROD map can only be amended by the city commission. Verification of the map shall be processed pursuant to Section 17.49.250.

17.49.[0]35 - Addition of wetlands to map following adoption.

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the State of Oregon's definition of a "Locally Significant Wetland". In such cases the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this chapter. The NROD boundary shall be added to the NROD map by the community development director after the development permit becomes final.

17.49.[0]40 - NROD permit.

An NROD permit is required for those uses regulated under Section 17.49.90, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to Section 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit. Applications for development on properties affected by the NROD shall delineate or verify the exact location of the NROD as part of a Type I or II development review process unless exempted pursuant to section 17.40.080.

17.49.[0]50 - Emergencies.

The provisions of this ordinance do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of Section 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

17.49.[0]60 - Consistency and relationship to other regulations.

A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.

B. Compliance with Federal and State Requirements.

~~A~~1. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.

~~B~~2. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a development review, evidence suggests that a property outside the NROD may contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.

Prohibited, Exempted and Regulated Uses

17.49.[0]70 - Prohibited uses.

The following development and activities are not allowed within the NROD:

A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.

B. New lots that would have their buildable areas for new development within the NROD are prohibited.

C. The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.

D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.

17.49.[0]80 - Uses allowed outright (exempted).

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.

B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.

C. Utility service using a single utility pole.

D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.

E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the community development director.

F. Trails meeting all of the following:

1. Construction shall take place between May 1 and October 30 with hand held equipment;

2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;

3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;

4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream or ten feet of an intermittent stream;

5. No impervious surfaces; and

6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.

G. Land divisions provided they meet the following standards, and indicate the following on the final plat:

1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the city's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;

2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;

3. Streets, driveways and parking areas where all pavement shall be located at least ten feet from the NROD; and

4. The NROD portions of all lots are protected by:

a. A conservation easement; or

b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.

H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the city's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the city.

I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.

J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.

K. Measures ~~mandated~~ approved by the City of Oregon City to remove or abate nuisances or hazardous conditions.

L. Tree Removal. The ~~City~~ Community Development Director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree ~~"Hazardous Tree" or "Diseased Tree" or~~

~~an "Imminent Hazard Tree"~~ as defined in OCMC 17.04. ~~After the hazard or nuisance has been removed or abated, any disturbed areas shall be replanted with native vegetation found in the Oregon City Native Plant List. Dead and downed woody debris may be left on site.~~

1. Any tree that is removed in accordance with this section (L) shall be replaced with a new tree, of at least ½-in caliper or at least 6-ft overall height after planting. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted, in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).

2. The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be a native species and shall not be a nuisance species. The property owner shall ensure that the replacement tree(s) survives at least 2 years beyond the date of its planting.

M~~L~~. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:

1. All work is done using hand-held equipment;
2. No existing native vegetation is disturbed or removed; and
3. All work occurs outside of wetlands and the top-of-bank of streams.

N~~M~~. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bankfull stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this Chapter.

O~~N~~. Fences meeting all of the following:

1. Compliance with the fence standards of OCMC 17.54.100;

2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;

3. Six inches of clearance from ground level;

4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.

17.49.[0]90 - Uses allowed under prescribed conditions.

The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 17.49.190 pursuant to a Type II process:

A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.130.

B. A residence on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in subsection 17.49.120.A.

C. A land division that would create a new lot for an existing residence currently within the NROD, subject to Section 17.49.160.

D. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160.

E. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).

F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080.

G. Roads, bridges/creek crossings Subject to Section 17.49.150.

H. Utility lines subject to Section 17.49.140.

I. Stormwater detention or pre-treatment facilities subject to Section 17.49.155.

J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to subsection 17.49.120B.

K. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.

L. Non-hazardous tree removal that is not exempted pursuant to 17.49.[0]80(K).

Development Standards

17.49.100 - General development standards.

The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):

A. Native trees may be removed only if they occur within ten feet of any proposed structures or within five feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this

standard and may be removed. A protective covenant shall be required for any native trees that remain;

B. The community development director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.

C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;

D. Grading is subject to installation of erosion control measures required by the City of Oregon;

E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;

F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;

G. Fences are allowed only within the disturbance area and shall comply with section 17.49.[0]80(N);

H. Incandescent lights exceeding two hundred watts (or other light types exceeding the brightness of a two hundred watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;

I. If development will occur within the one hundred-year floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and

J. Mitigation of impacts to the regulated buffer is required, subject to Section 17.49.180 or 17.49.190.

17.49.110 - Width of vegetated corridor.

A. Calculation of Vegetated Corridor Width within City Limits. The NROD consists of a vegetated corridor measured from the top of bank or edge of a protected habitat or water feature. The minimum required width is the amount of buffer required on each side of a stream, or on all sides of a feature if non-linear. The width of the vegetated corridor necessary to adequately protect the habitat or water feature is specified in Table 17.49.110.

Table 17.49.110

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor (see Note 1)
Anadromous fish-bearing streams	Any slope	• Edge of bankfull flow	200 feet

Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	< 25 percent	• Edge of bankfull flow	15 feet
All other protected water features	< 25 percent	•Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	≥25 percent for 150 feet or more (see Note 2)		200 feet
	≥25 percent for less than 150 feet (see Note 2)		Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.

Notes:

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of Section 17.49.050(I).
2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥25 percent slope.

B. Habitat Areas within City Parks. For habitat and water features identified by Metro as regionally significant which are located within city parks, the NROD Boundary shall correspond to the Metro Regionally Significant Habitat Map.

C. Habitat Areas outside city limit/within UGB. For habitat and water features identified by Metro as regionally significant which are located outside of the city limits as of the date of adoption of this ordinance, the minimum corridor width from any non-anadramous fish bearing stream or wetland shall be fifty feet.

17.49.120 - Maximum disturbance allowance for highly constrained lots of record.

In addition to the General Development Standards of Section 17.49.100, the following standards apply to a vacant lot of record that is highly constrained by the NROD, per subsections 17.49.90(B) and 17.49.90(F):

A. Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is three thousand square feet.

B. Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, including R-2 multifamily, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals twenty-five percent of the total lot area.

[1] Lots that are entirely covered by the NROD will be allowed to develop twenty-five percent of their area.

[1] Note: This can be determined by (1) Multiplying the total square footage of the lot by .25; (2) Subtracting from that amount the square footage of the lot that is located outside the NROD; (3) The result is the maximum square footage of disturbance to be allowed in the NROD portion of the lot. If the result is < or = to 0, no disturbance is permitted and the building shall be located outside of the boundary.

C. In all areas of Oregon City, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least fifty feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or twenty-five feet from the top of bank of any tributary of the aforementioned Creeks, other water body, or from the delineated edge of a wetland located within the NROD area.

D. If the highly constrained lot of record cannot comply with the above standards, a maximum one thousand five hundred square foot disturbance within the NROD area may be allowed.

17.49.130 - Existing development standards.

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased are exempt from review pursuant to Section 17.49.080J. As of June 1, 2010, applicants for alterations and additions to existing development that are not exempt pursuant to Section 17.49.080J. shall submit a Type II or Type III application pursuant to this section. The application shall include a site plan which delineates a permanent disturbance area that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks. The same delineated disturbance area shall be shown on every subsequent proposal for alterations and additions meeting this standard.

A. The following alterations and additions to existing development are permitted subject to the following standards.

1. Alterations or additions that cumulatively total up to a maximum of five hundred square feet of additional disturbance area after June 1, 2010 shall be processed as a Type II

permit pursuant to this chapter. The new disturbance area shall not encroach closer than one-half of the distance of the regulated NROD buffer.

2. Alterations or additions that cumulatively exceed five hundred square feet of additional disturbance area or which propose encroachment closer than one-half of the distance of the regulated NROD buffer after June 1, 2010 shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.

B. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.140 - Standards for utility lines.

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:

A. The disturbance area for private connections to utility lines shall be no greater than ten feet wide;

B. The disturbance area for the upgrade of existing utility lines shall be no greater than fifteen feet wide;

C. New utility lines shall be within the right-of-way, unless reviewed under subsection D.

D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.

E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;

F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;

G. Native trees more than ten inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and

H. Each six to ten-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each eleven-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.

I. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.150 - Standards for vehicular or pedestrian paths and roads.

The following standards apply to public rights-of-way and private roads within the NROD, including roads, bridges/stream crossings, driveways and pedestrian paths with impervious surfaces:

A. Stream crossings shall be limited to the minimum number and width necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle

as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.

B. Where the right-of-way or private road crosses a stream the crossing shall be by bridge or a bottomless culvert;

C. No fill or excavation shall occur within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;

D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;

E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and

F. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.155 - Standards for stormwater facilities.

Approved facilities that infiltrate stormwater on-site in accordance with Public Works Low-Impact Development standards, including but not limited to; vegetated swales, rain gardens, vegetated filter strips, and vegetated infiltration basins, and their associated piping, may be placed within the NROD boundary pursuant to the following standards:

A. The forest canopy within the driplines of existing trees shall not be disturbed.

B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.

C. Mitigation is required, subject to Sections 17.49.180 or 17.49.190.

D. The storm water facility may encroach up to one-half the distance of the NROD corridor.

E. The stormwater facility shall not impact more than one thousand square feet of the NROD. Impacts greater than one thousand square feet shall be process as a Type III application.

F. The community development director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

17.49.160 - Standards for land divisions.

Other than those land divisions exempted by Section 17.49.070G., new residential lots created within the NROD shall conform to the following standards.

A. For a lot for an existing residence currently within the NROD. This type of lot is allowed within the NROD for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created through a partition or subdivision process when all of the following are met:

1. There is an existing house on the site that is entirely within the NROD area; and

2. The existing house will remain; and

3. The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a twenty-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.

B. Subdivisions.

1. Prior to preliminary plat approval, the NROD area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection 3. of this section, which shall not be a part of any parcel used for construction of a dwelling unit.

2. Prior to final plat approval, ownership of the NROD tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:

a. Private open space held by the owner or a homeowners association; or

b. 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

c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or

d. Any other ownership proposed by the owner and approved by the city.

e. Tracts shall be exempt from minimum frontage requirements.

C. Partitions.

1. New partitions shall delineate the NROD area either as a separate tract or conservation easement that meets the requirements of subsection 2. of this section.

2. Prior to final plat approval, ownership and maintenance of the NROD area shall be identified to distinguish it from the buildable areas of the development site. The NROD area may be identified as any one of the following:

a. A tract of private open space held by the owner or homeowners association; or

b. For residential land divisions, a tract of 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

c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit;

d. Conservation easement area pursuant to Section 17.49.180G. and approved in form by the community development director;

e. Any other ownership proposed by the owner and approved by the community development director.

f. Tracts shall be exempt from minimum frontage requirements.

17.49.170 - Standards for trails.

The following standards apply to trails within the NROD:

A. All trails that are not exempt pursuant to Section 17.49.80F., except as designated in the Oregon City Parks, Open Space and Trails Master Plans; and

B. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.180 - Mitigation standards.

The following standards (or the alternative standards of Section 17.49.190) apply to required mitigation:

A. Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;

B. Mitigation shall occur on the site where the disturbance occurs, except as follows:

1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;

2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and

3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.

C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.

D. Invasive and nuisance vegetation shall be removed within the mitigation area;

E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

NOTE: Applications on sites where no trees are present or which are predominantly covered with invasive species shall be required to mitigate the site, remove the invasive species and plant trees and native plants pursuant to Option 2.

1. Mitigation Planting Option 1.

a. Option 1 - Planting Quantity. This option requires mitigation planting based on the number and size of trees that are removed from the site pursuant to Table 17.49.180E.1.a. Conifers shall be replaced with conifers. Bare ground shall be planted or seeded with native grasses and ground cover species.

Table 17.49.180E.1.a.—Required Planting Option 1

Size of Tree to be Removed (DBH)	Number of Trees and Shrubs to be Replanted
6 to 12"	2 trees and 3 shrubs
13 to 18"	3 trees and 6 shrubs
19 to 24"	5 trees and 12 shrubs
25 to 30"	7 trees and 18 shrubs
Over 30"	10 trees and 30 shrubs

b. Option 1 - Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six feet in height. Shrubs must be in at least one-gallon container size or the equivalent in ball and burlap, and shall be at least twelve inches in height at the time of planting. All other species shall be a minimum of four-inch pots;

c. Option 1 - Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between eight and twelve feet on center, and shrubs shall be planted on average between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted on average between eight and ten feet on center.

d. Option 1 - Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and eighteen inches in diameters. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.

e. Option 1 — Plant Diversity. Shrubs shall consist of at least two different species. If ten trees or more are planted, no more than one-half of the trees may be of the same genus.

2. Mitigation Planting Option 2.

a. Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five trees and twenty-five shrubs per every five hundred square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by five hundred, and then multiplying that result

times five trees and twenty-five shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be three hundred thirty square feet of disturbance area, then three hundred thirty divided by five hundred equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times twenty-five equals 16.5, so seventeen shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

b. Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than twelve inches in height.

c. Option 2 - Plant Spacing. Trees shall be planted at average intervals of seven feet on center. Shrubs may be planted in single-species groups of no more than four plants, with clusters planted on average between eight and ten feet on center.

d. Option 2 — Mulching and Irrigation shall be applied in the amounts necessary to ensure eighty percent survival at the end of the required five-year monitoring period.

e. Option 2 — Plant Diversity. Shrubs shall consist of at least three different species. If twenty trees or more are planted, no more than one-third of the trees may be of the same genus.

An alternative planting plan using native plants may be approved in order to create a new wetland area, if it is part of a wetlands mitigation plan that has been approved by the DSL or the U.S. Army Corps of Engineers (USACE) in conjunction with a wetland joint removal/fill permit application.

F. Monitoring and Maintenance. The mitigation plan shall provide for a five-year monitoring and maintenance plan with annual reports in a form approved by the director of community development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the city's planning division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of eighty percent survival of trees and shrubs of those species planted is required at the end of the five-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten square feet that remain at the end the five-year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

G. Covenant or Conservation Easement. Applicant shall record a restrictive covenant or conservation easement, in a form provided by the city, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the city to complete mitigation work in the event of default by the responsible party. Costs borne by the city for such mitigation shall be borne by the owner.

H. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the city, shall be submitted before development within the NROD disturbance area commences. The city will release the guarantee at the end of the five-year monitoring period, or before, upon it's determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

17.49.190 - Alternative mitigation standards.

In lieu of the above mitigation standards of Section 17.49.180, the following standards may be used. Compliance with these standards shall be demonstrated in a mitigation plan report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the city may require the report to be reviewed by an environmental consultant.

~~[A.]~~A. The report shall document the existing condition of the vegetated corridor as one of the following categories:

Good Existing Corridor:	Combination of trees, shrubs and groundcover are eighty percent present, and there is more than fifty percent tree canopy coverage in the vegetated corridor.
Marginal Existing Vegetated Corridor:	Combination of trees, shrubs and groundcover are eighty percent present, and twenty-five to fifty percent canopy coverage in the vegetated corridor.
Degraded Existing Vegetated Corridor:	Less vegetation and canopy coverage than marginal vegetated corridors, and/or greater than ten percent surface coverage of any non-native species.

B. The proposed mitigation shall occur at a minimum two-to-one ratio of mitigation area to proposed disturbance area;

C. The proposed mitigation shall result in a significant improvement to Good Existing Condition as determined by a qualified environmental professional;

D. There shall be no detrimental impact on resources and functional values in the area designated to be left undisturbed;

E. Where the proposed mitigation includes alteration or replacement of development in a stream channel, wetland, or other water body, there shall be no detrimental impact related to the migration, rearing, feeding or spawning of fish;

F. Mitigation shall occur on the site of the disturbance to the extent practicable. If the proposed mitigation cannot practically occur on the site of the disturbance, then the applicant shall possess a legal instrument, such as an easement, sufficient to carryout and ensure the success of the mitigation.

17.49.200 - Adjustment from standards.

If a regulated NROD use cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with

experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

A. There are no feasible alternatives for the proposed use or activity to be located outside the NROD area or to be located inside the NROD area and to be designed in a way that will meet all of the applicable NROD development standards;

B. The proposal has fewer adverse impacts on significant resources and resource functions found in the local NROD area than actions that would meet the applicable environmental development standards;

C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;

D. Fish and wildlife passage will not be impeded;

E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met; and

F. The applicant has proposed adequate mitigation to offset the impact of the adjustment.

Application Requirements

17.49.210 - Type II development permit application.

Unless otherwise directed by the NROD standards, proposed development within the NROD shall be processed as a Type II development permit application. All applications shall include the items required for a complete application by Sections 17.49.220—17.49.230, and Section 17.50.080 of the Oregon City Municipal Code as well as a discussion of how the proposal meets all of the applicable NROD development standards 17.49.100—17.49.170.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.49.220 - Required site plans.

Site plans showing the following required items shall be part of the application:

A. For the entire subject property (NROD and non-NROD areas):

1. The NROD district boundary. This may be scaled in relation to property liens from the NROD Map;

2. One hundred-year floodplain and floodway boundary (if determined by FEMA);

3. Creeks and other waterbodies;

4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;

5. Topography shown by contour lines of two or one foot intervals for slopes less than fifteen percent and by ten-foot intervals for slopes fifteen percent or greater;

6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.

7. Extent of the required Vegetated Corridor required by Table 17.49.110.

B. Within the NROD area of the subject property:

1. The distribution outline of shrubs and ground covers, with a list of most abundant species;

2. Trees six inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;

3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of six inches or greater shall be specifically identified as to number, trunk diameters and species;

4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at two foot vertical contours in areas of slopes less than fifteen percent and at five foot vertical contours of slopes fifteen percent or greater.

C. A construction management plan including:

1. Location of site access and egress that construction equipment will use;

2. Equipment and material staging and stockpile areas;

3. Erosion control measures that conform to City of Oregon City erosion control standards;

4. Measures to protect trees and other vegetation located outside the disturbance area.

D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190, including:

1. Dams, weirs or other in-water features;

2. Distribution, species composition, and percent cover of ground covers to be planted or seeded;

3. Distribution, species composition, size, and spacing of shrubs to be planted;

4. Location, species and size of each tree to be planted;

5. Stormwater management features, including retention, infiltration, detention, discharges and outfalls;

6. Water bodies or wetlands to be created, including depth;

7. Water sources to be used for irrigation of plantings or for a water source for a proposed wetland.

17.49.230 - Mitigation plan report.

A mitigation plan report that accompanies the above mitigation site plan is also required. The report shall be prepared by an environmental professional with experience and academic credentials in

one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. The mitigation plan report shall, at a minimum, discuss:

A. Written responses to each applicable Mitigation Standard [Section] 17.49.180 or 17.49.190 indicating how the proposed development complies with the mitigation standards;

B. The resources and functional values to be restored, created, or enhanced through the mitigation plan;

C. Documentation of coordination with appropriate local, regional, state and federal regulatory/resource agencies such as the Oregon Department of State Lands (DSL) and the United States Army Corps of Engineers (USACE);

D. Construction timetables;

E. Monitoring and Maintenance practices pursuant to Section 17.49.230.F and a contingency plan for undertaking remedial actions that might be needed to correct unsuccessful mitigation actions during the first five years of the mitigation area establishment.

Miscellaneous

17.49.240 - Density transfer.

The NROD allocates urban densities to the Non-NROD portions of properties located partially within the NROD, generally resulting in a substantial increase in net development potential.

For lots of record that are located within the NROD, additional density transfer credits are allowed, subject to the following provisions:

A. Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;

B. The residential transfer credit shall be as follows: for new residential partitions and subdivisions, one-third of the area of the NROD tract or conservation easement area may be added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.

C. Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to subsection B. above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are specified in Tables 17.49.240C.—17.49.240D.

D. The applicant shall demonstrate that the minimum lot size of the underlying zone has been met. The area of the NROD in subsection B. above that is used to transfer density may be included in the calculation of the average minimum lot size.

E. The applicant may choose to make the adjustments over as many lots as required. 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 areas of the NROD Tract.

Table 17.49.240 A
Lot Size Reduction

ZONE	Min. Lot Size (%)	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'

Table 17.49.240 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 17.49.240 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

F. Transfers for properties zoned Commercial, Institutional, Industrial or Multi-Family uses the transfer credit is ten thousand sq[uare] f[ee]t per acre of land within the NROD;

G. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.

H. The owner of the transferring property shall execute a covenant with the city that records the transfer of density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and

I. All other applicable development standards, including setbacks, building heights, and maximum lot coverage shall continue to apply when a density transfer occurs.

17.49.250 - Verification of NROD boundary.

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may through a site specific environmental survey or, in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.

17.49.255 - Type I verification.

A. Applicants for a determination under this section shall submit a site plan meeting the requirements of Section 17.49.220, as applicable.

B. Alternatively, an applicant may request a Type I Verification determination by the community development director by making an application therefore and paying to the city a fee as set by resolution of the city commission. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:

1. No soil, vegetation, hydrologic features have been disturbed;

2. No hydrologic features have been changed;

3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.

4. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.

5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.

6. Evidence of prior land use approvals that conform to the ~~City's existing Water Quality~~ Natural Resource Area Overlay District, or to the Water Quality Resources Area Overlay District that was in effect prior to the current adopted NROD (Ord. 99-1013).

7. There is an existing physical barrier between the site and a protected water feature, including:

   a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.

   b. Walls, buildings, drainages, culverts, topographic features or other structures ~~and~~ which form a physical barrier between the site and the protected water features, as approved by the city.

C. If ~~a~~ the city is not able to clearly determine, through the Type I verification process that the applicable criteria subsection B.1.—B.6. above are met the verification application shall be denied. An applicant may then opt to apply for a~~n~~ verification through the Type II process defined below.

17.49.260. - Type II verification.

Verifications of the NROD which cannot be determined pursuant to the standards of Section 17.49.255 may be processed under the Type II permit procedure.

A. Applicants for a determination under this section shall submit a site plan meeting the requirements of Section 17.49.220 as applicable.

B. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not apply to a site-specific area.

C. Verification to remove a recently developed area from the NROD shall show that all of the following have been met:

   1. All approved development in the NROD has been completed;

   2. All mitigation required for the approved development, located within the NROD, has been successful; and

   3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.

17.49.265 - Corrections to violations.

For correcting violations, the violator shall submit a remediation plan that meets all of the applicable standards of the NROD. The remediation plan shall be prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry. If one or more of these standards cannot be met then the applicant's remediation plan shall demonstrate that there will be:

A. No permanent loss of any type of resource or functional value listed in Section 17.49.10, as determined by a qualified environmental professional;

B. A significant improvement of at least one functional value listed in section 17.49.10, as determined by a qualified environmental professional; and

C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.50 Administration and Procedures

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

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 form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the city 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.

17.50.030 - Summary of the city's decision-making processes.

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

Table 17.50.030
PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	Expedited Land Division
Annexation With or Without a Zone Change				X	
Compatibility Review	X				
Code Interpretation			X		

General Development Plan			X		
General Development Plan Amendment	X	X	X		
Conditional Use			X		
Detailed Development Plan [1]	X	X	X		
Extension	X				
Final Plat	X				
Geologic Hazards		X			
Historic Review	X		X		
Lot Line Adjustment and Abandonment	X				
Major Modification to a Prior Approval [2]	X	X	X	X	X
Minor Modification to a prior Approval	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
Plan or Code Amendment				X	
Revocation				X	
Site Plan and Design Review	X	X			
Subdivision		X			X
Variance		X	X		
Zone Change				X	
Zone Change Upon Annexation with Discretion				X	

Natural Resource Overlay District Exemption	X				
Natural Resource Overlay District Review		X	X		

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

[2] A major modification to a prior approval shall be considered using the same process as would be applicable to the initial approval.

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector's decision is final and not appealable by any party through the normal city land use process.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within 300 ~~three hundred~~ feet. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector accepts comments for a minimum of fourteen days and renders a decision. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector's decision is appealable to the Cc~~c~~ity Co~~o~~mmission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to Section 17.50.190 under ORS 227.175.10(a)(C). The Cc~~c~~ity Co~~o~~mmission decision is the city's final decision and is subject to reviewby the land use board of appeals (LUBA) within 21 ~~twenty-one~~ days of when it becomes final.

C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the Cc~~c~~ity Co~~o~~mmission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Pp~~p~~lanning Cc~~c~~ommission or the Hh~~h~~istoric Rr~~r~~eview Bb~~b~~oard hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within 300 ~~three hundred~~ feet. Notice must be issued at least 20 ~~twenty~~ days pre-hearing, and the staff report must be available at least 7 ~~seven~~ days pre-hearing. At the evidentiary hearing held before the Pp~~p~~lanning Cc~~c~~ommission or the Hh~~h~~istoric Rr~~r~~eview Bb~~b~~oard, all issues are addressed. The decision of the Pp~~p~~lanning Cc~~c~~ommission or Hh~~h~~istoric Rr~~r~~eview Bb~~b~~oard is appealable to the Cc~~c~~ity Co~~o~~mmission, on the record pursuant to Section 17.50.190. The Cc~~c~~ity Co~~o~~mmission decision on appeal from is the city's final decision and is subject to

review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the Cc~~i~~ity C~~o~~mmission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and P~~p~~lanning C~~c~~ommission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the P~~p~~lanning C~~c~~ommission, all issues are addressed. If the P~~p~~lanning C~~c~~ommission denies the application, any party with standing (i.e., anyone who appeared before the P~~p~~lanning C~~c~~ommission either in person or in writing within the comment period) may appeal the P~~p~~lanning C~~c~~ommission denial to the Cc~~i~~ity C~~o~~mmission. If the P~~p~~lanning C~~c~~ommission denies the application and no appeal has been received within fourteen days of the issuance of the final decision then the action of the P~~p~~lanning C~~c~~ommission becomes the final decision of the city. If the P~~p~~lanning C~~c~~ommission votes to approve the application, that decision is forwarded as a recommendation to the Cc~~i~~ity C~~o~~mmission for final consideration. In either case, any review by the Cc~~i~~ity C~~o~~mmission is on the record and only issues raised before the P~~p~~lanning C~~c~~ommission may be raised before the Cc~~i~~ity C~~o~~mmission. The Cc~~i~~ity C~~o~~mmission decision is the city's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

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

F. Decisions, completeness reviews, appeals, and notices in this Chapter shall be calculated according to OCMC Chapter 1.04.070 and shall be based on calendar days, not business days.

17.50.040 - Development review in overlay districts and for erosion control.

For any development subject to regulation of Geologic Hazards under city code Chapter 17.44; Natural Resource under Chapter 17.49; Willamette River Greenway under Chapter 17.48; Historic Overlay under Chapter 17.40, and erosion control under Chapter 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

17.50.050 – Pre-application conference.

A Pre-application Conference. Prior to a complete Type II – IV or Legislative application, excluding Historic Review, ~~submitting an application for any form of permit,~~ 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. ~~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.~~
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 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 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 must 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 ~~does not warrant this step~~ 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.

17.50.055 - Neighborhood association meeting.

A. 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, Ppplanning Ccommission 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 request via email or mail a request to meet with the ~~send, by certified mail, return receipt requested letter to the~~ chair~~person~~ of the neighborhood association ~~and the Citizen Involvement Committee~~ describing the proposed project and copy or forward the notice to~~.~~ ~~Other communication methods may be used if approved by the Neighborhood Association.~~ the chair of the Citizen Involvement Committee.

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 c~~ertified letter~~ email or regular mailing 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 copy of the email or mail correspondence between the NA and the applicant, ~~a sign-in sheet of meeting attendees,~~ and a summary of issues discussed at the meeting~~, 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, postcard or other correspondence used, ~~a sign in sheet of attendees~~ and a summary of issues discussed at the meeting.

17.50.060 - Application requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the Cc~~i~~ity C~~o~~mmission or Ppplanning Cc~~o~~ommission. If there is more than one record owner, then the city will not ~~accept~~ complete a~~n~~ Type II-IV 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.

17.50.070 - Completeness review and one hundred twenty-day rule.

A. Upon submission, the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector shall date stamp the application form and verify that the appropriate application fee has been submitted. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information must be submitted to make the application complete.

B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or~~, on the one hundred eighty-first day,~~ the application shall be rejected ~~and all materials (except one copy of the application)~~ and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A. of this section.

The application will be deemed complete for the purpose of this section upon receipt by the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector of:

1. All the missing information;
2. Some of the missing information and written notice from the applicant that no other information will be provided; or
3. Written notice from the applicant that none of the missing information will be provided.

C. Once the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete. Pursuant to ORS 227.178, the city will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the city's authority and control.
4. The one hundred twenty-day period does not apply to any application for an amendment to the city's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.
5. A one-hundred-day period applies in place of the one-hundred-twenty-day period for affordable housing projects where:

a. The project includes five or more residential units, including assisted living facilities or group homes;
b. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and
c. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.

D. The one hundred twenty-day period specified in Section 17.50.070C. may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

E. The approval standards that control the city's review and decision on a complete application are those which were in effect on the date the application was first submitted.

17.50.080 - Complete application—Required information.

Unless stated elsewhere in City code Titles 16 or 17, a complete application includes all the materials listed in this subsection. The Ccommunity Ddevelopment Ddirector may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Ccommunity Ddevelopment Ddirector may require additional information, beyond that listed in this subsection or elsewhere in Titles 16 or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the city will not deem the application complete until all information required by the Ccommunity Ddevelopment Ddirector is submitted. At a minimum, the applicant must submit the following:

A. One copy of a completed city application form that includes the following information:

1. An accurate ~~legal description, tax account number(s),~~ address and tax map and location of all properties that are the subject of the application;

2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);

B. A complete list of the permit approvals sought by the applicant;

~~C. A current preliminary title report for the subject property(ies);~~

C~~D~~. A complete and detailed narrative description of the proposed development ~~that describes existing site conditions, existing buildings, public facilities and services, presence of wetlands, steep slopes and other natural features~~.

D~~E~~ A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the preapplication conference as being required;

~~E. Up to twenty one legible copies of all reports, plans, site plans and other documents required by the section of this code corresponding to the specific approval(s) sought;~~

E~~F~~. ~~At least one copy of the site plan and all related drawings shall be in a readable/legible eight and one-half by eleven-inch format for inclusion into the city's bound record of the application;~~ One paper copy of all application materials for ~~of a~~ Type I applications. No paper copies are needed for Type II-IV or Legislative applications.

F~~G~~. For all Type II – IV and Legislative applications, the following is required:

1. An electronic copy of all materials.

2. Mailing labels or associated fee for notice to all parties entitled under Section 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;

3. Documentation indicating ~~if~~ there are no liens favoring the City on the subject site.

4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.

5. A current preliminary title report or trio for the subject property(ies);

G~~H~~. All required application fees;

H~~I~~. Annexation agreements, traffic or technical studies ~~-~~(if applicable);

I~~J~~. Additional documentation as needed by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector.

17.50.090 - Public notices.

All public notices issued by the city with regard to a land use matter, announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the ~~planning manager~~ C~~c~~ommunity D~~d~~evelopment D~~d~~irector has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. ~~Pursuant to Section 17.50.080G., t~~The applicant shall provide or the City shall prepare for a fee ~~is responsible for providing~~ an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with Section 17.50.100. The city's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;

2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;

3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;

4. A statement that any issue which is intended to provide a basis for an appeal must be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;

5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;

6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.

7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to Section 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice on the city website ~~in a newspaper of general circulation~~ within the city at least twenty days prior to the hearing. Pursuant to Section 17.50.080H., the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with Section 17.50.100. Notice of the application hearing shall include the following information:

1. The time, date and location of the public hearing;

2. Street address or other easily understood location of the subject property and city-assigned planning file number;

3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the city will use to evaluate the proposal;

4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;

5. A statement that any issue which is intended to provide a basis for an appeal to the C~~c~~ity C~~o~~mmission must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue;

6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to Section 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at ~~city hall~~the Planning Division offices during normal business hours; and

8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or comprehensive plan is to be considered, the ~~planning manager~~ Ccommunity Ddevelopment Ddirector shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published in a newspaper of general circulation within the city. Notice issued under this subsection shall include the following information:

1. The time, date and location of the public hearing;

2. The city-assigned planning file number and title of the proposal;

3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;

4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and

5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. City Guidance and the Applicant's Responsibility. The city shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The city shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the city's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the one hundred-twenty-day period in a timely manner.

B. Number and Location. The applicant must place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the

public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

17.50.110 - Assignment of decision-makers.

The following city entity or official shall decide the following types of applications:

A. Type I Decisions. The Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector shall render all Type I decisions. The Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector's decision is the city's final decision on a Type I application.

B. Type II Decisions. The Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector shall render the city's decision on all Type II permit applications, which are then appealable to the Cc~~i~~ty Cc~~o~~mmission with notice to the Pp~~l~~anning Cc~~o~~mmission. The city's final decision is subject to review by LUBA.

C. Type III Decisions. The Pp~~l~~anning Cc~~o~~mmission or Hh~~i~~storic Rr~~e~~view Bb~~o~~ard, as applicable, shall render all Type III decisions. Such decision is appealable to the Cc~~i~~ty Cc~~o~~mmission, on the record. The Cc~~i~~ty Cc~~o~~mmission 's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

D. Type IV Decisions. The Pp~~l~~anning Cc~~o~~mmission shall render the initial decision on all Type IV permit applications. If the Pp~~l~~anning Cc~~o~~mmission denies the Type IV application, that decision is final unless appealed in accordance with Section 17.50.190. If the Pp~~l~~anning Cc~~o~~mmission recommends approval of the application, that recommendation is forwarded to the Cc~~i~~ty Cc~~o~~mmission. The Cc~~i~~ty Cc~~o~~mmission decision is the city's final decision on a Type IV application and is subject to review LUBA.

E. Expedited Land Division (ELD). The Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector shall render the initial decision on all ELD applications. The Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector's decision is the city's final decision unless appealed in accordance to ORS 197.375 to a city-appointed hearings referee. The hearings referee decision is the city's final decision which is appealable to the Oregon Court of Appeals.

17.50.120 - Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the Pp~~l~~anning Cc~~o~~mmission, Hh~~i~~storic Rr~~e~~view Bb~~o~~ard, or Cc~~i~~ty Cc~~o~~mmission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

A. Once the Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the Pp~~l~~anning Cc~~o~~mmission or Hh~~i~~storic Rr~~e~~view Bb~~o~~ard, as applicable. Once the Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing pursuant to Section 17.50.190.

B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090B.

C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.

D. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;

2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the state land use board of appeals;

4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and

5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.

6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.

F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.

17.50.130 - Conditions of approval and notice of decision.

A. All city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the city's master plans, and city public works design standards, are, or can be met.

B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to Chapter 1.20 of this code and ORS 30.315.

C. Notice of Decision. The city shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:

1. The file number and date of decision;
2. The name of the applicant, owner and appellant (if different);
3. The street address or other easily understood location of the subject property;
4. A brief summary of the decision, and if an approval, a description of the permit approved;
5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;
6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

17.50.140 – ~~Performance~~ Financial guarantees.

When conditions of permit approval require a permitee to construct certain public improvements, the city ~~may, in its discretion, allow~~ shall require the permitee to ~~submit a performance~~ provide financial guarantee ~~in lieu of~~ for ~~actual~~ construction of the certain public improvements. ~~Performance~~ Financial guarantees shall be governed by this section.

A. Form of Guarantee. ~~Performance~~ Guarantees shall be in a form approved by the city attorney. Approvable ~~methods~~ forms of performance guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.

B. Performance Guarantees ~~Timing of Gurantee~~. A permittee shall be required to provide a Performance guarantee as follows.

1. After Final Approved Design By The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permitee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the ~~remaining~~ public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer.

2. Before Complete Design Approval And Established Engineered Cost Estimate: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permitee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. ~~This scenario applies for a fee-in-lieu situation to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. In this case, the fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument as approved to form by the city attorney.~~

C. ~~Duration~~ Release ~~of the~~ Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval, the city engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the city in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the city, any remaining funds shall be refunded to the permittee. The city shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the city, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the city may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

D. Fee-in-lieu. When conditions of approval or the City Engineer allows the permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the city engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The fee-in-lieu must be submitted as cash, certified check, or other negotiable instrument acceptable by the city attorney.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the city, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the city accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.
B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the city issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the city. The form of guarantee shall be specified by the city engineer and, prior to execution and acceptance by the city shall be reviewed and approved by the city attorney. The guarantee shall be filed with the city engineer.
C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the city engineer. Upon expiration of the warranty period and acceptance by the city as described below, the city shall be responsible for maintenance of those improvements.
D. Transfer of Maintenance. The city will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city. Transfer of maintenance of public improvements shall occur when the city accepts the improvements at the end of the two year warranty period.

17.50.150 - Covenant with the city.

A. The city may impose as a condition of final approval of a quasi-judicial permit, the requirement that the applicant execute a covenant with the city agreeing to comply with all conditions of approval. Any such covenant shall include the following elements:
    1. An agreement that the applicant will comply with all applicable code requirements, conditions of approval and any representations made to the city by the applicant or the applicant's agents during the application review process, in writing. This commitment shall be binding on the applicant and all of the applicant's successors, heirs and assigns;
    2. If the owner fails to perform under the covenant, the city may immediately institute revocation of the approval or any other enforcement action available under state law or this code. The covenant may also provide for payment of attorney fees and other costs associated with any such enforcement action; and

3. Where the development rights of one site are dependent on the performance of conditions by the owner of another property (such as joint access), the covenants are judicially enforceable by the owner of one site against the owner of another.

B. Adopting the covenant: The form of all covenants shall be approved by the city attorney. The covenant shall run with the land and shall be placed in the county deed records prior to the issuance of any permits or development activity pursuant to the approval. Proof of recording shall be made prior to the issuance of any permits and filed with the planning division. Recording shall be at the applicant's expense. Any covenant required under this section shall be properly signed and executed within thirty days after permit approval with conditions; provided, however, that the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector may grant reasonable extensions, not to exceed an additional thirty days, in cases of practical difficulty. Failure to sign and record the covenant within the prescribed period shall require a new application for any use of the subject property.

17.50.160 - Ex parte contact, conflict of interest and bias.

The following rules shall govern any challenges to a decision-maker's participation in a quasi-judicial or legislative action:

A. Ex parte Contacts. Any factual information obtained by a decision-maker outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision-maker that has obtained any materially factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to legislative proceedings.

B. Conflict of Interest. Whenever a decision-maker, or any member of a decision-maker's immediate family or household, has a financial interest in the outcome of a particular quasi-judicial or legislative matter, that decision-maker shall not participate in the deliberation or decision on that matter.

C. Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision-maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This rule does not apply to legislative proceedings.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the Pp~~p~~lanning Cc~~c~~ommission.

B. Planning Commission Review.

1. Hearing Required. The Pp~~p~~lanning Cc~~c~~ommission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide

written or oral testimony on the proposal at or prior to the hearing. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. The Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector 's Report. Once the Pp~~p~~lanning Cc~~c~~ommission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.

3. Planning Commission Recommendation. At the conclusion of the hearing, the Pp~~p~~lanning Cc~~c~~ommission shall adopt a recommendation on the proposal to the Cc~~c~~ity Co~~o~~mmission. The Pp~~p~~lanning Cc~~c~~ommission shall make a report and recommendation to the Cc~~c~~ity Co~~o~~mmission on all legislative proposals. If the Pp~~p~~lanning Cc~~c~~ommission recommends adoption of some form of the proposal, the Pp~~p~~lanning Cc~~c~~ommission shall prepare and forward to the Cc~~c~~ity Co~~o~~mmission a report and recommendation to that effect.

C. City Commission Review.

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

2. Notice of Final Decision. Not later than five days following the Cc~~c~~ity Co~~o~~mmission final decision, the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

17.50.180 - Objections to procedure.

Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, must make a procedural objection prior to the city rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

17.50.190 - Appeals.

Appeals of any non-final decisions by the city must comply with the requirements of this section.

A. Type I decisions by the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector ~~planning manager~~ are not appealable to any other decision-maker within the city.

B. A notice of appeal of any Type II, III or IV decision must be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

C. The following must be included as part of the notice of appeal:

1. The city planning file number and date the decision to be appealed was rendered;
2. The name, mailing address and daytime telephone number for each appellant;
3. A statement of how each appellant has an interest in the matter and standing to appeal;
4. A statement of the specific grounds for the appeal;
5. The appropriate appeal fee. Failure to include the appeal fee, with the exception of actual attorney fees, within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a city-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to Section 17.50.290C., no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.

D. Standing to Appeal. The following rules prescribe who has standing to appeal:

1. For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector ~~planning manager~~ decision. Review by the Cc~~c~~ity C~~o~~mmission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered.
2. For Type III and IV decisions, only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the Pp~~p~~lanning Cc~~c~~ommission or Hh~~h~~istoric Rr~~r~~eview Bb~~b~~oard, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.

E. Notice of the Appeal Hearing. The planning division shall ~~issue~~ mail notice of the appeal hearing to all parties who participated either orally or in writing and provided their mailing address before the close of the public record in accordance with Section 17.50.090B and post notice on the city website. Notice of the appeal hearing shall contain the following information:

1. The file number and date of the decision being appealed;
2. The time, date and location of the public hearing;
3. The name of the applicant, owner and appellant (if different);
4. The street address or other easily understood location of the subject property;
5. A description of the permit requested and the applicant's development proposal;

6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;

7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;

8. A general explanation of the requirements for participation and the city's hearing procedures.

F. Appeal Hearing—Scope of Review. Appeal hearings shall comply with the procedural requirements of Section 17.50.120. Appeal hearings shall be conducted by the Cc~~o~~ity Commission~~, planning commission or historic review board, as applicable~~. The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.

17.50.200 - Expiration of an approval.

A. When approvals become void: All Type I—IV approvals, except for zone changes, comprehensive plan map amendments, conditional uses and master plans automatically become void if any of the following events occur:

1. If, within two years of the date of the final decision, a building permit has not been ~~issued~~ submitted. For projects involving the submittal of multiple building permits, all building permits shall be submitted within two years of the initial building permit submittal date.

2. If, within two years of the date of the final decision for all land divisions, the activity approved in the permit has not ~~commenced or, in situations involving only the creation of lots, the public improvements and conditions of approval have not been completed or financial guarantee (surety) provided~~ been submitted to the Clackamas County Surveyors Office for recording.

3. Annexations become void if a vote of the citizens rejects the application.

B. New application required: Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

C. Deferral of the expiration period due to appeals: If a permit decision is appealed beyond the jurisdiction of the city, the expiration period shall not begin until review before the land use board of appeals and the appellate courts has been completed, including any remand proceedings before the city. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

17.50.210 - Extension of an approval.

A. The Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector may extend, prior to its expiration, any approved permit for a period of 1 ~~one~~ year~~-~~ provided~~-~~ that the applicant has provided evidence of implementation of the permit. Any request for an extension shall be reviewed and decided upon by the Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector as a Type I~~-~~ decision.

B. Substantial implementation of a permit shall require at a minimum, demonstrable evidence in a written application showing:

1. The permit holder has applied for the permits required as a condition of the land use or limited land use permit;
2. The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code or the permit or any condition thereunder; and
3. There have been no changes in circumstances or the law likely to necessitate significant modifications of the development approval or conditions of approval.

~~17.50.220 - Reapplication limited.~~

~~If the application is denied or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit.~~

17.50.230 - Interpretation.

Where a provision of Title 16 or Title 17 conflicts with another city ordinance or requirement, the provision or requirement that is more restrictive or specific shall control.

17.50.240 - Conformity of permits.

The city shall not accept any application for a permit, certificate or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of Title 16 and Title 17 and any permit approvals previously issued by the city. The city shall not issue a Type II-IV permit, permit recordation of a land division with the Clackamas County Surveyor's Office, or allow finalization of a project for a Type II-IV development, until any pending liens in favor of the City filed against the property have been fully resolved.

~~17.50.260 - Reconsideration of a final decision.~~

~~Under this section, parties with standing may seek reconsideration of a final decision rendered pursuant to a Type II, Type III, or Type IV process. Reconsideration is warranted where the city's decision indicates the decision-maker failed to understand or consider certain relevant facts in the record or misinterpreted the application in some material way. Any request for reconsideration must be received by the planning division within ten days of when the decision in question was rendered and must specifically describe the alleged misunderstanding or misinterpretation. A request for reconsideration shall not stay the effectiveness of the city's final decision, nor shall it affect any applicable appeal~~

~~deadlines to the land use board of appeals. If the request is granted, the community development director shall notify all affected parties that the decision will be reconsidered. Any request for reconsideration by the applicant shall be deemed a waiver of the one hundred twenty-day deadline under Section 17.50.070.~~

17.50.270 - Revocation of a previously approved permit.

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of permit approval or otherwise does not comply fully with the city's approval, the city may institute a revocation or modification proceeding under this section.

A. Situations when Permit Approvals May Be Revoked or Modified. All quasi-judicial permits may be revoked or modified if the Pp~~p~~lanning Cc~~c~~ommission determines a substantial likelihood that any of the following situations exists:

1. One or more conditions of the approval have not been implemented or have been violated;

2. The activities of the use, or the use itself, are substantially different from what was approved; or

3. The use is subject to the nonconforming use regulations, the applicant has not obtained approval, and has substantially changed its activities or substantially increased the intensity of its operations since the use became nonconforming.

B. Process for Revocation and Modification. Revocation or modification shall be processed as a Type IV decision. The planning division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the city's approval.

C. Possible Actions at the Revocation Hearing. Depending on the situation, the Pp~~p~~lanning Cc~~c~~ommission may take any of the actions described below. The Pp~~p~~lanning Cc~~c~~ommission may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the city's approval may be subject to the following actions:

1. The Pp~~p~~lanning Cc~~c~~ommission may find that the use or development is complying with the conditions of the approval. In this case, the use or development shall be allowed to continue.

2. The Pp~~p~~lanning Cc~~c~~ommission may modify the approval if it finds that the use or development does not meet the standards for revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the Pp~~p~~lanning Cc~~c~~ommission may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.

3. The Pp~~p~~lanning Cc~~c~~ommission may revoke the approval if it finds there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.

D. Effect of Revocation. In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Pplanning Ccommission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

17.50.280 - Transfer of approval rights.

Unless otherwise stated in the city's permit decision, any approval granted under Title 16 or Title 17 of this code runs with the land and is transferred with ownership of the land. Any conditions, time limits or other restrictions imposed with a permit approval shall bind all subsequent owners of the property for which the permit was granted.

17.50.290 - Fees.

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the city's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175.10.b. The requirements of this section shall govern the payment, refund and reimbursement of fees.

A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be ~~accepted~~ completed without the proper fee being paid ~~with the exception of the actual attorney fees which are required within 60 days of a local appeal decision~~.

B. Refunds. Fees will only be refunded as provided in this subsection:

1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.

2. Errors. When an error is made in calculating a fee, overpayment will be refunded.

3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.

C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application must be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the Cc~~o~~ity Co~~m~~mmission, if the Cc~~o~~ity Co~~m~~mmission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.

D. Major Projects. The fees for a major project shall be the city's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section. ~~For purposes of this subsection only, a "major project" is defined to include any combined plan and zone change and any project with an estimated construction cost over one million dollars.~~

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.52 Off-Street Parking and Loading

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.52.010 - Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single ~~and two~~ family attached and detached residential dwellings, duplexes, accessory dwelling units, and internal conversions.

17.52.015 - Planning commission adjustment of parking standards.

A. Purpose: The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. The purpose of an adjustment is to provide flexibility to those uses which may be extraordinary, unique or to provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum or maximum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this Code, and the approval criteria can be met.

B. Procedure: A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.

C. Approval criteria for the adjustment are as follows:

1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.

2. Parking analysis for surrounding uses and on-street parking availability: The applicant must show that there is a continued fifteen percent parking vacancy in the area adjacent to the use

during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector.

a. For the purposes of demonstrating the availability of on street parking as defined in OCMC ~~[Section]~~ 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Cc~~o~~mmunity Dd~~e~~velopment Dd~~i~~rector.

b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:

i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and

ii. Vacant on-street parking spaces between three hundred and six hundred feet of the ~~[~~site~~]~~ will reduce onsite parking requirements by 0.2 parking spaces.

3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.

4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.

17.52.020 - Number of automobile spaces required.

A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per 1,000 ~~one thousand~~ square feet net leasable area unless otherwise stated.

Table 17.52.020

LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
~~Multi-Family: Studio~~	~~1.00 per unit~~	~~1.5 per unit~~

~~Multi-Family: 1 bedroom~~	~~1.25 per unit~~	~~2.00 per unit~~
~~Multi-Family: 2 bedroom~~	~~1.5 per unit~~	~~2.00 per unit~~
~~Multi-Family: 3 bedroom~~	~~1.75 per unit~~	~~2.50 per unit~~
Multi-Family Residential	1.00 per unit	2.5 per unit
3-4 plex Residential	1.00 per unit	2.5 per unit
Cluster Housing	1.00 per unit	2.5 per unit
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes and ~~Transitional~~ Shelter	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool Nursery/Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,	.25 per seat	0.5 per seat
Retail Store, Shopping Center, Restaurants	4.10	5.00

Office	2.70	3.33
Medical or Dental Clinic	2.70	3.33
Sports Club, Recreation Facilities	Case Specific	5.40
Storage Warehouse, Freight Terminal	0.30	0.40
Manufacturing, Wholesale Establishment	1.60	1.67
Light Industrial, Industrial Park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector, based upon the requirements of comparable uses listed.

3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.

5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.

B. Parking requirements can be met either onsite, or offsite by meeting the following conditions:

1. Parking may be located on the same site as the associated use which it is supporting.

2~~1~~. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of 50 ~~fifty~~ percent, as determined by the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector.

2. Shared Parking. Required parking facilities for 2 ~~two~~ or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or

operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 1,000 ~~one thousand~~ feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.

3. On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:

a. Dimensions. The following constitutes one on-street parking space:

1. Parallel parking:~~,~~ ~~each~~ 22 ~~[twenty-two]~~ feet of uninterrupted and available curb;

2. ~~[Forty-five/sixty]~~ 45 and/or 60 degree diagonal parking:~~,~~ ~~each with [fifteen]~~ 15 feet of curb;

3. 90 ~~Ninety~~ degree (perpendicular) parking:~~,~~ ~~each with [twelve]~~ 12 feet of curb.

4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

C. Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted. ~~The required number of parking stalls may be reduced in the Downtown Parking Overlay District: Fifty percent reduction in the minimum number of spaces required is allowed prior to seeking further reductions in [sub]sections 2. and 3. below:~~

1. Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the Downtown Parking Overlay is reduced by 50 percent.

2~~1~~. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the ~~community development director may reduce the~~ minimum required number of parking stalls is reduced up to 25 ~~twenty-five~~ percent when ~~it is determined that a project~~:

a. I~~i~~n a commercial center (60,000 ~~sixty thousand~~ square feet or greater of retail or office use measured cumulatively within a 500 ~~five hundred~~ foot radius) or

b. When adjacent to multi-family development with over 80 ~~eighty~~ units~~,~~ ~~is adjacent to~~ or

c. W~~w~~ithin 1,320 ~~one thousand three hundred twenty~~ feet of an existing or planned public transit street and ~~is~~ within 1,320 ~~one thousand three hundred twenty~~ feet of the opposite use (commercial center or multi-family development with over 80 ~~eighty~~ units).

3~~2~~. ~~Reduction in Parking for~~ Tree Preservation. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated ~~regulated~~ heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. ~~The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.~~

4~~3~~. Transportation Demand Management. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector shall ~~may~~ reduce the required number of parking stalls up to 25 ~~twenty-five~~ percent when a parking-traffic study prepared by a traffic engineer demonstrates~~:~~

~~a.~~ Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

~~b.~~ A t~~T~~ransportation demand management (TDM) program shall be ~~has been~~ developed ~~for approval by, and is approved by the city engineer. The plan will contain~~ to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the city determines the plan is not successful, the plan may be revised. If the city determines that no good-faith effort has been made to implement the plan, the city may take enforcement actions.

5~~4~~. The minimum required number of stalls may be reduced by up to 10% when the subject property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop.

17.52.030 - Standards for automobile parking.

A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of section 16.12.035. Groups of more than 4 ~~four~~ parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. ~~No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.~~

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.

C. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works stormwater and grading design standards.

D. Dimensional Standards.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

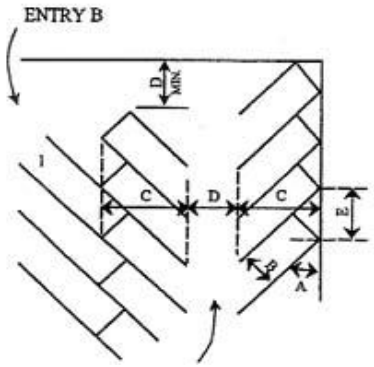
2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative

designs for larger sites may also be considered. In such situations, the Ccommunity Ddevelopment Ddirector may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS

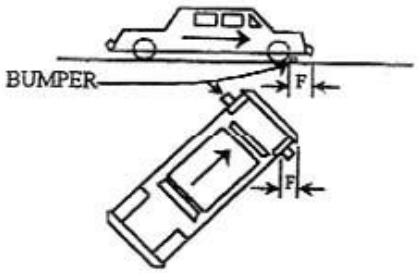
A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.



TYPICAL PARKING LAYOUT

ENTRY A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B

OVERHANG

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

E. Carpool and Vanpool Parking. New developments with 75 ~~seventy-five~~ or more parking spaces, excluding projects with 75 percent% or more residential use, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with 50 ~~fifty~~ or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least 5 ~~five~~ percent, but not fewer than 2 ~~two~~, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

17.52.040 - Bicycle parking standards.

A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than ~~single-family dwellings or duplexes~~ exclusively residential use with less than 4 dwellings onsite (excluding cluster housing).

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

USE	**MINIMUM BICYCLE PARKING**	MINIMUM BICYCLE PARKING - COVERED - The following percentage of

		bicycle parking is required to be covered
Multi-family (~~three~~ five or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)
3-4 Plex	1 per 10 units (minimum of 2)	50% (minimum of 1)
Institutional		
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility and ~~Transitional~~ Shelter	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)
Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Parks and open space	1 per 10 auto spaces (minimum of 2)	0%
Public parking lots	1 per 10 auto spaces (minimum of 2)	50% (minimum of 1)
Automobile parking structures	1 per 10 auto spaces (minimum	80% (minimum of 2)

	of 4)	
Religious institutions, movie theater, auditorium or meeting room	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Libraries, museums	1 per 5 auto spaces (minimum of 2)	30% (minimum of 1)
Preschool, nursery, kindergarten	2 per classroom (minimum of 2)	50% (minimum of 1)
Elementary	4 per classroom (minimum of 2)	50% (minimum of 1)
Junior high and High school	2 per classroom (minimum of 2)	50% (minimum of 2)
College, business/commercial schools	2 per classroom (minimum of 2)	50% (minimum of 1)
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Retail stores and shopping centers	1 per 20 auto spaces (minimum of 2)	50% (minimum of 2)
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces (minimum of 2)	0%
Bank, office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Medical and dental clinic	1 per 20 auto spaces (minimum	50% (minimum of 1)

	of 2)	
Eating and drinking establishment	1 per 20 auto spaces (minimum of 2)	0%
Gasoline service station	1 per 10 auto spaces (minimum of 2)	0%

* Covered bicycle parking is not required for developments with two or fewer parking stalls.

C. Design Standards ~~Security of Bicycle Parking~~. ~~Bicycle parking facilities shall be secured. Acceptable secured bicycle parking area shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as approved by the decision maker. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience and, when in the right-of-way shall comply with clearance and ADA requirements.~~

~~D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience.~~

~~Location of Bicycle Parking:~~

1. Bicycle parking facilities shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as approved by the decision maker.
2. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.

~~3. Bicycle racks shall comply with clearance and ADA requirements.~~

~~4. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The city engineer and the community development Director may permit the bicycle parking to be provided within the right-of-way provided adequate clear zone and ADA requirements are met. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.~~

3~~2~~. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must

be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space ~~unless approved by the community development director~~. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.

4. All bicycle racks shall be designed so that:

a. The bicycle frame is supported horizontally at two or more places.
b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.
c. The user is not required to lift the bicycle onto the bicycle rack.
d. Each bicycle parking space is accessible without moving another bicycle.
e. It is a minimum of 30 inches tall and 18 inches wide between the two points of contact.
f. Provides an area of 6 feet by 2 feet per bicycle.

~~5~~3. ~~All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.~~

~~a. Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet.~~

~~b. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the right-of-way where this does not conflict with pedestrian accessibility.~~

~~4. Accessibility.~~

~~a. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walkways.~~

~~b. Outdoor bicycle parking areas shall have direct access to a right-of-way.~~

~~c. Outdoor bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet, whichever is less, unless otherwise determined by the community development director, city engineer, or planning commission.~~

17.52.060 - Parking lot landscaping.

Purpose. The purpose of this code section includes the following:

1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
3. To shade and cool parking areas;
4. To reduce air and water pollution;
5. To reduce storm water impacts and improve water quality; and

6. To establish parking lots that are more inviting to pedestrians and bicyclists.

A. Applicability. This section shall apply to off-street parking lots with more than 5 stalls.

BA. Development Standards.

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.

2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.

3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter ~~landscaping to provide shade~~.

4. Required landscaping trees shall be of a minimum 2 ~~two~~ inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;

5. At maturity all of the landscaped area shall be planted in ground cover plants, which includes grasses. ~~No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.~~ Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within 2 feet of the base of a tree and is not a substitute for ground cover.

65. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector, that can demonstrate adequate maintenance;

7. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.

~~6. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.~~

~~7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.~~

~~8. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.~~

CB. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the C~~c~~ommunity D~~d~~evelopment D~~d~~irector may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

1. The perimeter parking lot are[a] shall include:

a. Trees spaced a maximum of 30 ~~thirty~~ ~~five~~ feet apart (minimum of 1 ~~one~~ tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;

~~b. Ground cover, such as wild flowers, spaced a maximum of 16 inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and~~

b~~c~~. An evergreen hedge screen of 30 ~~thirty~~ to 42 ~~forty-two~~ inches high or shrubs spaced no more than 4 ~~four~~ feet apart on average. The hedge/shrubs shall be parallel to and not nearer than 2 ~~two~~ feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than 5 ~~five~~ feet in width, shall be provided every 30 ~~thirty~~ feet within evergreen hedges abutting public right-of-ways.

D~~C~~. Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. Minimum 5 ~~five-~~foot wide landscaped planter strip (excluding areas for pedestrian connection) ~~abutting either side of a parking lot sidewalk with~~ meeting the standards for perimeter parking lot area landscaping; or,:

   ~~a. Trees spaced a maximum of thirty-five feet apart;~~

   ~~b. Ground cover such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and~~

   ~~c. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or~~

2. Minimum 7 ~~Seven-~~foot sidewalks with shade trees spaced a maximum of 30 ~~thirty-five~~ feet apart in 3 ~~three-~~foot by 5 ~~five-~~foot tree wells.

E~~D~~. Interior Parking Lot Landscaping. Surface parking lots ~~with more than five parking stalls~~ shall include at least 45 square feet of interior parking lot landscaping per parking stall ~~shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping~~ to improve the water quality, reduce storm water runoff, and provide pavement shade. ~~Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1) unless otherwise permitted by the dimensional standards of the underlying zone district.~~ Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:

a. A minimum of one tree per ~~six~~ 4 ~~four~~ parking spaces.

~~b. Ground cover, such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.~~

b~~c~~. ~~Shrubs spaced no more than four feet apart on average.~~A minimum of 1.5 shrubs per parking space.

cd. No more than 8 eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of 6 six feet in width and a minimum of 10 ten feet in length.

e. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or

Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

E. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.

2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.

3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.

G 17.52.070 - Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the Ccommunity Ddevelopment Ddirector may approve variations to the landscaping standards of section 17.52.060 in accordance with A and/or B below.

A. General Review Standard. The alternative shall be meet or exceed the intent of this chapter and shall create a safe space for automobiles and pedestrians. The alternative landscaping plan shall be prepared by a licensed landscape architect. the standards in section 17.62.015(B)(1) - Modifications that will better meet design review requirements.

B. Credit for Pervious/Low Impact Development. The Ccommunity Ddevelopment Ddirector may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

17.52.080 - Maintenance.

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

a. It will not interfere with the maintenance or repair of any public utility;

b. It will not restrict pedestrian or vehicular access; and

c. It will not constitute a traffic hazard due to reduced visibility.

17.52.090 - Loading areas.

A. Purpose.

1. The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.

B. Applicability.

1. Section 17.52.090 applies to uses that are expected to have service or delivery truck visits with a 40 ~~forty~~ foot or longer wheelbase, at a frequency of 1 ~~one~~ or more vehicles per week. The C~~c~~ity E~~e~~ngineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the C~~c~~ity E~~e~~ngineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.

2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

3. The C~~c~~ity E~~e~~ngineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:

a. Short in duration (i.e., less than 1 ~~one~~ hour);

b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);

c. Does not obstruct traffic during peak traffic hours;

d. Does not interfere with emergency response services; and

e. Is acceptable to the applicable roadway authority.

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.54 Supplemental Zoning Regulations and Exceptions

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.54.010 - Accessory buildings and uses.

Accessory structures and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following standards:

A. Signs. Signs shall be permitted as provided in Chapter 15.28.

B. Residential Accessory Structures, not including Accessory Dwellings Units. The section applies to accessory structures within the R-10, R-8, R-6, R-5 and R-3.5 zoning districts and accessory structures on properties with a residential use with less than 5 units ~~primary use as a single or two-family dwelling~~ but within a zoning designation not listed above.

1. Accessory Structures with a Footprint Less than 200 ~~Two Hundred~~ Square Feet.

   a. Shall be located behind the front line of the primary structure; and

   b. Shall comply with the dimensional standards of the zoning designation including height, lot coverage and setbacks unless modified pursuant to subsection c.; and

   c. Side and rear setbacks may be reduced to not less than 3 ~~three~~ feet for the accessory structure and its projections if the height does not exceed 17 ~~seventeen~~ feet as defined in Section 17.04.550.

2. Accessory Structures with a Footprint from 200 ~~Two Hundred~~ to 600 ~~Six Hundred~~ Square Feet.

   a. Shall be located behind the front line of the primary structure; and

   b. Shall comply with the dimensional standards of the zoning designation, including height, setbacks, and lot coverage unless modified pursuant to subsection c.; and

   c. Side and rear setbacks may be reduced to not less than 3 ~~three~~ feet for one accessory structure and its projections if the height does not exceed 17 seventeen feet as defined in Section 17.04.550.

3. Accessory Structures with a Footprint Over 600 ~~Six Hundred~~ Square Feet.

   a. Shall not exceed more than one accessory structure with a footprint in excess of 600 ~~six hundred~~ square feet per parcel; and

   b. The parcel shall be in excess of 20,000 ~~twenty thousand~~ square feet; and

c. The footprint shall not exceed the footprint of the primary structure; and

d. Shall not exceed 800 ~~eight hundred~~ square feet; and

e. Shall not exceed the height of the primary structure; and

f. Shall be located behind the front line of the primary structure; and

g. Shall comply with the dimensional standards of the zoning designation including height, setbacks, and lot coverage.

4. Prohibited.

a. Cargo containers.

b. Membrane and fabric covered storage areas visible from the adjacent right-of-way.

c. Metal structures within a historic district, or on an individually designated historic property, unless otherwise authorized by OCMC Chapter 17.40.

5. An accessory structure housing a hooved animal shall be located a minimum of twenty-five feet from any property line.

6. Accessory structures constructed prior to January 1, 2017 which are located behind the front building line of the primary structure are exempt from the setback and height requirements in this chapter, except as otherwise limited through an applicable overlay district.

7. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard setback requirements for the principal structure. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the building official.

C. Temporary Structures in the Right-of-Way. This section applies to temporary structures associated with permitted events in the right-of-way. Temporary structures:

1. May be constructed of any building material; and

2. Shall comply with all provisions of the Americans with Disabilities Act; and

3. Shall be exempt from all sections of Chapters 12.04, 12.08, 17.52 and 17.62.

~~17.54.020 - Projections from buildings.~~

~~Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.~~

~~17.54.030 - Setback exceptions.~~

Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

17.54.060 - Reserved.

17.54.090 - Accessory dwelling units.

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

A. The purpose of allowing an ADU is to:

1. Provide homeowners with a means of obtaining, through tenants in the ADU or the principal dwelling unit, rental income, companionship, security, and services.

2. Add affordable housing units to the existing housing inventory.

3. Make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.

4. Develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle.

5. Protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the conditions of this Section.

B. Standards and Criteria.

An ADU shall meet the following standards and criteria:

1. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.

2. Any additions to the existing dwelling unit shall not encroach into the existing setbacks in the underlying zone. However, access structures (e.g. stairs or ramps) may be allowed within the setback if no access can be provided to the unit without encroaching into the setback area.

3. The ADU may be attached to, or detached from, the principal dwelling unit.

4. Only one ADU may be created per lot or parcel.

5. The installation of an ADU shall be allowed in single-family zones subject to the specific development, design, and owner-occupancy standards in this section. ADUs are not permitted on the same lot as a nonconforming use.

6. The ADU shall not exceed the height of the principal dwelling unit.

7. The property owner, which shall include title holders and contract purchasers, must occupy either the principal dwelling unit or the ADU as their permanent residence, for at least seven months out of the year, and at no time receive rent for the owner-occupied unit.

8. In no case shall an ADU:

   a. Be more than forty percent of the principal dwelling unit's total floor area; nor

   b. Be more than eight hundred square feet; nor

   c. Be less than three hundred square feet; nor

   d. Have more than two sleeping areas.

9. Detached ADUs:

   a. Shall comply with the requirements OCMC Chapter 17.54.010 — Accessory Buildings and Uses including building footprint, height, placement, exterior building materials, etc.

   b. In the historic overlay district pursuant to OCMC Chapter 17.40, shall be subject to the Design Guidelines for New Construction in Historic Districts.

10. The ADU shall be compatible with the principal dwelling unit, specifically in:

   a. Exterior finish materials.

      1. The exterior finish material must be the same as the principal dwelling unit; or

      2. Visually match in type, size and placement the exterior finish material of the principal dwelling unit.

   b. Trim must be the same in type, size, and location as the trim used on the principal dwelling unit.

   c. Windows must match those in the principal dwelling unit in proportion (relationship of width to height) and orientation (horizontal or vertical).

   d. Eaves must project from the building walls at the same proportion as the eaves on the principal dwelling unit.

11. Parking.

   a. Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site.

   b. The following parking requirements apply to accessory dwelling units.

      1. No additional parking space is required for the accessory dwelling unit if it is created on a site with a principal dwelling unit and the roadway for at least one abutting street is at least twenty-eight feet wide.

      2. One additional parking space is required for the accessory dwelling unit as follows:

         i. When none of the roadways in abutting streets are at least twenty-eight feet wide; or

~~ii. When the accessory dwelling unit is created at the same time as the principal dwelling unit.~~

~~C. Application Procedure.~~

~~Application for a building permit for an ADU shall be made to the building official in accordance with the permit procedures established in OCMC Chapter 15.12, and shall include:~~

~~1. A letter of application from the owner(s) stating that the owner(s) shall occupy one of the dwelling units on the premises, except for bona fide temporary absences, for seven months out of each year.~~

~~2. The registration application or other forms as required by the building official shall be filed as a deed restriction with Clackamas County Records Division to indicate the presence of the ADU, the requirement of owner occupancy, and other standards for maintaining the unit as described above.~~

~~3. The building official shall report annually to the community development director on ADU registration with the number of units and distribution throughout the city.~~

~~4. Cancellation of an ADU's registration may be accomplished by the owner filing a certificate with the building official for recording at the Clackamas County Records Division, or may occur as a result of enforcement action.~~

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

~~Fence, Setback and Height Limitations~~

A. These provisions apply to fences, hedges, walls, and/or retaining walls on private property. These provisions do not apply within the right-of-way.

B. A fence may be located on the property or in a yard setback area subject to the following:

1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as seen from the front property line. Fences, hedges, and/or walls located within 2 feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.
2. A fence, hedge, wall, located next to and behind the forward most building, or within more than 40 feet of the right-of-way, whichever is less may be up to (as seen from the property line by which it is facing):
   a. 6-feet in total height for non-single-family and two-family residential properties; or
   b. 8-feet in total height for all other uses.
3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than 40 feet of the right-of-way, whichever is less may be up to (as seen from the property line by which it is facing): 8 ½ feet in height from the finished grade. Fences, hedges, and/or walls located within 2 feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.

C. General Provisions

A1. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

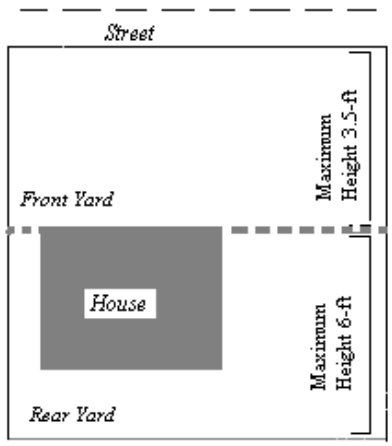
2. Retaining walls, fences, or hedges shall only be located in the right of way;

a. When no other alternative exists, the applicant may apply for a Revocable Permanent Obstruction in the Right of Way permit per OCMC 12.04.120

b. Any retaining walls, fences, or hedges placed approved for installation in the right of way shall follow OCMC 17.54.100.B.

B3. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the City Manager.

~~*Any fence, hedge or wall located in front of ma*~~
~~*up to 3.5-feet in total height.*~~



~~*A fence, hedge or wall located next to and behind your home may be up to 6-feet in total height.*~~

~~A. Generally. Fence, hedge, or wall.~~

~~1. Fences and walls – Fences and walls over 42 inches shall not be located in front of the front faced or within 40 feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed 6 feet in total height unless as permitted in 17.54.100, Section (B).~~

~~2. Hedges shall not be more than 42 inches in the underlying front yard setback~~

~~3. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.~~

4. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the City Manager.

B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:

1. When the retaining wall or artificial berm is 30 inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than 30 inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed 8 ½ feet.
3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of 8 ½ feet in height shall be setback a minimum of 2 feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of 8 ½ feet.
4. An alternative height or location requirement may be approved within a land use process for all non-single family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable Site Plan and Design Review process. In no case may the fence, hedge or wall exceed 8 feet in height without approval of a variance.

17.54.105 - Live/work units.

Live/work units provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work units. Live/work units that conform to the standards will be approved as a Type II decision and a live/work permit will be granted for the property. For all zones where live/work units are permitted, the following standards shall apply. Conditions of approval may be implemented to ensure compliance with the standards through a Type II process.

A. The ground floor business shall provide visibility, signage and access from the primary street. The building in which the live/work dwelling is located shall architecturally differentiate the ground floor commercial/office space from the rest of the building by meeting the following requirements:

1. The main front elevation shall provide at least fifty percent transparency at the pedestrian level through the use of a storefront window system. The transparency is measured in lineal fashion (for example, a twenty-five-foot long building elevation shall have at least twelve and one-half feet (fifty percent of twenty-five feet) of transparency in length).

2. Windows shall begin thirteen to thirty inches above the sidewalk rather than continue down to street level. Large single paned windows over ten feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.

3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building façades. Exceptions to this prohibition may be granted for LEED certified buildings when documented as part of the application and requested as part of the land use application.

B. A live/work dwelling is allowed instead of, or in addition to, a home occupation as defined by OCMC Chapter 17.04. The business portion of the dwelling shall be limited to the ground floor and may not exceed fifty percent of the square footage of the entire dwelling, excluding the garage, or one thousand square feet, whichever is the smaller number.

C. The primary entrance to the business must be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided, an alternative parking and refuse and recycling service plan may be approved by the community development director if it meets the intent of the standards.

D. The applicant must show that there is adequate on street or off-street parking for the proposed use. One parking space is required for every five hundred square feet of commercial, personal service, or office use or a portion thereof. For example, seven hundred square feet of commercial use requires two parking spaces. Adequate parking can be shown by meeting one of the following:

1. Shared Parking. Required parking may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

2. On-Street Parking. On-street parking dimensions for live/work units shall conform to the standards set forth in OCMC Section 17.52.010.C.

3. Onsite Parking. Parking spaces are provided onsite and meet the requirements of OCMC Chapter 17.52—Offstreet Parking and Loading.

E. The number of employees permitted onsite for employment purposes shall be limited to five persons at one time.

F. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat (if applicable) and a deed restriction shall be placed on all units describing the restrictions placed upon these units. These include, but are not limited to, the following:

1. The work use shall not generate noise exceeding fifty-five-decibel level as measured at the lot line of the lot containing the live/work dwelling.

2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building and can be set out no more than four hours before the solid waste pickup.

3. No dust or noxious odor shall be evident off the premises.

4. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before seven a.m. or after eight p.m.

17.54.110 - Marijuana businesses.

For the purpose of zoning regulation pursuant to this section, recreational and medical marijuana facilities are considered the same by Oregon City.

A. Applicability. These standards apply to all marijuana businesses in Oregon City.

B. Restrictions on Location—Zoning.

1. Please refer to individual zone districts elsewhere in this title to determine whether marijuana businesses including production, laboratories, processing, wholesale, and retail use are permitted, prohibited or otherwise regulated.

2. Marijuana businesses are prohibited abutting any "R" residentially zoned area, except that this provision shall not apply where the subject property abuts a road that has a freeway, expressway, major arterial, minor arterial, or collector functional classification as shown on Figure 8, Multi-Modal Street System, of the Oregon City Transportation System Plan and;

3. Home Occupation. A marijuana business may not be operated as a home occupation and;

4. The sale or distribution of marijuana is prohibited for mobile vendors and at all special events and outdoor markets.

C. Restrictions on Location: Marijuana Dispensary or Retailer. A marijuana retailer shall not locate:

1. Within two hundred fifty feet of any public parks, licensed child care and day care facilities, and public transit centers.

2. Within one thousand feet of a public elementary or secondary school for which attendance is compulsory under ORS 339.020, or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), or the property located at Clackamas County Map 3-2E-09C, Tax Lot 800.

3. Within 1,000 ~~one thousand~~ feet of another marijuana retailer.

4. If a new protected property or use described in this section should be established within the aforementioned separation distance of an existing legally established marijuana dispensary or retailer, the existing marijuana dispensary or retailer may remain in place and the separation requirement shall not be applied.

5. The spacing distance specified in this section is a straight line measurement from the closest points between property lines of the affected properties.

D. Standards of Operation.

1. Compliance with Other Laws. All marijuana businesses shall comply with all applicable laws and regulations, including, but not limited to, the development, land use, zoning, building and fire codes.

2. Registration and Compliance with State Law. The marijuana business's state license or authority shall be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the marijuana business shall comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.

3. No portion of any marijuana business shall be conducted outside, including but not limited to outdoor storage, production, processing, wholesaling, laboratories and retail sale, except for temporary ingress and egress of vehicles, persons and materials associated with the permitted use.

4. Hours of Operation. Operating hours for a marijuana business shall be in accordance with the applicable license issued by the OLCC or OHA.

5. Odors. A marijuana business shall use an air filtration and ventilation system that is certified by an Oregon Licensed mechanical engineer to ensure that all odors associated with the marijuana is confined to the licensed premises to the extent practicable. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

6. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

7. Secure Disposal. The facility must provide for secure disposal of marijuana remnants or by-products; marijuana remnants or by-products shall not be placed within the marijuana business's exterior refuse containers.

8. Drive-Through, Walk-Up. A marijuana business may not have a walk-up window or a drive-through.

9. The facility shall maintain compliance with all applicable security requirements of the OLCC including alarm systems, video surveillance, and a restriction on public access to certain facilities or areas within facilities.

17.54.115 Mobile Food Carts

A. Applicability. The following provisions apply to mobile food carts within the Willamette Falls Downtown Design District. The provisions do not apply to indoor mobile food carts or mobile food carts allowed pursuant to ~~within~~ a special event permit issued by the City.

B. General Requirements

1. Mobile food carts may only sell food items.
2. Mobile food carts may not sell cannabis, in any form.
3. Mobile food carts shall have a valid Oregon City or Metro business license.
4. Mobile food carts may not be located within the right-of-way, except for special event with approval from the city engineer.

~~D~~C. Design Standards.

1. Mobile food carts in a single location on private property for less than 5 hours in a 24-hour period shall:
   i. Park within an approved parking stall
   ii. Maintain the minimum number of parking stalls and drive aisle width onsite
2. Mobile food carts on private property which do not comply with Section 17.54.115.D.1 are subject to compliance with site plan and design review standards in Section 17.62.050.A.1-12,

(excluding 17.62.050.A.8, 17.62.050.A.9, 17.62.050.A.10), 16.12, and 17.52. Mobile food carts in a single location or property for more than 5 hours in a 24-hour period shall be connected to City sewer and water services.

3. Sites with more than ten mobile food carts at any time shall have a designated loading area.

D. Process

1. Mobile food carts ~~vendors~~ in a single location on private property for less than 5 hours in a 24-hour period and in compliance with Section 17.54.115.D.1 shall be processed as a Type I Minor Site Plan and Design Review.

2. All other mobile food carts and vendors shall be processed as a Type II Minor Site Plan and Design Review.

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.62 Site Plan and Design Review

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.62.010 - Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

17.62.015 - Modifications that will better meet design review requirements.

The review body ~~may~~ shall consider modification of certain site-related development standards of this Chapter specified below. These modifications ~~are done~~ may be approved as part of a Type II design review process. Any modifications not listed ~~and~~ are ~~not~~ required to go through the Variance process pursuant to OCMC ~~section~~ 17.60.020.

A. Applicability.

1. This process shall apply to modifications to:

a. Building Details in OCMC ~~section~~ 17.62.050.B.9.

b. Transparency in OCMC ~~section~~ 17.62.050.B.10. ~~(up to 50% of the minimum)~~

c. Landscaping in OCMC ~~section~~ 17.62.050.A.1.

d. Parking Lot Landscaping in OCMC ~~section~~ 17.52.060.

e. Utility Undergrounding Requirements in OCMC ~~section~~ 17.62.050.A.7.

f. Vehicular Connections to Adjoining Properties in OCMC ~~section~~ 17.62.050.A.2.b

2. ~~Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the Variance process pursuant to section 17.60.020. Modifications that are denied through design review may be requested as Variance through the Variance process pursuant to section 17.60.020~~ All other modifications require approval of a Variance or Master Plan Adjustment as applicable.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1~~A~~. The modification will result in a development that better meets the applicable design guidelines; and

2~~B~~. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

17.62.020 - Preapplication conference.

Prior to filing for site plan and design review approval, the applicant shall confer with the C~~c~~ommunity D~~d~~evelopment D~~d~~irector pursuant to OCMC ~~section~~ 17.50.030. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector shall identify and explain the relevant review procedures and standards.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the ~~R-10, R-8, R-6, R-5, and R-3.5~~ low and medium density residential districts ~~zoning districts~~, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, ~~cottage~~ cluster housing development, multi-family, 3-4 plex and non-residential uses in all zones ~~and all residential housing types in not in the low and medium density residential districts~~. ~~No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval.~~

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

Existing Use	**Proposed Use**
Residential	Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional
Single-family or duplex	~~three (3)~~ or more dwellings.

Site plan and design review shall not alter the type and category of uses permitted in zoning districts.

17.62.035 - Minor site plan and design review.

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

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and is typically processed concurrently with a building permit application. The Type I process is not applicable for:

   a. Any activity which is included with or initiates actions that require Type II-IV review.

   b. ~~Any use which is not permitted outright, unless otherwise noted~~ Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).

   c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.

   d. Any proposal in which modifications are proposed under Section 17.62.015.

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

   a. Addition of up to ~~two hundred~~ 200 square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than ~~two hundred~~ 200 square feet in a ~~twelve~~ 12-month period shall be processed as Type II.

   b. Addition of up to 1000 ~~one thousand~~ square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than 1000 ~~one thousand~~ square feet in a ~~twelve~~ 12-month period shall be processed as Type II.

   c. Temporary structures, excluding mobile vendors.

   d. Removal, replacement or addition of awnings, or architectural projections to existing structures.

   e. Addition, modification, or relocation of refuse enclosure.

   f. Changes to amount, location, or design of bicycle parking.

   g. Installation of mechanical equipment.

   h. Repaving of previously approved parking lots with no change to striping.

i. Replacement of exterior building materials.

j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.

k. Addition or alteration of parapets or rooflines.

l. Modification of building entrances.

m. Addition to or alteration of a legal nonconforming single or two-family dwelling.

n. Change to parking lot circulation or layout, excluding driveway modifications.

o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.

p. Adoption of shared parking agreements.

q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC ~~Chapter~~ 13.12.

r. New or changes to existing pedestrian accessways, walkways or plazas.

s. Installation of or alterations to ADA accessibility site elements.

t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall ~~at least twenty feet away from a public right-of-way~~.

u. Addition of or alterations to outdoor lighting.

v. Demolition of any structure or portion of a structure

w. Tree removal

x. Type I master plan amendments under ~~Chapter~~ OCMC 17.65.

y. Mobile food carts in one location 5 hours or less as identified in ~~Section~~ OCMC 17.54.115

z. 3-4 plex, duplex, townhouses, single-family dwelling, live/work units and accessory dwelling units.

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

a. A narrative describing the project.

b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

d. A completed application form.

e. Any other information determined necessary by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector.

B. Type II Minor Site Plan and Design Review.

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

   a. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).

   b. Modification to parking lot layout and landscaping, or the addition of up to ~~five~~ 5 parking spaces.

   c. A maximum addition of up to ~~one thousand~~ 1000 square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than ~~thirty five~~ 35 percent of the original building squa re footage.

   d. Mobile food carts as identified in ~~Section~~ OCMC 17.54.115

   ed~~d~~. Other land uses and activities may be added if the C~~c~~ommunity D~~d~~evelopment D~~d~~irector makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

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

   a. The submittal requirements of ~~Chapter~~ OCMC 17.50.

   b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in ~~Chapter~~ OCMC 17.62.035C. below.

   c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.

   d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

   e. Additional submittal material may be required by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector on a case-by-case basis.

   3. Development standards for Type II minor site plan and design review.

   a. All development shall comply with ~~Chapter~~ OCMC 17.62.050(1—7 and 8—15 and 20—22) when deemed applicable by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector. Other sections may apply, as directed by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of ~~Chapter~~ OCMC 17.62.055.

~~17.62.037 - Accessory Dwelling Unit, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks, and 3-4 Plex Standards. Residential Uses~~

~~All accessory dwelling unit, cluster housing, internal conversions, live/work units, and manufactured home parks, duples, townhomes, and single-family dwellings in any zone shall comply with the standards in Chapter 17.20, the zoning designation and any applicable overlay district(s). Compliance is not required with any other section in this chapter.~~

~~All 3-4 plex residential development in any zone shall comply with the standards in Chapter 17.18, the zoning designation and any applicable overlay district(s). Compliance is not required with any other section in this chapter.~~

~~All residential uses, except multi-family shall comply with the associated requirements in Title 17.~~

17.62.040 – ~~Plans~~ Items required.

A complete application for site plan and design review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following ~~plans and information~~:

A. A site plan or plans, to scale, containing the following:

1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;

2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;

3. Contour lines at two-foot contour intervals for grades ~~zero~~ 0 to ~~ten~~ 10 percent, and ~~five~~ 5-foot intervals for grades over ~~ten~~ 10 percent;

4. The location of natural hazard areas on and within ~~one hundred~~ 100 feet of the boundaries of the site, including:

   a. Areas indicated on floodplain maps as being within the ~~one hundred~~ 100 year floodplain,

   b. Unstable slopes, as defined in ~~Chapter~~ OCMC 17.44.020,

   c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;

5. The location of natural resource areas on and within ~~one hundred~~ 100 feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;

6. The location of inventoried historic or cultural resources on and within ~~one hundred~~ 100 feet of the boundaries of the site;

7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within ~~twenty five~~ 25 feet of the site, and the current or proposed uses of the structures;

8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;

9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways

and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred ~~fifty~~ 50 feet of the boundaries of the site;

10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within ~~two hundred~~ 200 feet of the boundaries of the site;

11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in ~~Chapter~~ OCMC 17.52 ~~of this title~~;

12. Site access points for automobiles, pedestrians, bicycles and transit;

13. On-site pedestrian and bicycle circulation;

14. Outdoor common areas proposed as open space;

15. Total impervious surface created (including buildings and hard ground surfaces).

16. The proposed location, dimensions and materials of fences and walls.

B. A landscaping plan, drawn to scale, showing the location and types of existing trees (~~six~~ 6 inches or greater in caliper measured ~~four~~ 4 feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.

C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.

D. An electronic copy of a materials board~~, no larger size than eleven inches by seventeen inches~~ clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. ~~An electronic version may be accepted as an alternative if approved by the community development director.~~

E. An erosion/sedimentation control plan, in accordance with the requirements of ~~Chapter~~ OCMC 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, ~~Chapter~~ OCMC 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.

~~F. The legal description of the site.~~

E~~G~~. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.

F~~H~~. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:

1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office

and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and

2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after ~~forty-five~~ 45 days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

G~~I~~. Such special studies or reports as the C~~c~~ommunity D~~d~~evelopment D~~d~~irector may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector shall require an applicant to submit one or more development impact statements, as described in ~~Chapter~~ OCMC 16.12.050, upon determination that (1) there is a reasonable likelihood that traffic safety or capacity improvements may be required; (2) the proposal could have significant adverse impacts on identified natural resource areas, including areas designated as being within the natural resources overlay district; or (3) the proposal would be located on or could have significant adverse impacts on natural hazard areas, including the geologic hazard and flood plain overlay districts. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector shall determine which types of development impact statements are necessary and provide written reasons for requiring the statement(s). The development impact statements shall include the information described in ~~Chapter~~ OCMC 16.12.070, 16.12.080, and 16.12.120 [and this Section] 17.62.040.

H~~J~~. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:

1. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the C~~c~~ommunity D~~d~~evelopment D~~d~~irector shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for initial review, the information required by this paragraph shall be included in the staff report;

2. The C~~c~~ommunity D~~d~~evelopment D~~d~~irector may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the C~~c~~ommunity D~~d~~evelopment D~~d~~irector shall, in the decision, explain the reasons for requiring the additional information.

~~K. If the applicant has not already done so as some other part of the land use review process, the applicant shall submit an erosion control plan that complies with the applicable requirements of Chapter 17.74 of this code.~~

17.62.050 - Standards.

A. All development shall comply with the following standards:

1. Landscaping, A minimum of ~~fifteen~~ 15 percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.

   a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. ~~A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).~~

   b. Pursuant to ~~Chapter~~ OCMC 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

   c. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than 500 square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within ~~three~~ 3 years will cover ~~one hundred~~ 100 percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within ~~two~~ 2 feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.

   ~~d. For properties within the Downtown Design District landscaping shall be required to the extent practicable up to the ten percent requirement.~~

   d~~e~~. Landscaping shall be visible from public thoroughfares to the extent practicable.

   e~~f~~. ~~Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.~~

   e~~f~~. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of ~~Chapter~~ OCMC 10.32, Traffic Sight Obstructions.

2. Vehicular Access and Connectivity.

a. Parking areas shall be located behind the buildings façade closest to the street, below buildings, or on one or both sides of buildings.

b. Ingress and egress locations on thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.

c. Alleys or vehicular access easements shall be provided in the following Districts: R-2, MUC-1, MUC-2, MUD and NC zones unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker. The corners of alley intersections shall have a radius of not less than ten feet.

d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.

e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots, the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.

f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

bg. Development shall be required to Sites shall provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Such easements shall be required in addition to applicable street dedications as required in Chapter OCMC 12.04.

h. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker only where dedication of a street is deemed impracticable by the city.

i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

j. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future.

ck. Parcels larger than three 3 acres shall provide streets as required in Chapter OCMC 12.04. The streets shall connect with existing or planned streets adjacent to the site.

dl. Parking garage entries shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.

m. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages shall

use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

~~3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.~~

~~a. Alterations, additions and new construction located within the McLoughlin Conservation District, Canemah National Register District, and the Downtown Design District and when abutting a designated Historic Landmark shall utilize materials and a design that incorporates the architecture of the subject building as well as the surrounding district or abutting Historic Landmark. Historic materials such as doors, windows and siding shall be retained or replaced with in-kind materials unless the community development director determines that the materials cannot be retained and the new design and materials are compatible with the subject building, and District or Landmark. The community development director may utilize the Historic Review Board's Guidelines for New Constriction (2006) to develop findings to show compliance with this section.~~

~~b. In historic areas and where development could have a significant visual impact, the review authority may request the advisory opinions of appropriate experts designated by the community development director from the design fields of architecture, landscaping and urban planning. The applicant shall pay the costs associated with obtaining such independent professional advice; provided, however, that the review authority shall seek to minimize those costs to the extent practicable.~~

~~4. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.~~

~~5. Development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.~~

~~6. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.~~

~~7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, Chapter 17.52.~~

~~8. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.~~

3~~9~~. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

b. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the

site. For buildings fronting on the street, the sidewalk may be used to meet this standard. ~~Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.~~

~~c. Elevated external stairways or walkways that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.~~

~~cd. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.~~

ce~~.~~ The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent ~~commercial and residential~~ sites, except within industrial zoning designations ~~where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land~~.

d. Elevated external stairways or walkways shall not extend beyond the ~~primary wall~~ building facade~~, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited~~ except for~~. The community development director may allow exceptions for~~ external stairways or walkways located in, or facing interior courtyard areas ~~provided they do not compromise visual access from dwelling units into the courtyard~~ that are not visible from the street or public access easement. This standard does not apply to sky-bridges or sky-ways.

ef~~.~~ On-site pedestrian walkways shall be hard surfaced, well drained and at least ~~five~~ 5 feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.

~~10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency~~.

~~11. Site planning shall conform to the requirements of OCMC Chapter 17.41 Tree Protection.~~

~~12. Development shall be planned, designed, constructed and maintained to protect water resources and habitat conservation areas in accordance with the requirements of the city's Natural Resources Overlay District, Chapter 17.49, as applicable.~~

4~~13~~. All development shall maintain continuous compliance with applicable federal, state, and city standards ~~pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic~~

~~interference.~~ Prior to issuance of a building permit, the Cc~~c~~ommunity Dd~~d~~evelopment Dd~~d~~irector or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. ~~The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited~~.

5~~14~~. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

~~15. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.~~

6~~16~~. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.

7~~17~~. All utility lines shall be placed underground.

~~18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.~~

~~19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development~~

~~through Natural Resource or Geologic Hazards protection, and required open space or park dedication.~~

~~8~~20. Screening of Mechanical Equipment:

a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.

b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends ~~six~~ 6 inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.

c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least ~~eighty~~ 80 percent of the view. Placement and type of screening shall be determined by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector.

d. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

~~9~~21. Building Materials.

~~a. Preferred Building Materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:~~

~~i. Brick.~~

~~ii. Basalt stone or basalt veneer.~~

~~iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.~~

~~iv. Board and batten siding.~~

~~v. Other materials subject to approval by the community development director.~~

~~vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.~~

~~vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.~~

a~~b~~. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector based on the integration of the material into the overall design of the structure.

i. Vinyl or plywood siding (including T-111 or similar plywood).

ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.

iii. Corrugated fiberglass.

iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).

v. Crushed colored rock/crushed tumbled glass.

vi. Non-corrugated and highly reflective sheet metal.

vii. Tarps, except for the protection of outside storage.

b~~c~~. Special Material Standards. The following materials are allowed if they comply with the requirements found below:

i. Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than ~~three~~ 3 feet above the finished grade level adjacent to the foundation wall.

ii. Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first ~~two~~ 2 feet above ground level) except when used for a temporary structure.

iii. Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

iv. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

v. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.

~~22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria, including standards set out in city overlay districts, the city's master plans, and city public works design standards. Such conditions shall apply as described in Sections 17.50.310,~~

~~17.50.320 and 17.50.330. The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the city attorney.~~

10~~23~~ Temporary Structures. Temporary structures are permitted pursuant to the following standards:

a. For structures up to ~~two hundred~~ 200 square feet:

i. Shall not be on a property for more than ~~three~~ 3 consecutive days; and

ii. Shall not be on a property more than ~~six~~ 6 times per year; and

iii. Shall comply with the minimum dimensional standards of the zoning designation; and

iv. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;

v. Shall not disturb ingress or egress to the site; and

vi. Shall be exempt from all sections of ~~Chapter~~s OCMC 12.04, 12.08, 17.52 and 17.62 except subsections 17.62.050.A.23, 17.62.050.A.21.

b. Temporary structures larger than ~~two hundred~~ 200 square feet may be permitted up to ~~two~~ 2 times per year; and:

i. Structure larger than ~~two hundred~~ 200 square feet up to ~~eight hundred~~ 800 square feet:

(1) Shall not be on a property for more than ~~thirty~~ 3 consecutive days;

(2) Shall comply with the minimum dimensional standards of the zoning designation;

(3) Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;

(4) Shall not disturb ingress or egress to the site; and

(5) Shall be exempt from all sections of ~~Chapter~~ OCMC 12.04, 12.08, 17.52 and 17.62 except subsections 17.62.050.A.23, 17.62.050.A.21.

ii. Structures larger than ~~eight~~ 800 hundred square feet:

(1) Shall not be on a property for more than 7 ~~seven~~ consecutive days;

(2) Shall comply with the minimum dimensional standards of the zoning designation;

(3) Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;

(4) Shall not disturb ingress or egress to the site; and

(5) Shall be exempt from all sections of ~~Chapter~~ OCMC 12.04, 12.08, 17.52 and 17.62 except subsections 17.62.050.A.23, 17.62.050.A.21.

c. Government owned properties are exempt from all sections of ~~Chapter~~ OCMC 12.04, 12.08, 17.52 and 17.62 except subsections 17.62.050.A.23.C, 17.62.050.A.21 and the dimensional standards of the zoning designation.

11~~23~~. Development shall ~~conform to the requirements of OCMC Chapter 17.58 Nonconforming Uses, Structures, and Lots.~~ comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:

a. 12.04 Streets, Sidewalks and Public Places

b. 12.08 Public and Street Trees

c. 13.04 Water Service System

d. 13.08 Sewer Regulations

e. 13.12 Stormwater Management

f. 16.12 Minimum Improvements and Design Standards for Development

g. 17.14 Single and Two Family Design Standards

h. 17.16 Townhouse Residential Design Standards

i. 17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, ~~Manufactured Homes,~~ and Manufactured Home Parks

j. 17.40 Historic Overlay District

k. 17.41 Tree Protection Standards

l. 17.42 Flood Management Overlay District

m. 17.44 Geologic Hazards

n. 17.47 Erosion and Sediment Control

o. 17.48 Willamette River Greenway

p. 17.49 Natural Resource Overlay District

q. 17.50 Administration and Procedures

r. 17.52 Off-Street Parking and Loading

s. 17.54 Supplemental Zoning Regulations and Exceptions

t. 17.58 Lawful Nonconforming Uses, Structures, and Lots

12. General

The following shall be provided:

a. Authorization signature of all record property owners or contract owners.

b. Documentation indicating there are no any liens favoring the City on the subject site.

c. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.

B. ~~17.62.055 –~~ Institutional, office, multi-family, retail, and commercial building standards.

~~A. Purpose.~~ The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety though informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.

1~~B~~. Applicability. ~~In addition to Section 17.62.050 requirements~~ This section applies to institutional, office, multi-family, retail and commercial buildings ~~when they are the only structure onsite or~~ except accessory structures less ~~greater~~ than 1,000 square feet. ~~and all development shall comply with design standards contained in this section~~.

~~C. Relationship between zoning district design standards and requirements of this section.~~

~~1. Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.~~

~~2. A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.~~

~~3. In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.~~

2~~4~~. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.

3~~5~~. On sites with one hundred feet or more of frontage at least ~~sixty~~ 60 percent of the site frontage width shall be occupied by buildings placed within ~~five~~ 5 feet of the property line~~, unless a greater setback is accepted under the provisions of Section 17.62.055D~~. For sites with

less than ~~one hundred~~ 100 feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within ~~five~~ 5 feet of the property ~~line unless a greater setback is accepted under the provisions of Section 17.62.055D~~. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to ~~flag lots in which the pole portion is~~ properties with less than 40 feet of frontage.

~~D. Relationship of Buildings to Streets and Parking.~~

~~1. Buildings shall be placed no farther than five feet from the front property line.~~ A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least 1 ~~one~~ element from the following list for every ~~five~~ 5 feet of increased setback requested:

a. Tables, benches or other approved seating area.

b. Cobbled, patterned or paved stone or enhanced concrete.

c. Pedestrian scale lighting.

d. Sculpture/public art.

e. Fountains/Water feature.

f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.

g. Outdoor café.

h. Enhanced landscaping or additional landscaping.

i. Other elements, as approved by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector, that can meet the intent of this section.

4~~2~~. Building Orientation. All buildings along the street frontage shall ~~have~~ face the front most architecturally significant facade ~~shall be oriented~~ toward the street and have a functional primary entrance facing the street. ~~The most architecturally significant elevation oriented to the major street frontage.~~ ~~be accessed from a public sidewalk.~~ Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

5~~3~~. Entryways. Entrances shall include a doorway and a minimum of ~~four (43)~~ of the following elements: display windows, recesses, projections, peaked roof, canopy, porches, corner entries, distinct materials, pedestrian amenities such as pavers, benches, planters and/or similar elements, or landscape treatments integrating arbors, low walls, trellis work and/or similar elements. ~~The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.~~

~~a. Canopies or porticos;~~

~~b. Overhangs;~~

~~c. Recesses/projections;~~

~~d. Arcades;~~

~~e. Raised corniced parapets over the door;~~

~~f. Peaked roof forms;~~

~~g. Arches;~~

~~h. Outdoor patios;~~

~~i. Display windows;~~

~~j. Architectural details such as tile work and moldings which are integrated into the building structure and design;~~

~~k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.~~

~~l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.~~

~~4. Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements.~~

6~~5~~. Trellises, canopies and fabric awnings may project up to ~~five~~ 5 feet into front setbacks and public rights-of-way, provided that the base is not less than ~~eight~~ 8 feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.

7~~E~~. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within 25 ~~twenty-five~~ feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within ~~twenty-five~~ 25 feet of the corner of the building.
2. Chamfer the corner of the building (i.e. cut the corner at a ~~forty-five~~ 45-degree angle and a minimum of ~~ten~~ 10 feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

~~This s~~Standards 1. and 2. above do~~es~~ not apply to multi-family buildings or multi-family portions of residential mixed use buildings.

~~F. Commercial First Floor Frontage.~~

~~In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior facade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.~~

8.~~G~~. Variation in Massing.

i. Every 120 feet in width along the street facing façade of a building, a modulation is required at least 10 feet deep and 30 feet wide which extends through all floors. Decks and roof overhangs may encroach up to ~~three feet~~ 3 (per side) into the modulation.
ii. To avoid long, monotonous, uninterrupted walls, buildings shall incorporate projections and/or recesses of at least 1 foot for a minimum width of 2 feet at intervals of 30 feet or less.

~~The following standards apply to all facades of a building:~~

~~1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.~~

~~2. Horizontal masses shall not exceed a height: width ratio of one to three without substantial variation in massing that includes a change in height and projecting or recessed elements.~~

~~3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.~~

9~~H~~. ~~Minimum Wall Articulation.~~ Building Details

All buildings shall provide detailed design along all elevations (~~e.g.,~~ front, rear and sides). Detailed design requires the use of the following ~~at least five of the following~~ architectural features ~~on all front and street side elevations and at least three of the following architectural features on all interior and rear yard elevations unless there is a 0-foot interior side or rear setback for the site and adjacent site~~, spaced a minimum of one feature every 30 lineal feet of horizontal wall.
Front and Side Elevations shall include a minimum of ~~five (5)~~ architectural features from the list below.
Interior and Rear Elevations shall include a minimum of ~~three (3)~~ architectural features from the list below, unless the setback is ~~one~~ 1 foot or less from the property line.

1. Dormers
2. Gables
3. Recessed entries
4. Covered porch entries
5. Cupolas or towers
6. Pillars or posts
7. Change in building material, texture or pattern
8. Bay or oriel windows
9. Balconies
10. Decorative patterns on more than ~~fifteen~~ 15 percent of the facade (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features)
11. Brick or stonework as a predominate material on more than ~~fifty~~ 50 percent of the facade
12. Decorative cornices and roof lines (e.g., for flat roofs)
13. Variation in massing exceeding the requirements in ~~Section~~ OCMC 17.62.050.B.8 by 10%
14. An alternative feature providing visual relief and detail as approved by the C~~c~~ommunity D~~d~~evelopment D~~d~~irector~~.~~

Building Detail Variation. Architectural features shall be varied on the different building elevations, and on different buildings within the same development unless a modification to this standards is approved pursuant to ~~Section~~ OCMC 17.62.015. At least ~~two~~ 2 of the required features on each front and exterior side (corner lot) elevations shall be distinct from the front and exterior side elevations of other buildings within the same development.

~~The following standards apply to all facades of a building:~~

1. ~~Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:~~

   ~~i. Change in plane,~~

   ~~ii. Change in texture or masonry pattern or color,~~

   ~~iii. Windows, treillage with landscaping appropriate for establishment on a trellis.~~

   ~~iv. An equivalent element that subdivides the wall into human scale proportions.~~

2. ~~Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.~~

3. ~~Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.~~

4. ~~Building facades must include a repeating pattern that includes any one or more of the following elements:~~

   ~~a. Color change;~~

   ~~b. Texture change;~~

   ~~c. Material module change.~~

5. ~~Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.~~

6. ~~Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.~~

10~~I~~. Facade Transparency.

A.~~i~~ Transparency Length. The transparency is measured in lineal fashion. For example, a ~~one hundred~~ 100-foot long building elevation shall have at least ~~sixty~~ 60 feet (~~sixty~~ 60 percent of ~~one hundred~~ 100 feet) of transparency in length.

i. First Floor Street Facing (Excluding Multi-Family): Minimum 60% windows/transparency at 3.5~~5~~ feet in height or below.

First Floor Street Facing (Multi-Family): Minimum 15% windows/transparency at 3.5~~5~~ feet in height or below.

ii. First Floor Non-Street Facing (Excluding Multi-Family): 30% windows/transparency at 3.5~~5~~ feet in height or below.

First Floor Non-Street Facing (Multi-Family): 15% windows/transparency at 3.5 feet in height or below.

iii. All Other Floors for ~~all~~ the Front and Side Elevations (Excluding Multi-Family): 10~~5~~%

All Other Floors for the Front and Side Elevations (Multi-Family): 10~~5~~%

B~~ii~~. Reflective, glazed, mirrored or tinted glass is limited to ~~ten~~ 10 percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum ~~fifteen~~ 15 percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

C~~iii~~. Side or rear walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within ~~twenty~~ 20 feet of a right-of-way shall be utilized as display windows with a minimum display depth of ~~thirty-six~~ 36 inches.

D~~iv~~. Multi-family windows shall incorporate window trim at least ~~four~~ 4 inches in width.

~~1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.~~

~~2. Side or rear walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.~~

11~~J~~. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be ~~seventy-five~~ 75 feet without a cross gable or ~~significant~~ change in height of at least ~~four~~ 4 feet.

~~1. All facades shall have a recognizable "top" consisting of, but not limited to:~~

~~a. Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or~~

~~b. Sloping roof with overhangs and brackets; or~~

~~c. Stepped parapets;~~

~~d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.~~

~~2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.~~

~~3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).~~

12~~K~~. Drive-through facilities shall:

A~~1~~. Be located at the side or rear of the building.

B~~2~~. Be designed to maximize queue storage on site.

13. Special development standards along transit streets.

A. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.

B. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.

C. Development Standards.

1. All buildings shall have at least ~~one~~ 1 main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.

a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide ~~one~~ 1 main building entrance oriented to the transit street or to the corner where the ~~two~~ 2 streets intersect.

b. For building facades over ~~three hundred~~ 300 feet in length on a transit street, ~~two~~ 2 or more main building entrances shall be provided as appropriate and oriented towards the transit street.

2. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.

D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:

1. Heavy equipment sales;

2. Motor vehicle service stations, including convenience stores associated therewith;

3. Solid waste transfer stations; and

4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the Ccommunity Ddevelopment Ddirector to be similar to the exempt uses above.

17.62.056 - Additional standards for large retail establishments.

A. This section is intended to ensure that large retail building development is compatible with its surrounding area.

B. Large retail establishment shall mean Applicability: Retail building(s) occupying more than ten thousand 25,000 gross square feet of floor area and.

C. In addition to Sections 17.62.050 and 17.62.055 requirements, large retail buildings shall comply with design standards contained in this section.

D. Development Standards.

1. Roofs. Roofs shall include at least two of the following features:

a. Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;

b. Overhanging eaves, extending no less than three feet past the supporting walls;

c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;

d. Three or more roof slope planes.

2. Site Design and Relationship to Surrounding Community. Retail buildings occupying more than twenty-five thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

a. Patio/seating area;

b. Pedestrian plaza with benches;

c. Transportation center;

d. Window shopping walkway;

e. Outdoor playground area;

f. Kiosk area, water feature;

g. Clock tower;

h. Or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and

such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

17.62.057 - Multifamily ~~standards.~~ Usable Open Space Requirements

A. Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.

B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.

1. In residential zones, each development shall provide a minimum of 100 square feet of open space per dwelling unit.
2. In the commercial and mixed-use zones, each development shall provide a minimum of 50 square feet of open space per dwelling unit.
3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.
4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A.1, if the spaces meet the requirements of both sections.

C. Usable Open Space Types.

1. Common open spaces shall be ~~that are~~ accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. It may be used to meet 100 percent of the usable open space requirement. Design standards:
   a. Minimum dimensions for common open space shall be 12 feet with a minimum size of 200 square feet for developments with 20 units or less, and 20 feet with a minimum size of 400 square feet for developments with 21 or more units.
   b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with 20 units or less shall provide a minimum of ~~two~~ 2 of the following amenities, and sites with 21 units or more shall provide a minimum of ~~three~~ 3 of the following amenities and an additional amenity for every 20 units over 40, rounded up.
      1. Landscaping areas.
      2. Community gardening areas.
      3. Large trees expected to reach over 18 inches dbh at maturity.
      4. Seating.
      5. Pedestrian-scaled lighting.
      6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.
      7. Paved courtyard or plaza.
      8. Gazebos or other decorative shelters.
      9. Play structures for children.

10. Sports courts.

11. An alternative amenity as approved by the Ccommunity Ddevelopment Ddirector.

c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the city that enhance safety and privacy for both the common open space and dwelling units.

d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.

2. Private open space that is not open to all residents. It includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to 50 percent of the usable open space requirement. Design standards:

a. Minimum dimensions for private open space shall be five feet with a minimum size of 40 square feet.

3. Indoor recreational space may be used to meet up to 25 percent of the usable open space requirement provided the space is:

a. Accessible to all dwelling units.

b. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).

~~A. Purpose. The standards of this section are intended to promote high-quality multi-family residential development and construction; encourage visual variety and architectural compatibility; and promote an integrated character with Oregon City's existing neighborhoods. Specifically, the standards shall:~~

~~1. Promote architectural variety that adds visual interest to the neighborhood.~~

~~2. Reduce the apparent bulk and scale of large buildings.~~

~~3. Provide for a variety of housing types for a range of households and age groups.~~

~~4. Enhance public safety, residential streetscape and the pedestrian environment by diminishing the prominence of garages and parking areas.~~

~~5. Improve the compatibility of multi-family residential development with the residential character of surrounding neighborhoods.~~

~~6. Promote the use of durable materials that which are appropriate for multi-family residential use and which reduce long-term maintenance costs and depreciation.~~

~~B. Applicability. In addition to Section 17.62.050 requirements, all multi-family buildings shall comply with the design standards contained in this section. Cottage Housing Development shall follow OCMC 17.62.58 instead of this section.~~

~~C. Setbacks. Multi-family developments shall be placed no farther than twenty feet from the front property line. A deeper front yard setback may be approved through site plan and design review if the setback area incorporates enhanced pedestrian spaces and amenities, including but not limited to, street furniture, public art or other such deliberately shaped area and/or a feature or amenity that, in the judgment of the community development director, integrates well with adjoining areas. Setbacks may also be increased in order to protect wildlife habitat and water resources pursuant to Section 17.49.100F., and trees and tree groves pursuant to and Section 17.41.120A.~~

D. Entrances. Every building abutting a street shall have a street facing front facade. The facade shall be oriented to the street and include windows, doorways, and a structured transition from public to private areas using built elements such as porch features, arbors, low walls, trellis work and/or similar elements integrated with planting.

E. Percentage of Frontage. On sites with one hundred feet or more of street frontage at least fifty percent of the site frontage width shall be occupied by buildings placed within twenty feet from the property line, unless a greater setback is accepted under the provisions of Section 17.62.057C. For sites with less than one hundred feet of street frontage, at least forty percent of the site frontage width shall be occupied by buildings placed within twenty feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.056D.

F. Pedestrian Circulation.

1. Pathways between dwelling units entrances and the street are required. Such pathways between the street and buildings fronting on the street shall be in a straight line. Exceptions may be allowed by the director where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

2. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multiple-family developments, pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.

3. Elevated external stairways or walkways, which provide pedestrian access to dwelling units located above the ground floor are *prohibited* . The community development director may allow exceptions for external stairways or walkways located in, or facing interior *courtyard* areas provided they do not compromise visual access from dwelling units into the courtyard.

G. Architectural and Material Standards. Building articulation and modulation - multifamily residential buildings and residential portions of mixed-use buildings. An alternative to the standards in subsection G. below may be approved by the community development director if the design is consistent with the intent of the standards and a specific architectural or building use exists that prohibits the full implementation of the standard.

1. *Articulation* and modulation of buildings is essential in providing the ability for new buildings to be compatible with the surrounding commercial and residential development. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following *modulation* and/or *articulation* features at intervals of no more than thirty feet along all facades facing a street, common open space, and common parking areas:

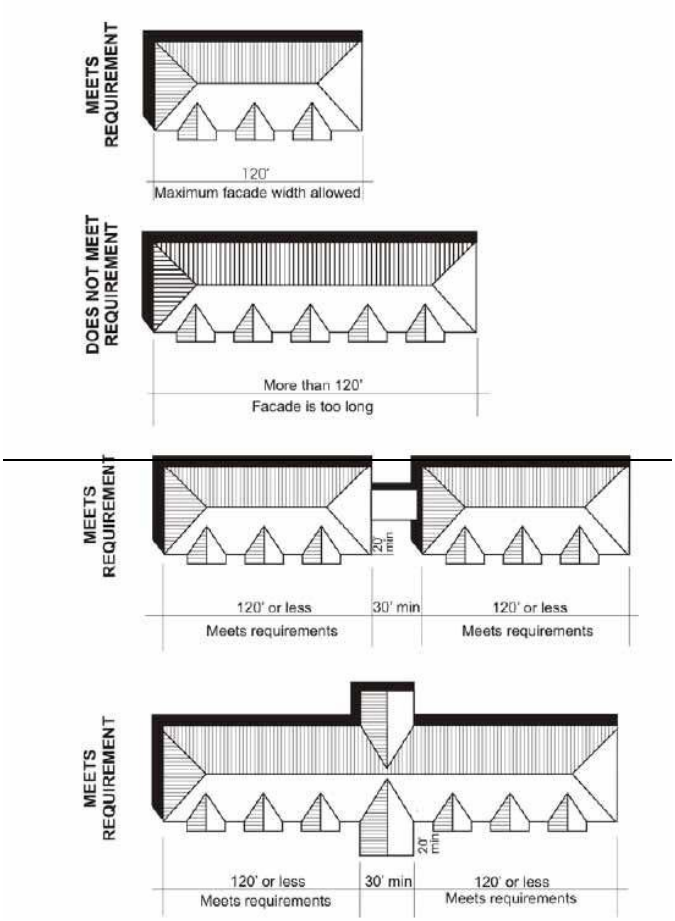
a. Repeating distinctive window patterns at intervals less than the required interval. Vertical building *modulation* . Minimum depth and width of *modulation* is thirty-six inches and four feet (respectively) if tied to a change in color or building material and/or roofline *modulation* . Otherwise, minimum depth of *modulation* is ten feet and minimum width for each *modulation* is fifteen feet. Balconies may not be used to meet *modulation* option unless they are recessed or projected from the facade and integrated with the building's architecture as determined by the community development director, balconies that appear to be "tacked on" to the facade will not qualify for this option.

b. Horizontal *modulation* (upper level step-backs). The minimum horizontal *modulation* for buildings higher than two stories shall be five feet. A dormer set five feet back from the front facade is an example of an acceptable horizontal modulation.

c. *Articulation* of the building's top, middle, and bottom. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.

This multifamily building uses a combination of horizontal and vertical modulation, roofline modulation, distinctive window patterns, and clear articulation of the building's top, middle, and bottom to help reduce its perceived architectural scale and add visual interest.

2. Maximum facades width. Buildings visible from the street must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Buildings exceeding one hundred twenty feet in width along the street front shall be divided by a thirty-foot wide *modulation* of the exterior wall, so that the maximum length of a particular facade is one hundred twenty feet. Such *modulation* must be at least twenty feet or deeper and extend through all floors. Decks and roof overhangs may encroach up to three feet (per side) into the *modulation* . The director will consider other design methods that are effective at reducing the perceived width of the building. Examples could include a combination of vertical and/or horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or fenestration technique.



3. Roofline standards.

a. Single purpose residential buildings in residential districts must provide a pitched roof with minimum 6:12 roof pitch. The maximum width of any continuous roofline shall be thirty-five feet for single purpose residential buildings. Alternative roof designs will be considered provided design elements are included to help the building and its roofline fit into the site's context.

b. Mixed use buildings and stand-alone residential in commercial districts shall incorporate a roofline modulation. Specifically: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.

c. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).

H. Diversity of building types. Multi-building developments of four or more buildings shall be required to provide different architectural designs to provide interest and variety. This is particularly important where multiple buildings front on the same street. Simple changes in building colors or reversal of basic facade designs are not sufficient to comply with this standard. Consider changes in

~~vertical and/or horizontal articulation, fenestration, building materials, architectural style, and/or roof design.~~

~~I. Diversity of unit types. Multifamily buildings with more than twenty five units are required to provide a diversity of housing types to allow for a range of households and age groups. Unit types are defined as the following:~~

~~Studio, one-bedroom, two-bedroom and three-bedroom units or an ADA accessible master bedroom and bathroom (ground floor or elevator access).~~

~~1. Developments of twenty-five to fifty units must provide two unit types representing a minimum of ten percent of the total units per unit type.~~

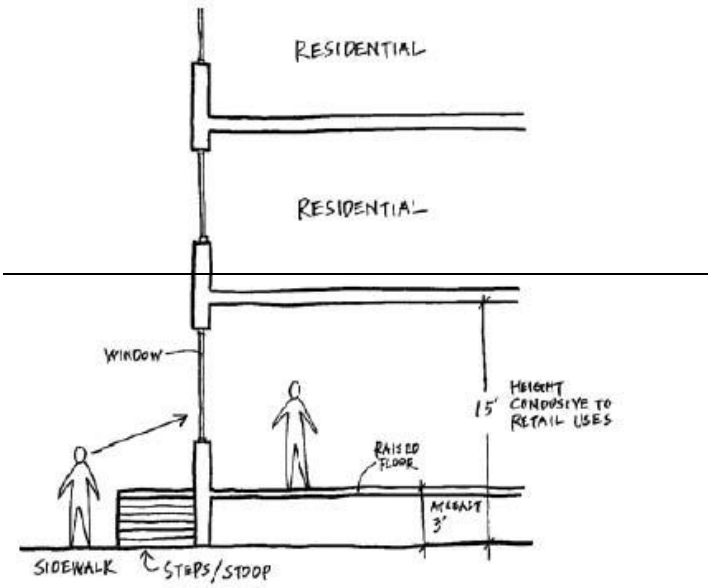
~~2. Developments of fifty-one to seventy five units must provide three unit types representing a minimum of ten percent of the total units per unit type.~~

~~3. Developments of seventy-six units and above must provide four unit types representing a minimum of ten percent of the total units per unit type.~~

~~J. Raised Ground Floor.~~

~~This is particularly important when dwelling units are within fifteen feet of a sidewalk or common parking area or for buildings in established neighborhoods that have an established pattern with raised dwelling units.~~

~~Where ground floor residential uses are permitted on the ground floor in commercial districts, developments shall incorporate a thirteen foot tall ground floor height to allow future conversion to commercial uses where desirable. Such projects can utilize a false floor thirty-six inches above the ground for residential uses to increase residents' privacy.~~



~~K. Building Materials.~~

All multifamily buildings shall be enhanced with appropriate details. Each of the types of details listed below are worth one point. Multifamily buildings must achieve the equivalent of five points worth of architectural details.

1. Decorative porch design with distinct design and use of materials.

2. Decorative treatment of windows and doors, such as decorative molding/framing details around all ground floor windows and doors, bay windows, decorative glazing, or door designs, and/or unique window designs.

3. Landscaped trellises or other decorative element that incorporates landscaping near the building entry or entries.

4. Decorative light fixtures with a diffuse visible light source, such as a globe or "acorn" that is non-glaring or a decorative shade or mounting for each building entry on the facade.

5. Brick or stonework covering more than fifteen percent of the facade.

6. Decorative building materials that add visual interest, including:

   a. Individualized patterns or continuous wood details.

   b. Decorative moldings, brackets, wave trim or lattice work.

   c. Other materials with decorative or textural qualities as approved by the director. The applicant must submit architectural drawings and material samples for approval.

7. Decorative roofline design, including multiple gables and/or dormers, decorative parapet or other design that adds distinct visual interest.

8. Decorative railings, grill work, or terraced landscape beds integrated along the facade of the building.

9. Other details that meet the intent of the guidelines as approved by the director.

L. Window Design.

1. Transparent windows or doors facing the street are required. To meet this requirement, at least fifteen percent of the facade must be transparent. Transparency is measured at the first floor only.

2. All windows on all elevations shall recess or project individual windows at least two inches from the facade and incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered by the community development director where buildings employ other distinctive window or facade treatment that adds visual interest to the building.

M. Common Open Space Requirements.

1. Intent. Creating areas of common open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.

2. Common Open Space Required. All new multi-family developments in all zones except for the Mixed Use Corridor, Neighborhood Commercial or Mixed Use Downtown Districts, shall set

aside a percentage of the net site acreage as common open space for the use and enjoyment of the development's residents. The common open space shall be aggregated into meaningful, quality open spaces. Clustering of buildings is encouraged to minimize small, narrow, unassigned strips in front of and between buildings. Open space areas shall be clearly identified on the development plan. Such designated common open space can be in a natural, undisturbed state, or may be landscaped for more formal courtyards or plazas, or may be developed for active or passive recreation. Phasing shall not be used to circumvent common open space standards.

3. Minimum Amount Required. The minimum amount of common open space (as a percentage of net land area) shall be: Fifteen percent

4. Areas Not Allowed as Part of Common Open Space. The following shall not count toward common open space set-aside requirements:

   a. Private lots, yards, balconies and patios dedicated for use by a specific unit;

   b. Public right-of-way or private streets and drives;

   c. Open parking areas and driveways for dwellings;

   d. Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters or recreation building.

   e. Designated outdoor storage areas;

   f. Land areas between buildings and parking lots or driveways of less than twenty feet;

   g. Required perimeter setbacks; and

   h. Detention/retention facilities, including drainage swales, except that detention or retention areas and stormwater management structures or facilities may be used to meet up to one hundred percent of the required common open space amount provided such areas or facilities are accessible and useable, as determined by the city, as year-round community amenities by the residents of the development (e.g., picnic areas, passive recreation areas, playgrounds, ponds for fishing and/or boating, etc.)

[5.] Required Greenway Linkages. Where a greenway linkage, natural or water resource area or other public park is dedicated to or acquired by the city, the area may be credited toward one-half the minimum amount of common open space required. The dedicated lands are not to be calculated in the net land area.

[6.] Design Criteria for Open Space. All common open space lands shall meet the following design criteria, as relevant:

   [a.] Connectivity required. To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:

      1. Dedicated public park, greenway, or habitat lands;

      2. Dedicated school sites;

      3. Other dedicated open spaces;

      4. Common open space located adjacent to the development;

      5. Portions of the regional trail and open space system;

[7.] Compact and Contiguous. To the maximum extent practicable, common open space land shall be compact and contiguous unless the land is used as a continuation of an existing greenway, trail, or other linear park, or unless specific topographic features require a different configuration. An example of such topographic features would be the provision of open space along a scenic creek.

[8.] Accessible to Residents. Common open space shall be reasonably accessible to all of the residents of the development. The city may require access to be restricted if it would degrade, destroy, or adversely interfere with sensitive environmental or natural areas or with significant historic or cultural resources.

[9.] Recreational Facilities. If an applicant constructs recreational facilities in the common open space as a community amenity, such recreational facilities shall be constructed in accordance with applicable city standards regarding, but not limited to, size, siting, use, materials, and similar matters. The recreational facilities shall be built with long-lasting and sturdy materials. A long-term maintenance schedule may be required to ensure that there is sufficient funding and management set in place for the amenity to be maintained and replaced if needed.

[10.] Design Criteria. Common open spaces, other than those preserved as natural features or areas, should include gardens, courtyards, recreation, or play areas. Required common open space areas over ten thousand square feet of non-natural area shall provide a minimum of five amenities from the list below. Open space of ten thousand feet or less of non-natural area shall provide three amenities.

[a.] Seasonal planting/community gardening areas.

[b.] Large trees.

[c.] Seating.

[d.] Pedestrian-scaled lighting.

[e.] Gazebos or other decorative shelters.

[f.] Play structures for children.

[g.] On-site community recreation amenities.

[h.] Roof gardens or shared patio decks.

[i.] An alternative amenity as approved by the community development director.

[11.] Exceptions to the common open space standard may be granted for the following:

a. For multi-unit developments of up to twenty-five units (or for the first twenty-five units of a larger project) no common open space shall be required when such developments are within one-quarter mile (measured walking distance) to a public park of three acres or more; and there is a direct, improved, permanent, public, Americans with Disabilities Act (ADA) - accessible, lighted, maintained pedestrian trail or sidewalk between the sites. An exception shall be granted only when the nearby park provides an active and fully improved recreation area.

b. For multi-unit developments with required common open space in excess of fifteen thousand square feet, the required open space may be reduced by one half if access to the public is provided. The qualifying open space area shall be for active use, be

maintained by the home owners association and not be within the boundaries of a Water Resource Buffer area.

N. Private Open Space.

1. Private Open Space Required. All new multi-family developments in all zones except for the Mixed Use Corridor, Neighborhood Commercial or Mixed Use Downtown Districts, shall set aside a private open space for the use and enjoyment of the development's residents. Private open space is a semi-enclosed area, which is intended for use strictly by the occupants of one dwelling unit. Private open space may include porches, balconies, terraces, roof top gardens, verandas, and decks. Dwellings located at finished grade, or within five feet of finished grade, shall provide a minimum of ninety-six square feet of private open space per dwelling unit, with no dimension less than six feet. Dwellings located more than five feet above finished grade shall provide a minimum of forty-eight square feet with no dimension less then six feet. Ground level private open space shall be visually and physically separated from common open space through the use of perimeter landscaping or fencing.

2. Common And Private Open Space Requirements For Multifamily Dwelling Units In The Mixed Use Corridor, Neighborhood Commercial Or Mixed Use Downtown Districts. All residential development in the Mixed Use Corridor, Neighborhood Commercial or Mixed Use Downtown Districts must provide a portion of the project area for private open space or common open space. Fifty square feet of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use or may be a combination of the two uses.

   a. Common Open Space: Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.

   b. Private Open Space: Private open space may be provided in the forms of decks, screened patios, roof gardens or an alternate private space as approved by the community development director.

17.62.057 - Accessory Dwelling Unit, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks, and 3-4 Plex Standards.

All accessory dwelling unit, cluster housing, internal conversions, live/work units, and manufactured home parks in any zone shall comply with the standards in Chapter 17.20, the zoning designation and any applicable overlay district(s). All 3-4 plex residential development in any zone shall comply with the standards in Chapter 17.18, the zoning designation and any applicable overlay district(s). Compliance is not required with any other section in this chapter.

17.62.059 - ~~Cottage~~ Cluster housing.

All cluster housing shall comply with the standards in Chapter 17.20.020 in addition to the standards in this chapter.

~~A. Applicability.~~

~~These guidelines apply to all cottage developments in any applicable zone within the city. Cottages are considered multi-family development and are subject to all the applicable sections of OCMC 17.62. Site Plan and Design Review and OCMC 17.52 Off Street Parking and Loading. However, this section replaces OCMC 17.62.057—Multifamily. The proposed development shall be processed under the Type II Land Use process and shall remain one lot. Where there is a conflict between these standards and the standards in other chapters, the Cottage Housing standards shall apply.~~

~~B. Intent.~~

~~1. To provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single person households).~~

~~2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.~~

~~3. To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments, remain smaller and incur less visual impact than standard sized single-family dwellings, particularly given the allowed intensity of cottage dwellings.~~

~~4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cottage housing developments.~~

~~5. To provide private area around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.~~

~~6. To ensure minimal visual impact from vehicular use and storage areas for residents of the cottage housing development as well as adjacent properties, and to maintain a single-family character along public streets.~~

~~Cottage Clusters~~

~~C. Density Bonus. For developments in, R6, R8 and R-10 Zoning Districts: The city shall allow up to two cottage units for each regular dwelling unit allowed under existing standards in applicable zoning districts. For developments in the R-3.5 and R-5 zoning district: The city shall allow up to 1.5 cottage units for each regular dwelling unit allowed under existing standards in the applicable zoning~~

district. At no time shall the proposed project fall below the minimum required density of the underlying district.

D. Dimensional Standards For Cottage Housing.

Dimensional Standards for Cottage Housing

Standard Requirement.

1. Average gross floor area eight hundred square feet per dwelling.
2. Maximum gross floor area one thousand two hundred square feet per dwelling.
3. Minimum gross floor area six hundred square feet per dwelling.
4. Maximum footprint (not including porches) seven hundred square feet per dwelling.
5. Maximum accessory building footprint for parking or community use six hundred square feet.
6. Maximum accessory building gross floor area for parking or community use eight hundred square feet.
7. Minimum common space four hundred square feet per dwelling.
8. Minimum private open space two hundred square feet per dwelling.
9. Maximum height twenty-five feet.
10. Setbacks (to exterior property lines) same as the underlying zone.
11. Setbacks for non-habitable accessory buildings two hundred square feet or less to follow OCMC 17.54.010(b)2.
12. Minimum distance separating dwelling units (excluding accessory structures) ten feet.
13. Minimum roof slope of all structures 6:12.
14. Minimum parking spaces one and one-half space per dwelling.
15. Clustered Developments shall contain a minimum of four and a maximum of twelve cottage housing units located in a cluster group to encourage a sense of community among the residents. A development site may contain more than one group.
16. Minimum Lot size ten thousand square feet.
17. The total square footage of a cottage dwelling unit may not be increased. A deed restriction shall be placed on the title to the property for purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or the duration of the city cottage housing regulations.

E. Cottage Open Space Design Standards:

1. Common open space requirements for cottage developments:

a. Shall abut at least fifty percent of the cottages in a cottage housing development.

b. Shall have cottages abutting on at least two sides of the common open space.

c. Cottages shall be oriented around and have an entry facing the common open space.

d. Cottages shall be within sixty feet walking distance of the common open space.

e. Shall be at least twenty feet in width.

f. Shall be designed and maintained as an amenity for residents of the development.

g. Up to twenty-five percent of the required common open space may be utilized through a community building built for the sole use of the cottage housing residents.

h. The applicant shall implement a mechanism, acceptable to the community development director to ensure the continued care and maintenance of the common areas. A typical example would be creation of a management, home owner's association or condominium association with authority and funding necessary to maintain the common areas.

2. Required private open space for cottage dwelling units shall be adjacent to each dwelling unit and for the exclusive use of the cottage resident(s). The private space shall be a minimum of two hundred square feet and shall be:

a. Usable (not on a steep slope).

b. Oriented toward the common open space as much as possible.

c. No dimension less than ten feet.

3. Alternative open space configurations may be permitted by the community development director provided they present a hierarchy of usable semi-private and public open spaces that meet the intent of the guidelines.

F. Porches and covered entry standards for cottages:

1. Cottage facades facing the common open space, common pathway, or street shall feature a roofed porch at least sixty square feet in size with a minimum dimension of six feet. The front porch shall be covered and must be a minimum of eighteen inches above average grade and contain railings.

2. *Exemption:* House styles that do not contain porches or require a reduction in the size of the porch or its location may request an exemption from the community development director from (a) above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.

G. Architectural Styles. Structures shall be consistent with historic architectural styles.

Approved architectural styles include Western Farmhouse/Vernacular, Bungalow and Queen Anne Vernacular. Examples and architectural descriptions of Oregon City historic single-family residential styles can be found in the 2006 Historic Review Board's Design Guidelines for New Construction. An alternate architectural style may be approved by the community development director if it meets the intent of this chapter.

Western Farmhouse/Vernacular

Bungalow (Craftsman)

Queen Anne Vernacular

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

~~1. Each of the types of details listed below are worth one point unless otherwise noted. Dwelling units must achieve the equivalent of five points worth of architectural details.~~

~~a. Stonework detailing on columns or across foundation.~~

~~b. Brick or stonework covering more than ten percent of the facade.~~

~~c. Wood, cladded wood, or fiberglass windows on all four elevations of the building. *(Two points)* .~~

~~e. Decorative roofline elements including roof brackets or multiple dormers.~~

~~f. Decorative porch elements including scrolls, or brackets, or railings.~~

~~g. Decorative shingle designs.~~

~~h. Decorative paint schemes (three or more colors).~~

~~i. Other architectural detailing may be approved by the by the community development director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.~~

~~2. Approved siding materials.~~

~~a. Brick.~~

~~b. Basalt stone or basalt veneer.~~

~~c. Narrow horizontal wood or composite siding (five inches wide or less); wider siding will be considered where there is a historic precedent.~~

~~d. Board and baton siding solely as an accent element unless the design has historic precedent and is approved by the community development director through the exemption process.~~

~~3. Other materials may be approve by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.~~

~~I. Windows.~~

~~All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. Windows on corner lots must provide an average of one window every fifteen feet of linear elevation on each floor of the side elevation.~~

J. Cottage parking shall be:

1. Located on the same property as the cottage development.

2. Screened from public streets and adjacent residential uses by landscaping or architectural screening.

3. Located in clusters of not more than five adjoining spaces (except where parking areas are adjacent to an alley).

4. Parking spaces are prohibited in the front, interior or and side yard setback areas. Drive aisles and access driveways may be allowed in the side or rear yard setback.

5. A pitched roof design is required for all detached parking structures. Detached parking structures/garages shall be six hundred square feet or less and are not counted as part of the gross floor area of the cottage.

6. Garages may be attached to individual cottages provided all other design standards have been met and the footprint of the ground floor, including the garage, is included as part of the gross floor area calculations. Such garages shall be located away from common open spaces, shall not gain access off a public street and shall have garage doors of ten feet or less in width and be architecturally subordinate to the cottage. No accessory dwelling units (ADU) are allowed within a cottage housing development.

K. Fences.

All fences on the interior of the development shall be no more than thirty-six inches in height. Fences along the exterior property lines are subject to the fence requirements of OCMC 17.54.100. Chain link fences shall not be allowed.

L. Existing Dwelling Unit Onsite.

An existing single-family home incorporated into a Cottage Housing Development that does not meet the requirements of this chapter is permitted to remain on a site developed for cottage housing and shall be considered a dwelling in the development. The size of the existing single family dwelling unit may be over the one thousand two hundred square foot maximum. The existing dwelling unit shall not be part of the average gross floor area calculations. Modifications or additions to the existing dwelling unit not consistent with the provisions of this chapter shall not be permitted.

17.62.065 - Outdoor lighting.

A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:

1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;

2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;

3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;

4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and

5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.

B. Applicability.

1. General.

a. All exterior lighting for any type of commercial, mixed-use, industrial, 3-4 plex or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.

b. The City Eengineer/ or Ppublic Wworks Ddirector shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

2. Lighting Plan Requirement.

All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

3. Excepted Lighting.

The following types of lighting are excepted from the requirements of this section.

~~a. Residential lighting for single-family attached and detached homes, and duplexes.~~

a~~b~~. Public street and right-of-way lighting.

b~~c~~. Temporary decorative seasonal lighting provided that individual lamps have a light output of ~~sixty~~ 60 watts or less.

c~~d~~. Temporary lighting for emergency or nighttime work and construction.

d~~e~~. Temporary lighting for theatrical, television, and performance areas, or for special public events.

e~~f~~. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.

f~~g~~. Lighting required and regulated by the Federal Aviation Administration.

C. General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design standards of subsection D. below shall be deemed to not adversely affect adjacent properties or the community.

D. Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.

2. Lighting shall be provided in parking lots and vehicular circulation areas.

3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.

4. Lighting shall be provided at all building entrances.

5. With the exception of pedestrian scale lighting, all light sources ~~Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent)~~ shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.

6~~2~~. The maximum height of any lighting pole serving a multi-family residential use shall be ~~twenty~~ 20 feet. The maximum height serving any other type of use shall be ~~twenty-five~~ 25 feet, except

in parking lots larger than ~~five~~ 5 acres, the maximum height shall be ~~thirty-five~~ 35 feet if the pole is located at least ~~one-hundred~~ 100 feet from any residential use.

~~3. Lighting levels:~~

~~Table 1-17.62.065. Foot-candle Levels~~

~~Location~~	~~Min~~	~~Max~~	~~Avg~~
~~Pedestrian Walkways in Parking Lots~~		~~10:1 max/min ratio~~	~~0.5~~
~~Pedestrian Accessways/Walkways~~	~~0.5~~	~~7:1 max/min ratio~~	~~1.5~~
~~Building Entrances~~	~~3~~		
~~Bicycle Parking Areas~~	~~3~~		
~~Abutting property~~	~~N/A~~	~~.05~~	

~~4. Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.~~

6~~5~~. Floodlights shall not be utilized to light all or any portion of a building facade between ~~ten~~ 10 p.m. and ~~six~~ 6 a.m.

7~~6~~. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

8~~7~~. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.

98. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

10~~9~~. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.

11~~10~~. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

~~11. Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by~~

~~the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.~~

12. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:

    i. Maximum permitted light post height: ~~eighty~~ 80 feet.

13. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be ~~three~~ 3 foot-candles.

~~17.62.080 - Special development standards along transit streets.~~

~~A. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.~~

~~B. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.~~

~~C. Development Standards.~~

~~1. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.~~

~~a. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.~~

~~b. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.~~

~~2. Main building entrances shall be well lighted and visible from the transit street. The minimum lighting level for building entries shall be three foot-candles. Lighting shall be a pedestrian scale with the source light shielded to reduce glare.~~

~~2~~3. ~~In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.~~

~~D. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection C. of this section:~~

~~1. Heavy equipment sales;~~

~~2. Motor vehicle service stations, including convenience stores associated therewith;~~

~~3. Solid waste transfer stations; and~~

~~4. Truck stops, including convenience stores, eating or drinking establishments, overnight accommodations or other similar services associated therewith. A use found by the community development director to be similar to the exempt uses above.~~

17.62.085 - Refuse and recycling standards for commercial, industrial, office, institutional, and multifamily developments.

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, townhouses, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;

B. Designed with sturdy materials, which are compatible to the primary structure(s);

C. Fully enclosed and visually screened;

D. Located in a manner easily and safely accessible by collection vehicles;

E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;

F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;

G. Maintained by the property owner;

H. Used only for purposes of storing solid waste and recyclable materials;

I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including ~~Chapter~~ OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.

17.62.090 – ~~Enforcement~~ Implementation.

A. Applications for site plan and design review shall be reviewed in the manner provided in ~~Chapter~~ OCMC 16.12 and 17.50. The city building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the city.

B. In performing site plan and design review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.

C. The ~~use of the~~ site plan and design review provisions of this chapter~~section~~ shall ~~have no effect on dwelling unit densities~~ not be applied to reduce the density or height of an application for a development project that reserves at least 75 percent of the gross floor area for housing where the

proposed density or height is at or below what is allowed in the base zone, except in the following situations:

1. Where the reduction is density is required for ~~This limitation does not apply in~~ development subject to historic overlay provision in OCMC ~~Chapter~~ 17.40; or

2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with ~~a measure adopted to further a statewide planning goal i.e.~~ the Natural Resource Overlay District regulations of OCMC 17.49, the Geologic Hazard Overlay District regulations of OCMC 17.44, or the Floodplain Management Overlay District regulations of OCMC 17.42.~~natural resource~~ or steep slope regulations.

~~17.62.095 - Performance guarantees.~~

~~A. Purpose. This section states the requirements for performance guarantees when they are required of an applicant by this section or as a condition of a site plan and design review approval.~~

~~B. Types of guarantees. Guarantees by the applicant may be in the form of a performance bond payable to the city in cash, by certified check, time certificate of deposit, irrevocable letter of credit, or other form acceptable to the city. Indemnity agreements may be used by other governmental agencies. Guarantees must be accompanied by a contract. The form of the guarantee and contract must be approved by the city attorney. The community development director is authorized to accept and sign the contract for the city, and to accept the guarantee. The guarantee must be filed with the city recorder.~~

~~C. Amount of guarantee. The amount of the performance guarantee must be equal to at least one hundred ten percent of the estimated cost of performance. The applicant must provide written estimates by three contractors with their names and addresses. The estimates must include as separate items all materials, labor, and other costs of the required action.~~

~~D. Completion. An inspection and approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned. The inspection is done by the Planning Division or by other appropriate city departments. If the action or improvement is not completed satisfactorily within the stated time limits, the city may have the necessary action or improvement completed and seek reimbursement for the work from the performance guarantee. Any remaining funds will be returned to the applicant.~~

~~17.62.100 - Fees.~~

~~Pursuant to Section 17.50.480, a nonrefundable application fee shall accompany the application for site plan and review.~~

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.65 Master Plans and Planned Unit Developments

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.65.010 - Purpose and intent.

It is the intent of this chapter to foster the growth of major institutions, ~~major~~ phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide ~~them with the~~ long-term assurance ~~they need over the long term so that they can~~ to plan for and execute ~~their~~ developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address ~~the~~ larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

17.65.020 - What is included in a master plan.

A. A master plan is a two-step process that includes a general development plan and a detailed development plan.

A general development plan incorporates the entire area where development is planned ~~in the next five to~~ for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant.

A detailed development plan is the phase or phases of the general development plan that are proposed for development within two-years.

B. A master plan identifies the current and proposed uses of the development, ~~proposed standards for the development if different from the underlying zone and applicable standards~~, proposed project boundaries, and proposed public and private infrastructure needed to serve the development~~, as defined by the general development plan boundary~~. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they must be modified through the general development plan or completed with new development.

C. A master plan identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules.

A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are improvements that will be made or constructed by an institution when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

A.65.30 - Applicability of the Master Plan Regulations.

A. ~~Submission~~Required for Large Institutional Uses. ~~A master plan shall be submitted for i~~If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No permit under this title shall by issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. ~~The~~This requirement does ~~provisions of this chapter do~~ not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

B. A master plan shall be required f~~F~~or ~~phased~~ residential and mixed-use developments of at least 200 units or more in the South End, Park Place and Beavercreek Road Concept Plan areas where the City Engineer determines that public infrastructure capacity requires further analysis prior to a site specific development plan;

C~~B~~. When Required as Part of Previous Land Use Review. The master plan regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.

D~~C~~. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.

E~~D~~. Voluntarily. An applicant may voluntarily submit a master plan as part of a land use review for sites a minimum size of two acres or greater~~, particularly when residential uses are proposed~~.

17.65.040 - Procedure.

A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to Section 17.50.030.

B. General Development Plan. An application for a General Development Plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant must have an approved General Development Plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved General Development Plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.

C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62 Site Plan and Design Review is not required.

D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan~~, or any phase of a detailed development plan~~. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application. ~~Such a concurrent application is reviewed through a Type III procedure.~~

E. Relationship to Other Reviews.

~~1.~~ 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.

~~2. An applicant may concurrently apply for a general development plan and/or a detailed development plan, along with any other development approval required under Title 16 or 17.~~

F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date.

G. Duration of Detailed Development Plan. Unless substantial expenditures have been made to implement the approved detailed development plan, defined as the submittal to the city of engineered plans for approval, a detailed development plan shall expire twenty-four months from the notice of decision date. The date of final approval includes the resolution of all appeals. In accordance with OCMC 17.50 the Community Development Director may grant, on a one-time basis, a one-year extension upon the receipt from the applicant of a written request and payment of the required fee prior to the expiration dated of the detailed development plan.

17.65.050 - General Development Plan.

A. Existing Conditions Submittal Requirements.

1. Narrative statement. An applicant must submit a narrative statement that describes the following:

a. Current uses of and development on the site~~, including programs or services~~.

b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services.

c. A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map must be eight and one-half inches × eleven inches in size, and black and white reproducible.

d. ~~Non-institutional~~ Land uses that surround the development site. This m~~M~~ay also reference submitted maps, diagrams or photographs.

e. Previous land use approvals within the General Development Plan boundary and related conditions of approval if applicable.

f. Existing utilization of the site. ~~May also reference submitted maps, diagrams or photographs.~~

g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.

1. Physical characteristics;
2. Ownership patterns;
3. Building inventory;
4. Vehicle/bicycle parking;
5. Landscaping/usable open space;
6. FAR/lot coverage;
7. Natural resources that appear on the city's adopted Goal 5 inventory;
8. Cultural/historic resources that appear on the city's adopted Goal 5 inventory; and
9. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.
10. Geologic hazards pursuant to OCMC 17.44.

h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.

1. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
2. Transit routes, facilities and availability;
3. Alternative modes utilization, including shuttle buses and carpool programs; and
4. Baseline parking demand and supply study (may be appended to application or waived if not applicable).

i. Infrastructure facilities and capacity, including the following items.

1. Water;

2. Sanitary sewer;

3. Stormwater management; and

4. Easements.

2. Maps and Plans.

a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch=one hundred feet) that shows the following items. At least one copy must be eight and on-half inches × eleven inches in size, and black and white reproducible.

(1) Date, north point, and scale of drawing.

(2) Identification of the drawing as an existing conditions site plan.

(3) Proposed development boundary.

(4) All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.

(5) Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.

(6) A site plan or plans, to scale, for the General Development Plan site and surrounding properties containing the required information identified in OCMC 17.62.040.~~:~~

~~a. Chapter 17.62.040.A(1), (2), (3), (4), (5), (6), (7), (9), (11), (12), (13), (14), and (15);~~

~~b. Chapter 17.62.040.B;~~

~~c. Chapter 17.62.040.F; and~~

~~d. Chapter 17.62.040.G.~~

b. Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map must be eight and one-half inches × eleven inches in size, and black and white reproducible.

c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo must be eight and one-half inches × eleven in size, and black and white reproducible.

B. Proposed Development Submittal Requirements.

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:

a. The proposed duration of the general development plan.

b. The proposed development boundary. May also reference submitted maps or diagrams.

c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.

d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the ~~institutional~~ applicable zone district or districts, and any applicable overlay district.

e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.

f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:

1. Transportation impacts as prescribed in subsection g. below;

2. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;

3. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.

4. Neighborhood livability impacts;

5. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.

g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.

h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:

1. Address the impacts of the development of the site consistent with all phases of the general development plan; or

2. Address the impacts of specific phases if the city engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.

i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:

1. The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.

2. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general

development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.

3. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

~~j. Pursuant to section 17.65.070, tThe applicant or city staff may propose alternative objective development standards and/or adjustments to adopted standards to address identified impacts that will apply within the proposed development on land that is controlled by the applicant institution. Upon approval of the general development plan, these standards willmay supersede corresponding development standards found in this code. Development standards shall address at least the following:~~

~~1. Pedestrian, bicycle and vehicle circulation and connectivity;~~

~~2. Internal vehicle and bicycle parking;~~

~~3. Building setbacks, landscaping and buffering;~~

~~4. Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and~~

~~5. Other standards that address identified development impacts.~~

~~j~~K. For residential and mixed-use projects:

a. Proposed minimum lot area, width, frontage and yard requirements.

b. Proposed project density in number of units per acre.

~~c. Proposed mix of uses.~~

~~d. Residential design standards~~

2. Maps and diagrams. The applicant must submit, in the form of scaled maps or diagrams, as appropriate, the following information:

a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.

b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred

fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.

d. The approximate ~~projected~~ location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.

e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

C. Approval Criteria for a General Development Plan. The planning commission may~~shall~~ approve an application for general development plan ~~approval~~ only upon finding that the following approval criteria are met.

1. The proposed General Development Plan is consistent with the purposes of Section 17.65.

2. Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places.

3. Public services for transportation, water supply, police, fire, sanitary waste disposal, ~~and~~ storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.

5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.

7. The proposed general development plan is consistent with the underlying zoning district(s) and any overlay zones.

8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.

a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.

b. Minimum required open space shall be 100 square feet per residential unit in the development. ~~20 percent of the gross area of a development with 75 percent or more of the net developable area proposed for residential use, or 25 percent of the new developable area proposed for residential use for a development with less than 75 percent of the net developable area proposed for residential use.~~

c. The open space area may be in private ownership or proposed for public dedication, at the City's discretion whether to accept.

d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.

e. Land area to be used for the open space area ~~and landscaping~~ that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces ~~or public facilities~~.

f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds 75 percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single family detached, single family attached, duplex, triplex/fourplex, and multifamily.

~~D. Duration of General Development Plan. A general development plan shall involve a planning period of at least five years and up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date.~~

17.65.[0]60 - Detailed development plan.

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in Section 17.65.050.B.1.h(1). If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

   The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

3. For portions of the project that would otherwise be subject to Site Plan and Design Review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040:

   ~~a. Chapter 17.62.040.A.(8), (10), (11), (12), (13), (14), and (15);~~

   ~~b. Chapter 17.62.040.B;~~

   ~~c. Chapter 17.62.040.C;~~

   ~~d. Chapter 17.62.040.D;~~

   ~~e. Chapter 17.62.040.E;~~

   ~~f. Chapter 17.62.040.G;~~

   ~~g. Chapter 17.62.040.H; and~~

   ~~h. Chapter 17.62.040.J.~~

4. For residential portions of the project not otherwise subject to Site Plan and Design Review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.

~~4~~5. Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

B. Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:

1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.

2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in Section 17.65.070.

3. The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapter 17.62, unless adjusted as provided in Section 17.65.070.

~~C. Duration of Detailed Development Plan. Unless substantial expenditures have been made to implement the approved detailed development plan, defined as the submittal to the city of engineered plans for approval, a detailed development plan shall expire twenty-four months from the notice of decision date. The date of final approval includes the resolution of all appeals. In accordance with OCMC 17.50Upon the receipt from the applicant of a written request and payment of the required fee prior to the expiration dated of the detailed development plan, the community development director may, on a one-time basis, grant a twelve-month extension.~~

17.65.070 - Adjustments to development standards.

A. Purpose. In order to implement the purpose of the city's master plan process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process, and are not required to go through the Variance process pursuant to OCMC Chapter 17.60. ~~These include, but are not limited to, items such as: dimensional standards of the of the underlying zone, site plan and design review criteria, residential design standards, and standards for land division approval.~~

B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:

1. Dimensional standards of the underlying zone of up to 20 percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.

2. Site plan and design standards.

3. Residential design standards.

4. Increase in allowed maximum residential density of up to 10 percent.

5. Standards for land division approval.

6. Additional uses allowed with residential projects, or residential component of projects:

a. Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to

10 percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.

b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts;

c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools;

d. Common public and private open space including trails.

e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.

D. ~~C.~~ Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:

1. To allow a primary or accessory use that is not identified as a permitted, ~~master plan~~ or conditional use in the underlying zone, with the exception of the additional uses permitted under Section 17.65.070.C.6 above. ~~allowed by the regulations~~;
2. To any regulation that contains the word "prohibited";
3. As an exception to a threshold review, such as a Type III review process; and
4. Minimum density for residential sites may not be reduced. ~~Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.~~

E. ~~D.~~ Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;
4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties; ~~and~~
5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and.
6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents.

17.65.80 - Amendments to approved plans.

A. When Required. An amendment to an approved General Development Plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in Section 17.65.050 will apply to general development plan amendments, the approval criteria contained in Section 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.

B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:

~~1~~. ~~Any proposed development on the site that is within one hundred feet of the master plan boundaries, unless a greater distance is stated in the master plan;~~

~~2~~1. A proposed expansion of the approved boundary;

~~3~~2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;

~~4~~3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);

~~4~~5. New uses not covered in the plan that will increase vehicle ~~transportation~~ trips to the site greater than 10 percent of the original amount approved., ~~except for those that are replacing another use so that there is no net increase in vehicles drawn to the site;~~

~~5~~6. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;

~~6~~7. A increases/decrease greater than ten percent in the amount of approved or required parking; and

~~7~~8. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.

C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in Subsection B or D are processed through a Type II procedure.

D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:

1. Accessory uses and structures that meet applicable development regulations;

2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and

3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.

17.65.090 - Regulations that apply.

An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that General Development Plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

OREGON CITY

Community Development – Planning

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Oregon City Municipal Code

Chapter 17.68 Zoning Changes and Amendments

Deletions shown with ~~strikeouts~~, additions and new standards shown with underline, relative to existing standards. Changes from the last set of proposed code amendments are shown in red.

17.68.010 - Initiation of the amendment.

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

A. A resolution request by the city commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

D. A Legislative request by the Planning Division.

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

17.68.020 - Criteria.

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

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

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

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

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

17.68.025 - Zoning changes for land annexed into the city.

A. ~~Notwithstanding any other section of this chapter, when property is~~ Upon annexation ~~annexed~~ into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be rezoned ~~upon annexation~~ to the corresponding city zoning designation as follows:

Plan Designation	Zone
Low-Density Residential	R-10
Medium-Density Residential	R-5
High-Density Residential	R-2
General Commercial	C
Industrial	CI~~- Campus Industrial~~
Mixed-Use Downtown	MUD
Mixed-Use Employment	MUE
Mixed-Use ~~Commercial~~ Corridor	- NC
Future Urban	FU-10
Public/Quasi-Public	I

B. Applications for these rezonings shall be reviewed pursuant to the requirements in Chapter 17.50.

17.68.030 - Public hearing.

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

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

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

17.68.040 - Approval by the commission.

If the planning commission ~~approves such~~ finds that the request or application for an amendment, or change, complies with the criteria of section 17.68.020, it shall forward its findings and recommendation to the city commission for action thereon by that body.

17.68.050 - Conditions.

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

A. Such conditions and restrictions shall thereafter apply to the zone change;

B. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Chapter 17.50.

17.68.060 - Filing of an Application.

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

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

Date: August 3, 2018
To: Pete Walter, Planning Department
From: John Replinger, PE
Subject: TPR Implications of Code Amendments for Equitable Housing

Purpose

This memorandum provides an assessment of the transportation implications of the code amendments proposed in support of the Equitable Housing project. This memorandum assesses whether the proposed amendments trigger a finding of significant effect that would require further analysis to determine transportation impacts under OAR 660-12-0060 (Transportation Planning Rule or "TPR").

Conclusion

My overall conclusion is that the proposed code amendments do not result in a significant change in the number of dwelling units and more traffic than anticipated and planned for in Oregon City's Transportation System Plan (TSP) adopted in 2013. I, therefore, conclude that the proposed amendments do not have a significant effect on the transportation system and that the city may adopt findings to that effect when adopting the proposed amendments.

Overview of Proposed Amendments

The proposed amendments cover a wide variety of sections of the Oregon City Municipal Code (OCMC). Many of the proposed amendments have no measurable impact on transportation. For example, height limitations will be defined by specific measurement (e.g. 35 feet) as opposed to "2½ stories." The percentage of lot coverage changes in various zoning categories. Accessory Dwelling Units would continue to be permitted in all residential zones. Since these amendments will not result in more dwelling units than allowed by the current version of the OCMC, it is reasonable to conclude there will be no transportation impact.

Some other sections of the code could result in a minor decrease in traffic impact. For example, the minimum on-site parking requirements for various uses is proposed to be decreased or eliminated in some zones. The effect is likely to be so small on a city-wide basis, no attempt has been made to quantify the effect.

Key areas of the proposed amendments were evaluated in more detail to assess whether they could have a significant effect on the transportation system. Some of the proposed amendments would allow owners or developers to more easily construct duplexes. Another set of proposed amendments would allow construction of townhouses on smaller lots in medium density residential zones.

The potential for impacts resulting from additional duplexes and for townhouses are discussed in more detail following the presentation of background information from the TSP and other sources.

Transportation System Plan

The Transportation System Plan (TSP) was adopted in 2013 and used 2010 as the base year and 2035 as the planning horizon. The TSP anticipates considerable growth in Oregon City. Appendix E, T.M. #5 – Model Assumptions: January 2012, provides details on the anticipated growth during the planning period. Specifically, Table 2: Oregon City UGB Area Land Use Summary, provides information on households for the base and future years. A portion of this table from the TSP is presented in Table 1 below.

Table 1. Base Year and Projected Household Growth from Adopted TSP

Land Use	2010 Land Use	Projected Growth from 2010 to 2035	Projected 2035 Land Use	Percent Growth (2010 -2035)
Total Households	13,022	7,963	20,985	61%

The critical value in the above table is 7,963, the projected increase in the number of households that were planned in the TSP between 2010 and 2035. The TSP's transportation analysis and the planned transportation facilities are predicated on this increase.

Duplexes

Duplexes have typically accounted for only a small proportion of housing choices in Oregon City and nationally. Census data for Oregon City suggests that duplexes account for about two percent of dwelling units[1]. National data from the US Department of Housing and Community Development and the Census Bureau suggests that housing construction for dwellings with 2 to 4 units has accounted for less than three percent of the housing constructed in recent years.[2]

In developing a "reasonable worst-case scenario" for the purposes of assessing the transportation impact of the proposed code amendments, I assumed that the duplexes developed in Oregon City under the proposed code amendments would be significantly greater than exist today. If the proportion of duplexes doubled from current values of about two percent to four percent, that would mean the projected growth in households between 2010 and 2035 would consist of 320 households occupying duplexes instead of 160.

One might reasonably expect that some of these duplexes might substitute for detached, single-family residences. However, to continue with a "reasonable worst-case scenario," I assume that these duplexes would add to the number of total dwelling units assumed in the

[1] American Community Survey, Census Bureau, 2010
[2] Monthly New Residential Construction, June 2018, U.S. Census Bureau and the U.S. Department of Housing and Urban Development

TSP. Carrying through this assumption, I calculate the proposal could result in 160 new, unanticipated dwelling units beyond the 20,985 dwelling units upon which the TSP was predicated. This represents an increase of just ¾ of one percent in the number of dwelling units in Oregon City in the TSP horizon year.

Table 2 indicates the trip generation that could be expected from 160 additional duplexes. Since duplexes are not a specific category of housing in the Institute of Transportation Engineers' *Trip Generation Manual – 9th Edition*," I calculated trips using the rates for two similar dwelling types: detached, single-family housing (ITE category 210) and for residential condominium/townhouse (ITE category 230). The trip generation for duplexes likely falls somewhere in between these two categories.

Table 2. Trip Generation for 160 Duplexes

Housing Type	ITE Category	Weekday Trips	AM Peak Hour Trips	PM Peak Hour Trips
Detached, single-family	210	1523	120	160
Residential Condominium/ Townhouse	230	930	70	83

Since these duplexes would likely be distributed throughout the city, the effect of adding about 100 peak hour trips during both the morning and evening would be insignificant on a regional basis. The effect of a slightly higher number of dwelling units due to the inclusion of duplexes in a project would be assessed in a transportation study required for a specific land use action through the city's normal review process.

Comparison of SFR and Townhouses in R-5

Under the proposed code amendments, allowed uses in the R-5 zone include, but are not limited to, single-family residences (SFR) on 5,000-square foot lots and townhouses on 3,500-square foot lots.[3]

To compare the transportation impact of constructing townhouses on the smaller, 3500 sf lots with detached, single-family dwellings, I calculated the trip generation for both using the trip rates from the Institute of Transportation Engineers' *Trip Generation Manual – 9th Edition.* Table 3 presents the results of the townhouse and detached, single-family dwelling options for a sample site with ten acres of developable land in the R-5 zone.

[3] Additional unit types permitted in the R-5 zone include Accessory Dwelling Units (ADUs), Duplexes, "Single-family attached residential units" means two or more dwelling units attached side by side with some structural parts in common at a common property line and located on separate and individual lots. Single-family attached residential units are also known as townhouses or rowhouses.

Table 3. Sample Comparison of SFR and Townhomes in R-5 for Ten Acres

Housing Type	ITE Category	Lot Size (sq. ft.)	Density DU/ Net Acre	Total DUs	Weekday Trips	AM Peak Trips	PM Peak Trips
Single Family Detached	210	5000	7	70	661	52	69
Condominium/ Townhouse	230	3500	10	100	732	46	56

The comparison shows that transportation impacts are similar. Weekday trips are calculated to increase slightly with townhouses, but townhouses would produce slightly fewer AM peak hour trips and significantly fewer PM peak hour trips than the SFR's. The transportation impact of this proposed code impact is insignificant.

Comparison of SFR and Townhouses in R-3.5

Under the proposed code amendments, allowed uses in the R-3.5 zone include single-family residences (SFR) on 3,500-square foot lots and townhouses on 2,500-square foot lots.

Calculations for these housing options in the R-3.5 zone were prepared using the same sources and methods described above for the R-5 zone. Table 4 presents the results of the townhouse and detached, single-family dwelling options for a sample site with ten acres of developable land in the R-3.5 zone.

Table 4. Sample Comparison of SFR and Townhomes in R-3.5 for Ten Acres

Housing Type	ITE Category	Lot Size (sq. ft.)	Density DU/ Net Acre	Total DUs	Weekday Trips	AM Peak Trips	PM Peak Trips
Single Family Detached	210	3500	10	100	944	74	99
Townhouse	230	2500	14	140	1024	64	78

The comparison shows that transportation impacts are similar. Weekday trips are calculated to increase slightly with townhouses, but townhouses would produce slightly fewer AM peak hour trips and significantly fewer PM peak hour trips than the SFR's. The transportation impact of this proposed code impact is insignificant.

Impacts of Accessory Dwelling Units, Internal Conversions and Cluster Housing

Accessory Dwelling Units and Cottage Housing are currently permitted under the OCMC. Minor changes are proposed, but the proposed amendments would continue to permit Accessory Dwelling Units and Cottage or Cluster Housing. Permit data indicate that Accessory Dwelling Units comprise less than one-tenth of one percent of all the single family dwelling units in the city (25 of a possible 9,600), and even fewer cottage houses (5 that have been permitted, but are not yet constructed). It is hoped that these numbers could increase slightly with the proposed amendments, but the number of units of these types is expected to be insignificant in comparison to the anticipated 20,985 housing units predicted in 2035 and as assumed in the TSP. Conversions of existing houses is a proposed new unit type very similar to ADUS that could allow for slightly larger units within the existing floor area of homes than permitted under ADUs. Parking requirements are proposed to be removed for ADUs and Internal Conversions. None of these unit types is anticipated to have a significant impact on the transportation system.

Conclusion

Based on the analysis undertaken for the proposed amendments, I conclude that the proposed amendments will not have a significant effect on the transportation system.

A "reasonable worst-case development scenario" involving duplexes doubling in popularity from current values would result in just 160 additional units. Even these were "new" units added to the expected increase of 7963 households projected in the TSP, these would increase the number of dwelling units in the city by only ¾ of one percent. Spread across the entire city, the impacts would be insignificant.

The proposal to allow townhouses on smaller lots than required for detached, single-family dwellings in both the R-5 and R-3.5 zones is also shown to be insignificant. Using trip generation rates from the Institute of Transportation Engineers' *Trip Generation Manual*, townhouses are calculated to produce slightly more weekday trips, but fewer trips during both the AM and PM peak hours.

I conclude that the city can make a finding that the proposed amendments do not have a significant impact on the transportation system and the TSP and that no further analysis for compliance with the TPR is necessary.

It is important to note that developers seeking zoning changes will continue to be required to address the TPR.

MEMORANDUM

DATE:	August 8, 2018
TO:	John Lewis, PE, City of Oregon City
FROM:	Wes Wegner, PE
RE:	Water and Sanitary Sewer System Implications of Proposed Code Amendments for Equitable Housing WE # 1442A

PROJECT PURPOSE AND INTRODUCTION

This memorandum provides an assessment of the water and sanitary sewer system implications of the code amendments proposed in support of the Equitable Housing project. The purpose of this memorandum is to determine the impact of increased density on the water supply and distribution system, and the sanitary sewer collection system. Wastewater treatment is provided by the Tri-City Sewer District, who has provided separate comments. Water supply is provided by South Fork Water Board, who has provided separate comments. The City's transportation consultant, Replinger and Associates, provided a separate, detailed overview of the potential for 160 additional dwelling units above and beyond the numbers projected in the City's Transportation System Plan and this report is based on that estimate.

CONCLUSIONS

The 160 additional dwelling units anticipated beyond current planning projections as part of proposed code amendments will not have an adverse impact on the future (2035) peak sanitary flows projected as part of the *2014 Sanitary Sewer Master Plan* (SSMP) and future (2030) water demand projected as part of the *2012 Water Distribution Master Plan* (WMP). The code amendments encourage increased housing densities, and if overall future growth is at a faster rate than anticipated by the SSMP and WMP, then the capital projects identified in each respective plan may need to be completed sooner than anticipated and the prioritization of the projects may need to change. The recommended capital improvement programs in each respective plan will adequately accommodate future growth projections including 160 additional dwelling units. Completion of capital projects will be in a planned and orderly manner through prioritization of the projects and allocations of the City's annual project funding that is recovered through utility fees and system development charges for the respective utilities.

PLANNING ASSUMPTIONS

The Replinger and Associates memorandum titled *TPR Implications of Code Amendments for Equitable Housing* estimated that the proposed code amendments would result in an additional 160 additional residential units in 2035 beyond the current planning projections under a "reasonable worst-case development scenario". This is an increase in residential units of approximately 0.75% throughout the City over the planning period. This assessment assumes that these additional residential units are distributed evenly throughout the City, based upon the roughly even distribution of residential zoning throughout the City.

SANITARY SEWER COLLECTION SYSTEM

The SSMP analyzed the sanitary sewer collection system capacity under existing and future (buildout) conditions over the growth period ending in 2035. Peak flow typically occurs during wet weather due to infiltration and inflow (I&I) of stormwater into the sanitary sewer collection system. The sewer collection system was modeled under wet weather peak flow conditions, based on a 10-year, 24-hour storm. A number of sanitary sewer pipe segments were found to have insufficient capacity to convey existing and future peak hour flows, and several manholes were predicted to overflow. In addition, two of the modeled pump stations were found to lack firm capacity to convey existing and future peak hour flows. The City's capital improvement program has been implemented and several upsizing projects have been completed to date resulting in fixing some of the capacity deficiencies in various parts of the City.

An increase in density of residential units in specific areas will exacerbate the remaining capacity issues currently identified in the SSMP. Future flow projections in the SSMP were estimated assuming residential lots are developed or redeveloped to the density identified in the Comprehensive Plan. The proposed code amendments will change the allowable density to an increased level, however these changes will not adversely affect the future flow projections or the future capacity analysis. With the code amendments encouraging higher residential densities and if future growth develops at a faster rate than anticipated by the SSMP, then the capacity issues identified under the future flow model will occur sooner than anticipated and prioritization for construction of specific capital improvement projects will be required.

One primary concern of the system's capacity, as discussed in the SSMP, is a result of stormwater infiltration and inflow (I&I) flows. The City has adopted a capital improvement program that allocates approximately $2.4 million annually towards facility rehabilitation and replacement projects that includes a focus on reducing I&I in the existing system. This program will result in freeing up existing sewer capacity and mitigating for some of the future growth encouraged as part of this equitable housing code amendment without requiring upsizing of the existing system. The sanitary sewer rehabilitation and replacement projects will be prioritized to help with the reduction of I&I to the greatest extent possible with the allocated funding available. When possible, these projects will include addressing existing private sanitary sewer laterals that are in poor condition and found to be contributing to a high level of I&I. The City is committed to making this program successful with the focus of annual funding allocations for projects that result in reduction of I&I.

WATER DISTRIBUTION SYSTEM

The Water Master Plan analysed the existing water supply, storage and distribution systems under existing and future conditions. Several deficiencies in the existing system are noted for the

available storage in existing reservoirs and available capacity with the pump stations. The plan also identifies that some of the existing distribution lines within the City are undersized and are incapable of providing fire flow to the recommended minimum standard.

The Water Master Plan (WMP) identified future growth rates between 1.5% and 3.0% over the projected growth period ending in 2030. If actual growth exceeds these assumed rates, capacity and storage deficiencies identified under the future model will occur sooner than anticipated.

Capacity of the water system to accommodate future growth within the City is primarily controlled by its ability to provide adequate fire flow to all developable areas. The additional residential dwelling units anticipated as part of this code amendment proposal will have an insignificant impact on the system's fire flow demand and minimal impacts to the storage needs identified in the WMP. Current storage and distribution deficiencies identified for the current population and future growth period will continue to be deficient until such time that capital improvements are completed. The WMP recommends a capital improvement program that addresses the capacity deficiencies and the City currently implements the program on an annual basis through the prioritization and allocation of City funds collected through water utility fees and system development charges. The City is committed to fixing capacity deficiencies with continued programming of capital projects annually.

The City's water supply is provided by the South Fork Water Board (SFWB). The South Fork Water Board 2016 Water Master Plan (SFWB WMP) has identified water treatment capacity limitations to meet future (2036) water demand projections and recommended a capital improvement program to increase capacity and address the deficiencies. SFWB has allowable Clackamas River supply water rights of 52 million gallons per day (mgd) and the current 2016 SFWB WMP recommends upsizing the treatment plant capacity to 40 mgd by 2031. The proposed increase of residential density through this code amendment will not have an adverse impact on the future (2036) water demand projections and the planned SFWB capital improvement capacity projects.

P:\14\1442A OR City Equitable Housing Analysis\Water Sewer Utility Impact Memo.docx

TECHNICAL MEMORANDUM

To: Equitable Housing Project Advisory Team (PAT) and Technical Advisory Team (TAT) Members
From: Elizabeth Decker and Steve Faust, 3J Consulting
CC: Laura Terway and Pete Walter, City of Oregon City
Date: June 15, 2018, updated June 25, 2018

Project: **Oregon City Equitable Housing Project**
RE: **Final Policy Recommendations**

1. OVERVIEW

This final project memo highlights the main equitable housing zoning code and policy changes and recommendations to the Planning Commission and City Commission. The concepts herein were developed and reviewed in three rounds of code amendments: low and medium-density residential districts, including single-family development and missing middle housing types; high-density and mixed-use districts, including multifamily development; and procedural requirements for all development. The concepts were developed through iterative review by the Public and Technical Advisory Teams (PAT/TAT), and full details of their recommendations are summarized in a forthcoming letter.

The complete package of code concepts and proposed code language were refined based on PAT/TAT feedback at their June 21, 2018 meetings. The code amendments will be reviewed by Planning Commission and City Commission during the adoption process, and later implemented with supporting informational materials including equitable housing maps and development guides.

Figure 1: Overview of Equitable Housing Policy Project Stages

Project Background: The Oregon City Equitable Housing project is working to understand the existing barriers and future solutions to promote a larger supply of equitable housing options for the community. The City seeks to develop code and regulatory improvements that facilitate a fuller spectrum of housing options for its current and future residents in response to increasing cost burdens on Oregon City households, increasing numbers of people experiencing homelessness, and changing household demographics in the city and the broader metro region. The intended outcome for this project is to encourage the development of increased numbers of housing units, of all types, and at a range of affordability levels. Many of the proposed housing options can be collectively referred to as "missing middle housing," defined as a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing choices at a variety of scales across a variety of neighborhoods.

2. POLICY RECOMMENDATIONS

Recommendations to address the core project objectives can be grouped into five main areas:

- Expand 'missing middle' housing in low and medium-density zones.
- Expand housing types while maintaining density in high-density zones.
- Continue to allow multifamily residential in mixed-use and commercial zones.
- Coordinate procedural and design requirements for residential development.
- Provide informational resources.

With the exception of the final recommendation for supporting resources, specific project recommendations to implement the first four policy concepts were developed as proposed changes to the City's zoning and development regulations. These changes were developed based on public input on surveys and events, PAT/TAT member input, City staff experience, and consultant expertise. The recommended changes are intended to function together as a collective package to achieve the broader project objectives of furthering equitable housing opportunities.

Specific recommendations to implement the main policy concepts include:

A. Overarching Changes

A.1 Reorganization: Introduce new chapters to centralize residential regulations for ease of use, including chapters for the base zones and design standards. Rename base zone chapters to reflect the fuller range of development opportunities proposed, such as changing the name from 'Single-Family Dwelling District' to 'Low-Density Residential District.' No changes to the zoning map are proposed with this project beyond renaming the residential districts. Proposed code organization includes:

- *17.08 Low Density Residential Districts* incorporating existing OCMC 17.08, 17.10 and 17.12 for R-10, R-8 and R-6 zones. This chapter will include use, density and dimensional standards, similar to the existing chapters.
- *17.10 Medium Density Residential Districts* incorporating existing OCMC 17.14 and 17.16 for R-5 and R-3.5 zones. This chapter will include use, density and dimensional standards, similar to the existing chapters.

- *17.12 High Density Residential District* incorporating existing OCMC 17.18. for R-2 zone, including use, density and dimensional standards.
- *17.14 Single-family & Duplex Residential Design Standards* incorporating existing OCMC 17.20, 17.21 and 17.22, incorporating new standards specific to duplexes and corner duplexes.
- *17.16 Townhouse Residential Design Standards,* new chapter adapting similar design themes for single-family and duplex units in OCMC 17.14 for attached residential (townhouse) projects.
- *17.18 Multifamily Residential Design Standards,* new chapter, incorporating existing OCMC 17.62 and 17.62.057 for multifamily residential projects.
- *17.20 Additional Residential Design Standards,* new chapter detailing standards for ADUs (adapted from existing OCMC 17.54.090), Cluster Housing (adapted from OCMC 17.62.059), Internal Conversions, Live/Work Units (adapted from OCMC 17.54.105), Manufactured Homes, Manufactured Home Parks.

A.2 Dimensional and density standards: Largely maintain existing dimensional and density standards for existing single-family and multifamily development types; new standards for proposed missing middle housing types are detailed in the following section.

- *Setbacks.* Minimal changes are proposed to the dimensional standards as they affect single-family detached homes, including making side yard setbacks more consistent across zones and reducing rear setbacks from a uniform 20 feet to a range of 5-20 feet matching the front yard setbacks in each zone. New alley setbacks for garages are also proposed as an alternative to street-loaded garages. No changes are proposed to setbacks for multifamily projects.
- *Height.* Height standards are proposed based on feet rather than current two-part height and story restrictions, for simplification and greater flexibility in site design. Current single-family regulations allow 2.5 stories, the half story being a story under a peaked roof, or 35 feet. The stories limitation may discourage construction of basements that can be converted to ADUs, which would be counted as a story despite no or minimal impact to the overall height. Proposed height limits are 35 feet for most development, and 25 feet for cluster housing to offset increased density limits and smaller lots. Multifamily standards currently allow four stories or 55 feet, and are proposed to permit a straight 45 feet.
- *Base Density.* No changes are proposed to the existing density minimums and maximums in all residential zones for single-family detached and multifamily development. Existing density increases for cluster development, ADUs and duplexes are retained, and new density increases for internal conversions, townhouses and multiplex residential uses are proposed as detailed in the individual dwelling types below.

B. Expand Missing Middle Housing Types

B.1. Accessory Dwelling Units: Liberalize ADU regulations to remove owner-occupancy and off-street parking requirements consistent with emerging best practices and state mandates, and to simplify dimensional and design standards. ADUs provide flexibility

for homeowners to use their property, and expand housing options for residents of primary dwellings and ADUs, with relatively low impact to the surrounding neighborhood given the small scale and limited adoption of ADUs.

- *Remove owner-occupancy restriction.* Requiring owner occupancy of a property with an ADU adds an additional layer of complexity and regulation, further discouraging interested homeowners from considering an ADU and significantly limiting financing options. There are no owner occupancy requirements for other residential uses, and there does not appear to be a significant policy reason to single out ADUs for these restrictions given their relatively low numbers. If concerns arise, owner occupancy regulations could be developed to address residential uses more holistically across the city, such as through a short-term rental policy.
- *Allow one ADU per single-family dwelling.* Permit one ADU for every detached single-family dwelling—rather than per lot or parcel, as currently regulated—in all residential zones, as required by recent state legislation. In the future, the City may consider permitting up to two ADUs per dwelling but only one is recommended at this time.
- *Parking.* Eliminate off-street parking requirements for ADUs, and leave it up to homeowners to decide whether to provide an off-street space or use on-street parking, to prioritize housing units rather than parking on residential lots and expand flexibility to fit ADUs on individual lots. Policy is consistent with existing parking standards for single-family residential units that do not require any off-street parking. Given low numbers of ADUs expected, related on-street parking will likely have a minimal impact on any specific street.
- *Simplify dimensional standards.* Match dimensional standards to the underlying zone and the standards for other accessory structures, including a size limit of 800 SF or 60% of the main dwelling (up from 40% currently), whichever is less; height not to exceed 20 feet or the height of the main dwelling, whichever is greater; and any detached structures to be located behind the front façade of the main dwelling and outside of minimum setbacks.
- *Increase lot coverage*. Include 5-10% increased lot coverage for sites developed with an ADU. Coupled with reduced rear yard setbacks, dimensional standards intended to increase flexibility and to encourage ADU development
- *Design compatibility.* Simplify design compatibility standards to match those for other accessory structures, requiring similar materials as the primary structure in place of existing regulations governing roof pitch, eaves, windows and materials. Given that almost all ADUs are a custom design commissioned by homeowners, design quality is typically high and can be more flexible and interesting than straight compatibility.
- *Clarify ADU density and occupancy limits.* Exempt ADUs from density standards, and clarify that each ADU, as a dwelling, may accommodate one "family" as defined in the code, rather than sharing an occupancy quota with the principal dwelling.
- *Permitting.* Allow through a building permit review, similar to primary dwellings, since all standards are clear and objective.

B.2 Duplexes: Expand duplex allowances to permit corner duplexes in low-density zones, and duplexes on all lots in medium-density zones.

- *Corner duplexes in low-density zones*. Introduce duplexes on corner lots in R-10, R-8 and R-6 low-density zones as an allowed use on standard sized lots, subject to similar design standards that apply to single-family homes to create two primary facades on the street-facing façade for each unit.
- *Duplexes in medium-density zones.* Retain duplexes as an allowed use for all lots in R-3.5 zone and permit duplexes in R-5 zone on standard sized lots, subject to same design standards as single-family homes for compatibility. Include requirement for minimum of one street-facing door on the street-facing façade, with flexibility for the second entrance for the second unit to face the interior of the site.
- *Parking.* Retain existing parking standards for duplexes, which require no off-street parking minimums for duplexes.

B.3 Internal conversions: Permit conversion of existing single-family homes into multiple units through internal divisions to encourage the preservation of existing homes, maintaining the existing neighborhood fabric and preserving the financial and materials investment in the existing home and infrastructure. Internal conversions may be particularly applicable in historic districts to maintain existing external building design while providing greater flexibility inside. Because residential building codes require significantly greater construction costs for structures with three or more units compared to single-family and duplex units (one to two units), internal conversions to more than two units will likely be unusual. At two units, internal conversions would be similar to duplexes and a principal dwelling with an attached ADU, but with greater flexibility.

- *Eligibility.* Allow internal conversion of homes at least 20 years old at the time of proposed conversion, using a floating date to keep standards current without need for future code updates. Targeting internal conversions to older homes is intended to support retention of existing building stock and discourage new, oversized homes built for purposes of conversion. Approximately 75% of homes in Oregon City are 20 years old, making this a meaningful option for many existing neighborhoods.
- *Limit of four units.* Allow a maximum of four units through an internal conversion, or a combination of internally converted units and an ADU, at a ratio of one allowed unit per 2,500 SF of site area. This would allow up to four units on typical lots in the R-10 district (minimum lot size 10,000 SF), but only two to three units on typical R-6 and R-8 lots with smaller sizes. Projects with more than two units are expected to be rare because of commercial building codes that would kick in.
- *Expansion limitations.* Expansions within one year before or after the conversion would be limited to the lesser of 800 SF or 60% of the existing square footage, identical to ADU size limits for consistency. The limitation is intended to prevent large expansions for the purpose of conversion.
- *Parking.* Similar to ADUs, no additional off-street parking requirements are proposed for internal conversions, to avoid hamstringing projects that lack sufficient off-street parking opportunities.

- *Review.* Similar to ADUs and duplexes, internal conversions would require a building permit review, and historic review if applicable.

B.4 Townhouses: Support expanded townhouse development, which has traditionally performed well in the Oregon City market, by expanding it in the R-5 medium-density zone in addition to the R-3.5 zone where it is already permitted, and permitting it in the R-2 high-density residential zone as an alternative to apartments. Apply new dimensional standards and design standards specific to townhouse development.

- *Dimensional standards*. In the medium-density zones, allow smaller townhouse lots at 70% of the minimum for single-family detached dwellings to account for shared wall construction eliminating side yard requirements. Reduced lot size also translates into a density bonus to incentivize such development. Minimum lot sizes and density in high-density R-2 zone proposed equivalent to existing standards.
- *Design standards.* Require integration of residential design elements into front facades under the same terms as other single-family residences. Additional standards would require a porch or stairway connecting the townhouse entrance to the street, in proposed OCMC 17.16.030.
- *Shared access.* Require shared access for townhouses to prevent garages from dominating front façades and to prevent driveways from displacing yards, impacting pedestrian connectivity, and conflicting with on-street parking options. Existing standards already limit driveway and garage width for many narrow lots to 12 feet or 50-60% of the lot width. The proposed approach is to require shared driveways, as illustrated in proposed OCMC 17.16.040, or a private alley. These would provide reduced impervious surfaces, more on-street parking and street-side planter strips with trees and room for utilities.
- *Outdoor space.* To ensure provision of usable yard space on constrained townhouse lots, a minimum standard of 200 square feet of outdoor yard, deck, balcony or porch space is proposed. Modified street tree standards are proposed requiring one street tree per two townhouses, acknowledging the frontage constraints of individual lots.

B.5 3-4 plexes: Permit triplexes and four-plexes with three to four units on a single lot in medium and high-density zones, effectively regrouping this subset of projects from multifamily development to single-family/duplex development.

- *Dimensional standards.* Allow triplexes on lots 150% of the minimum lot size in the zone and four-plexes on lots 200% of the minimum lot size in the medium-density zones, e.g. 7,500 to 10,000 SF in the R-5 zone for three or four units respectively, resulting in a density equivalent to duplexes or townhouses. Allow at the same density as apartments in the high-density zone, one unit per 2,000 SF.
- *Design standards.* Provide choice of several design standards depending on style of development. Development may elect to comply with townhouse standards for attached units with similar form, single-family detached or duplex standards for detached units, or a modified version of multifamily standards scaled for smaller projects.
- *Parking.* Similar to single-family and duplex development, no off-street parking or bicycle parking would be required, provided that if parking is provided, it must

meet standards for shared access similar to townhouses for individual parking spaces, and groupings of more than four spaces must meet parking lot design standards of OCMC 17.52.

- *Permitting.* Allow individual plexes as a by-right development through building permit review, rather than site plan review as required for larger multifamily apartments. In most cases, developing multiple neighboring plexes as a larger project would require a partition or subdivision to create appropriately scaled lots, ensuring review of cumulative impacts.

B.6 Cluster housing: Introduce new cluster housing standards as a significant revision to the existing cottage housing standards that permit clusters of 4-12 homes at higher densities and smaller scale organized around a central court rather than traditional front yard, sidewalk and curb. Expanding cluster housing beyond cottages is intended to spur development of these smaller infill projects, which has been slow to materialize thus far.

- *Residential types.* Allow a wide variety of residential units including detached cottages and duplexes in the low-density zones, additional options for townhouses and multiplex residential in the medium-density zones, and smaller-scale garden-style apartments in the high-density zone. Because there is no minimum size for dwellings, smaller "tiny homes" with permanent foundations and utility connections would be allowed in cluster projects in any zone.
- *Dimensional standards.* Increase allowed maximum unit size to 1,500 SF gross floor area with no maximum footprint, to allow greater flexibility in lot configuration and mix of dwelling types.
- *Density.* Retain density bonuses that allow development at 2x density in low-density zones and 1.5x density in medium-density zones, with no bonus in the high-density zone given the existing high rate.
- *Open space.* Provide greater flexibility in configuring mix of common and private open space, to total 400 SF per dwelling. While a reduction from the current 600 SF, the standard still remains the highest of any dwelling type.
- *Design standards.* Update design standards for more flexibility beyond traditional craftsman or farmhouse "cottage" styles, referencing design elements required for other residential development.
- *Lot configuration.* Allow cottage projects to be created on a single lot, to be managed as rentals or sold individually as condos, or to be created on individual lots through subdivision to be owned individually.
- *Review*. Type II site plan and design review is required; subdivision required if elected.

B.7 Manufactured home parks: Allow manufactured home parks or subdivisions in the R-3.5 zone is long overdue in order to legalize three existing communities that together provide over 400 affordable housing units, and can be applied to a fourth park planned for future annexation into the city. Permitting these uses is required by state law, and will allow for modifications and upgrades to existing communities. Due to land prices and relative profitability of different residential uses, no new manufactured home parks are anticipated so the focus is on protecting existing parks. There are additional protections in OCMC 15.52 to address potential park closures already in place.

C. Expand High-Density Housing Options

C.1 High-density variety: Permit a wider range of residential types in the R-2 high-density zone, in place of limiting uses to multifamily apartments, provided that minimum density standards are met.

- *Expand residential uses.* Allow duplexes, townhouses, and 3-4 plexes as permitted dwelling types provided minimum density of 17.4-21.8 units per net acre is met, which translates to 2,000 to 2,500 SF per unit.
- *Limit incompatible residential uses.* Do not permit single-family detached units in R-2, even on small lots, to promote development of greater variety of housing types on limited supply of R-2 land. Remove live/work units as a permitted use due to incompatibility and limited interest in this development type.
- *Cluster development.* Permit cluster developments incorporating any of the permitted housing types in an alternative courtyard-oriented site layout, provided R-2 density limits are met.

C.2 Multifamily design standards: Simplify design standards for multifamily and mixed-use buildings to de-emphasize articulation and modulation requirements in favor of architectural detailing and other lower-cost design strategies.

- *Remove recessed window requirement.* City staff and several stakeholders highlighted this requirement for being costly with a limited design benefit; it is proposed to be deleted though requirement for window trim would remain.
- *Remove unit diversity requirement.* Current standards require a mix of unit types (studios through three-bedroom units) for larger projects, and are proposed to be deleted. There is concern that it would add cost and complexity to designing projects and potentially negatively impact affordability goals, particularly as average household size is projected to decline, without compelling evidence that this diversity on a per project level is needed.
- *Simplify façade modulation and detailing standards.* Modulation requirements emerged as one of the greatest design-related costs, in the context of multiple overlapping standards for façade design and modulation intended to prevent blank walls along street façades. The proposed revisions retain major breaks every 120 feet with additional flexibility for smaller modulations and additional architectural detail required every 30 feet intended to be less costly while still providing visual interest.
- *Combine common and private open space requirements.* Simplify open space requirements for multifamily projects in residential zones to require 100 square feet of combined open space—common or private—and introduces design

standards for each type of open space. In addition to the developed open space, the requirement for 15% site landscaping would continue to apply. The proposed standards retain the existing standard for 50 square feet per unit of combined common or private open space in the commercial and mixed-use zones.

- *Roofline modulation.* Multifamily buildings in the R-2 zone must meet a minimum slope of 4:12 with a maximum 50-foot length for any roof segment, modified from a 6:12 pitch and 35-foot length currently, and multifamily buildings in commercial or mixed-use zones may elect to meet the standards for pitched roofs, flat roofs with vertical modulation, or flat roofs with a distinct roofline.
- *Minimum ground floor height.* Delete requirements for a full height ground floor in recognition that residential buildings, even with taller ground floors, are not likely to be converted to nonresidential use due to additional building code standards and the residential nature of most sites.

C.3 Off-Street parking requirements: Introduce straight one space per unit minimum parking standard for apartments to replace current standards between 1 to 1.75 spaces per unit dependent on unit size. No other residential parking standards are tied to unit size, and in fact almost all other residential types are exempt from any minimum parking regulations. Provision of off-street parking is a significant expense for development with significant impacts on site layout and feasibility; reductions in minimum parking standards provide greater flexibility for developers to balance provision of housing units and provision of car parking.

C.4 Affordable housing density bonus: Offer a modest density bonus in the high-density zone for affordable housing development. Multifamily projects with units affordable to households making 80% or less of the area median income for a minimum term of 30 years could add two market-rate bonus units for every affordable unit constructed, up to a 20% density increase which would go from 21.8 units to 26.2 units per acre maximum in the R-2 zone. Projects composed entirely of affordable units would be eligible for the full bonus. (Note: density bonuses in the commercial and mixed-use zones were not considered viable because density is not directly regulated based on units per acre, and projects instead must only be designed to comply with height limits.)

D. Residential Opportunities in Mixed-Use and Commercial Zones

D.1 Residential use in mixed-use and commercial zones: Retain multifamily apartments as a permitted use in commercial and mixed-use zones with no new limitations on ground floor use or required commercial component. Retain the 50% residential use limitation in the Neighborhood Commercial (NC) standard to protect mixed-use and commercial development opportunity in concept plan areas. Given the limited R-2 land available and large amount of commercial and mixed-use areas available, high-density residential in these zones will be an important strategy to expanding future housing development, particularly development near commercial services and transit. Live/work units are also a permitted use, though less frequently used. No additional residential uses are proposed for these zones.

- *Minimum density.* To ensure efficient use of commercial and mixed-use sites, apply the same 17.4 units per net acre minimum density standard as applies to R-

2 sites for all-residential projects and the residential portion of horizontal mixed-use projects. No density maximums are proposed for such projects, provided the project meets the dimensional standards including height limits between 40-60 feet. For vertical mixed-use projects, no density minimums or maximums apply to incentivize production of any number of units above a ground-floor commercial use.

- *Design standards for mixed-use buildings.* As a subset of the multifamily design standards, apply a harmonized mix of residential standards and a limited version of the commercial standards to the first floor commercial/retail use for vertical mixed-use buildings in commercial and mixed-use zones, in lieu of current overlapping residential and commercial standards. The proposal would eliminate conflicts with differing façade modulation requirements for the two portions of the building, while preserving essential street-level activation features.

E. Procedural and Site Design Standards

E.1 Annexation: Retain current standards that automatically apply the lowest density zone that implements the comprehensive plan upon annexation, with opportunity for concurrent rezoning application and review by Planning Commission. While rezoning upon annexation to a higher density can be challenging for applicants and may reduce eventual number of units developed, there is no clear direction in existing long-range land use and transportation plans to support a higher density 'default' zone at this time.

E.2 Subdivision lot averaging: Retain existing lot averaging provisions for new subdivisions that permit individual lot sizes to be reduced by up to 20% provided that the average lot size within the subdivision meets the minimum requirement for the zone. Restrict use of lot averaging to lots for single-family detached residences, and do not allow lot averaging for new proposed missing middle housing types, many of which already include smaller lots or other dimensional bonuses tailored to the housing type. The provisions were recently reviewed by Planning Commission and City Commission and amended to exclude any area within a powerline easement from averaging calculations. The provisions allow for more flexible lot patterns, particularly on irregular lots or lots with development restrictions, and ultimately support development of a greater number of residential lots which supports the equitable housing project goals.

.3 Residential master plans: Strengthen master plan option for larger residential development projects that provide a more creative project approach as an alternative to the standard subdivision process. Master plan is currently oriented towards institutional development, but provides a framework for creative, multi-phase development that will be strengthened by addition of residential-specific standards including opportunity to propose alternative dimensional, density and design standards.

E.4 Site plan & design review: Update the procedural standards for the site plan and design review (SPDR) process used to review multifamily, cluster housing, and mixed-use projects, to ensure integration with the new design standards through cross-references, close loopholes, and remove duplicative language. Refine the design standards for many basic elements of site design such as pedestrian circulation, parking lot location relative to building presence, and building materials that apply in addition to the

refined design standards specific to each type of development such as the multifamily and cluster housing standards.

- No changes are proposed to the 15% site landscaping standard that applies to multifamily and cluster housing, but note that changes to the open space requirements for those developments mean the combination of landscaping and open space will be 15% rather than 15% plus approximately 10% open space.
- Delete requirements for alleys to serve new development in the R-2, MUC, MUD and NC zones due to lack of comprehensive alley network plans across those zones, lack of public works standards for public or private alley cross-sections, and City's unwillingness to accept dedication of public alleys.
- Refine and prune unnecessary standards including discretionary language about complimentary building design, minor refinements to the list of building materials, and minimum residential density standard that has been included in updated base zone standards.

F. Other

F.1 Permit transitional shelters for persons experiencing homelessness: Introduce a new use category for 'transitional shelters,' defined as, "Congregate facilities providing housing to shelter families and individuals offered on a short-term basis for a period not to exceed 90 days continuously. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency." The use will address the need to permanently manage three existing warming shelters that have previously operated through emergency ordinances in churches and other community facilities. Allow two options for shelter uses:

- Allow transitional shelters with 11 or more beds as a conditional use in the Mixed-Use Downtown (MUD), Mixed-Use Corridor (MUC-1 and 2), and R-3.5 zones, reflecting current shelter locations.
- Allow transitional shelters with up to 10 beds as an accessory use to a 'religious institution' use. Religious institutions are already regulated as conditional uses in most zones, including all residential zones; adding a shelter use would require modification of the institution's conditional use permit.

For all shelters, remove weather-dependent operational restrictions to allow more consistent operations. Shelters are currently limited in their operations to winter months, limited hours from 6pm to 7am, only on nights with temperatures below 33 degrees, and proposed changes would allow shelters to operate year-round.

3. OPPORTUNITIES FOR FURTHER STUDY

Though the scope of the Equitable Housing Project has been intentionally broad, there were inevitably additional supporting efforts in code and beyond code that could not be addressed as part of this project. PAT/TAT had robust conversations throughout the project about wide-ranging interests to continue to support equitable housing beyond

this package of zoning code amendments and informational materials. Initial ideas for next steps beyond this project include but are not limited to:

- Update System Development Charges (SDCs), specifically how rates apply to missing middle housing types and searching for ways to better calibrate rates to infrastructure impacts for particular types of dwellings in recognition that large single-family detached homes have greater impacts than an ADU. At a minimum, SDC rates need to be specified for each missing middle type using existing categories, even if new categories cannot yet be developed.
- Develop Engineering Standards and revise related portions of Title 12 and Title 16 that include standards for public infrastructure that apply to development. Long-term, these standards should be reduced and consolidated, with the majority of engineering-specific standards moving to a separate engineering standards manual. Though consolidation and reorganization of existing code sections was considered with this project, it was ultimately beyond the scope of the consultants or staff to complete at this time.
- Explore boarding houses or single-room occupancy (SROs) as a residential alternative. SROs are a historic development type that is experiencing renewed interest as a-pod-ments or micro-apartments, because they offer very small units with fewer amenities at lower costs; larger cities such as San Francisco and Seattle are just beginning to experiment with them which may eventually highlight best practices for smaller cities such as Oregon City. While some headline-grabbing SRO projects focus on higher-end amenities simply at smaller scale, SROs have also historically served lower-income residents.
- Explore tiny home development opportunities. Tiny homes are a popular concept for small-scale living that breaks down into two dwelling types under the zoning code. Tiny homes on wheels (THOW) are semi-mobile, mounted on a chassis with wheels, including self-contained utilities or hook-ups. The state will inspect and permit THOW as "park model recreational vehicles;" the Oregon City zoning code does not allow "vehicles" such as THOW or other RVs to be used as a permanent dwelling in any zone. Tiny homes that are installed on site with a permanent foundation and utility connections are defined and treated simply as a "dwelling" and may be allowed widely in residential zones: they could be used as a primary dwelling, an ADU, or part of a cluster development since there are no minimum size requirements. Continue to review emerging practices for tiny homes of both types and integrate into the zoning code as desired, including opportunities to support tiny home "villages" clustering individual units.
- Monitor residential development in commercial and mixed-use zones to determine whether it is competing with commercial development, and consider revisions to allowed uses in those zones to limit residential to a portion of the site, potentially in conjunction with commercial development.
- Consider developing R-1 apartment zone and designating additional land for higher-density, multistory residential development if additional land for multifamily development is needed, considering limited supply of R-2 acreage.

- Develop discretionary design guidelines for multifamily and mixed-use development as an alternative track to the current clear and objective standards, for more creative projects.
- Develop manufactured home park zone for existing sites to better protect parks from redevelopment pressures, to bolster protection afforded in OCMC 15.52 to discourage park closures.
- Review and harmonize single-family design standards in South End, Park Place and future Beavercreek Road standards, to ensure that the standards are not a barrier to needed development in these future growth areas.
- Revisit transportation and land use plans for future annexation areas and consider updating to permit 'default' zoning upon annexation at higher densities. The presumption of lowest density zoning can color both neighbor and developer expectations, and creates a barrier to higher density development that could better provide equitable housing options.
- Measures to support tenants rights, including limits on no-cause evictions and/or limits on rent increases.

4. NEXT STEPS

This memo, supported by the PAT recommendation letter, will form the basis for the legislative adoption process of the proposed amendments. The legislative code amendments will be assembled to incorporate draft code reviewed by PAT/TAT at previous meetings, refined to reflect final recommendations and a thorough compatibility/consistency review to ensure smooth implementation. The full package of policy recommendations, code amendments, mapping, and educational resources will be presented to the Planning Commission and City Commission in fall 2018.

By signing this memorandum, Project Advisory Team members agree that the summary above is an accurate representation of the recommendations put forth by the Team at their meeting on June 21, 2018. In the case that a PAT member was not present at the meeting, a signature indicates support for these recommendations.

Steven VanHaverBeke

Amy Willhite

Robert J. Zimmer 7/24/18

Adam Zagel

Robert Zimmer

Todd Iselin

Talena Adams

Lynda Orzen

Kira Meyrick

Gary Martin

Nikolai Ursin

Theresa Powell

Paul Espe

Nancy Ide

Denyse McGriff

Dawn Birge

Rosalie Nowalk

Welcome

We're glad you're here and we want your feedback.

Please:

- Review the posters / ask questions!
- Use the sticky dots to indicate your preferences
  - (Please use only 1 dot per issue)

  Green Dot = Support 🟢

  Red Dot = Don't Support 🔴
- Give us any written comments on the feedback form or email Pete Walter at pwalter@orcity.org
- Take a copy of the summary home with you.

Thank you!

What Amendments are Proposed?

Equitable Housing

A majority of the recommended changes are from our equitable housing project, which identified opportunities to support and incentivize diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities as well as the removal of barriers.

Broad definition of Equitable Housing includes choices for homes:

- To buy or rent
- Accessible to all ages, abilities and incomes
- Convenient to meet everyday needs, such as transit, schools, childcare, food and parks

Other Changes

Amendments identified by staff including general clarification, reformatting, and amendments to address concerns identified over the years.

unless there (all) are incentives, we will get the same stuff that is being built now

Need a housing & needs analysis now, not later.

Equitable Housing Code Amendment Proposal

Corner Duplex

Keep lot size same for corner duplex ~~as~~ requirements

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Equitable Housing Code Amendment Proposal

Townhouse (Single-Family Attached)

R-10 *Low Density*	**R-8** *Low Density*	**R-6** *Low Density*	**R-5** *Medium Density*	**R-3.5** *Medium Density*	**R-2** *High Density*
R-10 *Low Density*	**R-8** *Low Density*	**R-6** *Low Density*	**R-5** *Medium Density*	**R-3.5** *Medium Density*	**R-2** *High Density*

Red = not permitted

Equitable Housing Code Amendment Proposal

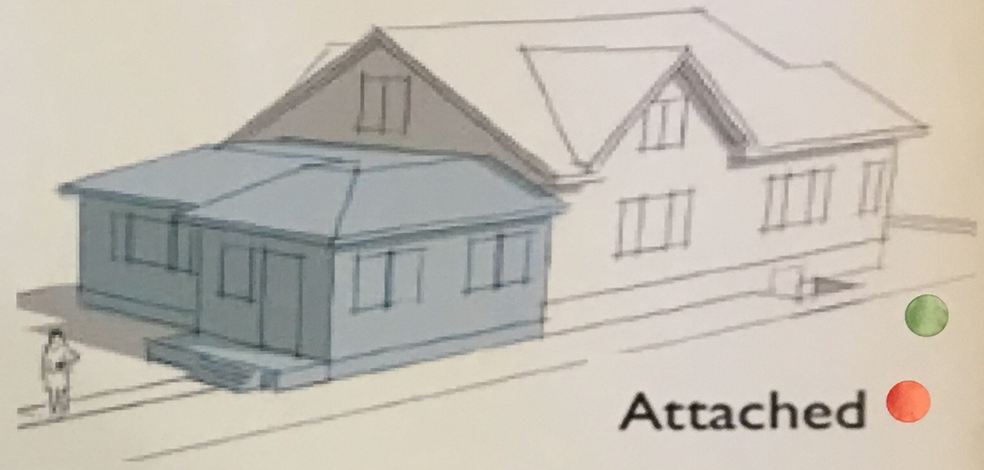
Manufactured Home Parks

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Equitable Housing Code Amendment Proposal

Accessory Dwelling Unit (ADU)



Attached

ALLOW LARGER ADU WITH CONDITIONAL USE PERMIT. EG 2BR 1,000 SF.

Detached

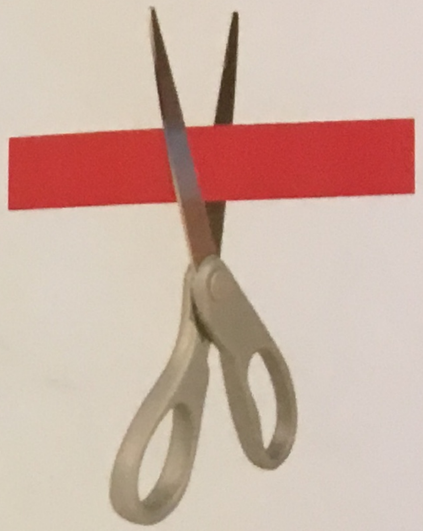
Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

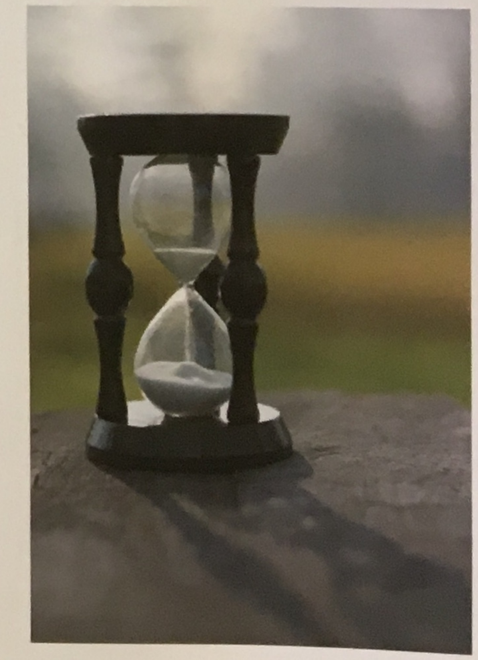
Red = not permitted

Simplified Procedures

Equitable Housing Code Amendment Proposal

- Expand Type I Site Plan and Design Review ●●●● "Over-the-Counter"
- Public Hearing Notices on City website rather than Newspaper ●●●
- Applicants may contact Citizen Involvement Committee & Neighborhood Associations via email rather than certified mail ●●●●●●
- Expedited process for review of Affordable housing projects ●●●●●
- Remove 1 year waiting period for similar applications ●●●●●●
- Remove staff reconsideration of a final decision ●●●●●





Other Recommendations

- Remove live/work units as a permitted use in R-2 (conserve for multi-family development)
- Require 5% landscaping in Mixed Use Downtown zone
- Clarify fence/hedge/wall height limits
- New standards for mobile food carts in Willamette Falls Downtown District
- Alleys required for Concept Plan Areas only
- Updated submittal requirements (e.g. electronic).

Equitable Housing Code Amendment Proposal

Equitable Housing
Code Amendment
Proposal

Affordable Housing Density Bonus

– unless setback

POSSIBLE UNDER CURRENT ZONING

POSSIBLE UNDER AHBP

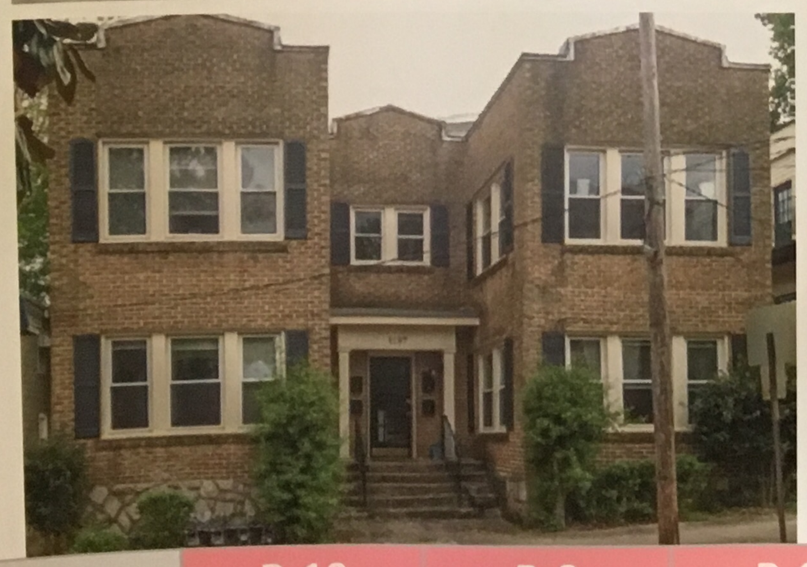
concern that this will further segregate affordable projects ~~from~~

Up to 20% bonus in R-2 Multi-Family Dwelling District for ~~units~~ developments that are publicly subsidized and meet qualifying household income criteria.

This could further segregate low income housing. Should encourage a mix.

Equitable Housing Code Amendment Proposal

3-4 Plexes



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Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

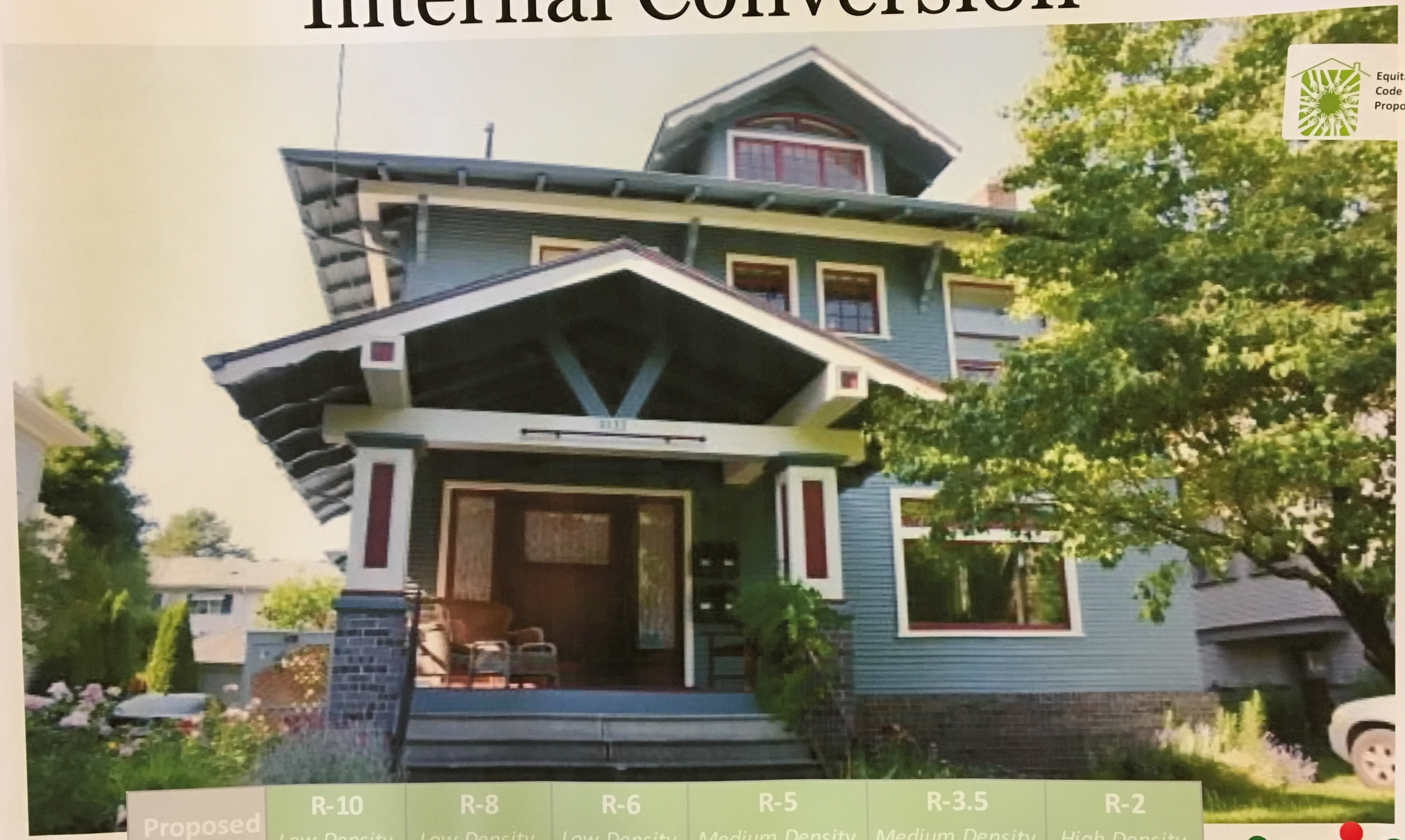
Equitable Housing
Code Amendment
Proposal

Cluster Housing

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Internal Conversion



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Code Amendmen
Proposal

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red=not permitted

why not in R-2?

Equitable Housing
Code Amendment
Proposal

Single-Family Detached Homes

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Duplexes

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	*High*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	*High*

Zoning Designation

Comprehensive Plan Designation

Use	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Single-Family Detached	Y	Y	Y	Y	Y	
ADU	Y	Y	Y	Y	Y	Y
Cluster Housing	Y	Y	Y	Y	Y	Y
Internal Conversion	Y	Y	Y	Y	Y	Y
Corner Duplex	Y	Y	Y			
Duplex				Y	Y	Y
Single-Family Attached (Townhouses)				Y	Y	Y
Live/work units					Conditional	
3-4 plex				Y	Y	Y
Multifamily (5+ Units)						Y
Manufactured Home Park					Y	

max. density?

Y = Permitted Y = Proposed Permitted (Currently Prohibited)

Master Plan

PUD

Offers a process for flexibility in zoning in exchange for better design
Strengthens residential and open space standards
Removes requirement for institutional development over 10 acres
Expands requirements for voluntary master plan
Changes amendment procedures

Equitable
Code Am
Proposal

Opportunities to Expand Housing Options: Missing Middle

Subdivision Lot Size Reductions

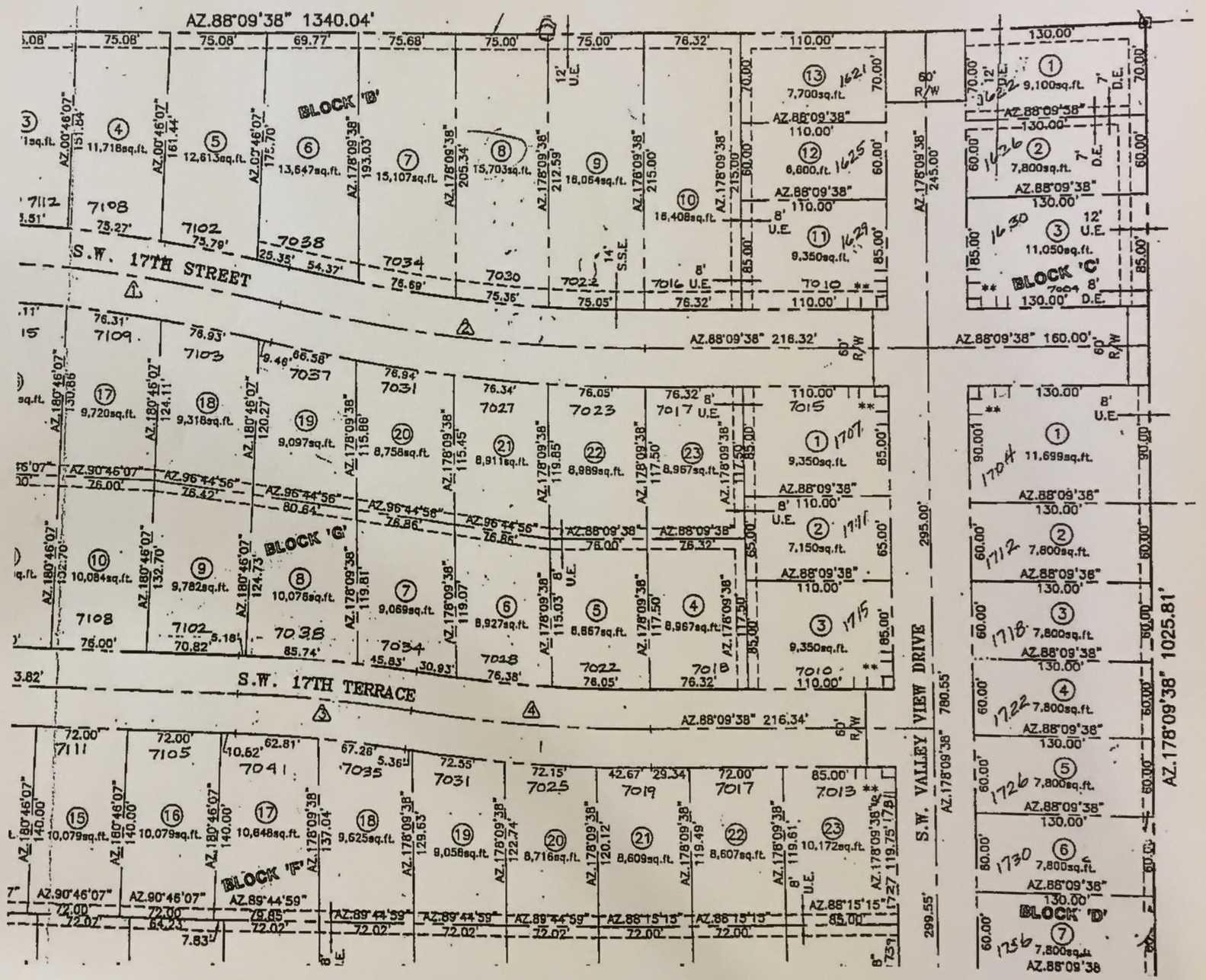
Equitable Housing Code Amendments Proposal

- Yes, with a 25% cap on the # of undersized lots allowed
- Only if land is dedicated to city as park / open-space

When subdividing land in Oregon City, the code permits 20% reduction of some lots provided that the lots overall meet the minimum lot size.

The code changes proposed limit lot averaging to single-family detached homes.

- As per the PC recommendations
- -Should be a restriction on the % of undersized lots



Equitable Housing
Code Amendment
Proposal

Affordable Housing Density Bonus

– unless setback

POSSIBLE UNDER CURRENT ZONING

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concern that this will further segregate affordable projects ~~from~~

Up to 20% bonus in R-2 Multi-Family Dwelling District for ~~units~~ developments that are publicly subsidized and meet qualifying household income criteria.

This could further segregate low income housing. Should encourage a mix.

Bed & Breakfast /Accommodations <30 Days

Equitable Housing Code Amendment Proposal

There needs to be community input

- Currently a Conditional Use in all residential zones
- No changes proposed to this process.
- Conditional Uses require Planning Commission approval.

permits needed

Proposed	**R-10** *Low Density*	**R-8** *Low Density*	**R-6** *Low Density*	**R-5** *Medium Density*	**R-3.5** *Medium Density*	**R-2** *High Density*
Existing	**R-10** *Low Density*	**R-8** *Low Density*	**R-6** *Low Density*	**R-5** *Medium Density*	**R-3.5** *Medium Density*	**R-2** *High Density*

Equitable Housing
Code Amendment
Proposal

Why are we Proposing Amendments?

2017 - 2019
GOALS AND
PRIORITIES

City Commission

OREGON CITY

GOAL 3: Enhance the Livability of the Community

Review local regulations and processes to remove barriers and provide incentives to additional housing opportunities.

Identify partnerships/programs and funding to address houseless community members.

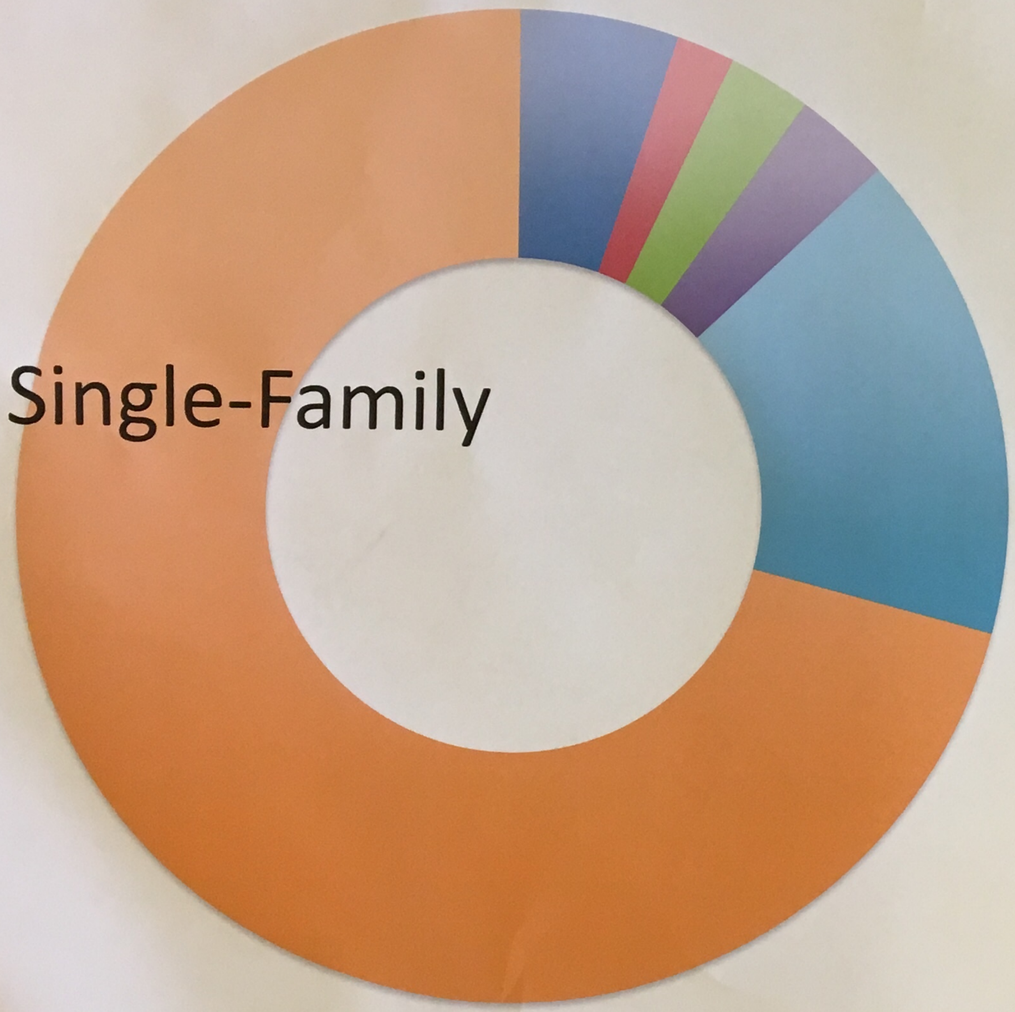
GOAL 1: Cultivate an Environment for Successful Economic Development

Complete site-readiness efforts, which can be accomplished through either physical site improvements or process and permitting refinement.

EXISTING

Equitable Housing Code Amendment Proposal

Limited Housing Choices



- Townhouse
- Duplex
- Multiplex (3-4 units)
- Manufactured homes
- Multifamily (5+ units)
- Single-family

only w/ off-street parking

We need more family-sized units for intergenerational stability.

Multi-Family/Commercial Design Standards

Equitable Housing Code Amendment Proposal

Include off-street parking needed

- Combine multi-family and commercial design standards, due to similarities, to reduce redundancy in the code.
- Require minimum residential density in mixed-use and commercial zones (17.4 units per acre)
- Amend landscaping standards to a) exempt small parking lots and b) change the method of calculation for interior parking lot landscaping plants (to be based on the number of parking stalls instead of square footage).
- Amend lighting standards to increase flexibility but maintains current limitations.

ONLY MAKES SENSE FOR MOSTLY RES PROJECTS. NOT FOR MIXED COMMERCIAL WITH A FEW RES. UNITS

Equitable Housing
Code Amendment
Proposal

Equitable Housing Goal

"Diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities."

Broad definition includes choices for homes:

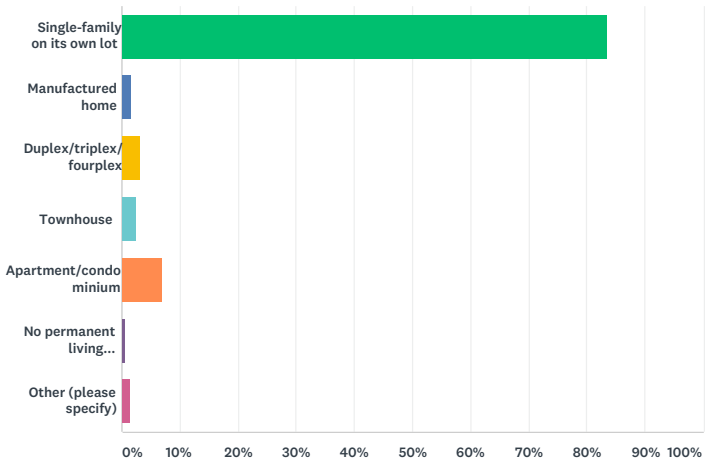
- To buy or rent
- Accessible to all ages, abilities and incomes
- Convenient to meet everyday needs, such as transit, schools, childcare, food and parks

Need a housing needs analysis work — not later

Unless there are incentives ($ $) we will get the same stuff that is being built now

Q1 What type of home do you currently live in?

Answered: 346 Skipped: 3

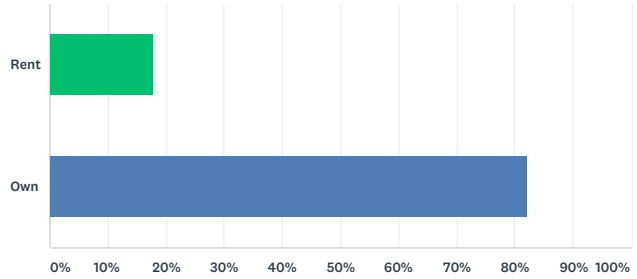


ANSWER CHOICES	RESPONSES	
Single-family on its own lot	83.53%	289
Manufactured home	1.73%	6
Duplex/triplex/fourplex	3.18%	11
Townhouse	2.60%	9
Apartment/condominium	6.94%	24
No permanent living arrangement	0.58%	2
Other (please specify)	1.45%	5
TOTAL		346

#	OTHER (PLEASE SPECIFY)	DATE
1	Live with another family	2/26/2018 4:01 AM
2	1.7 acres, single family home with sports facility and accessory Makers Space building.	2/25/2018 11:14 PM
3	Victorian and member of Old Home Forum	2/22/2018 5:02 PM
4	Single Family on its own lot with detached ADU	2/12/2018 4:47 PM
5	ADU	2/9/2018 6:24 PM

Q2 Do you rent or own?

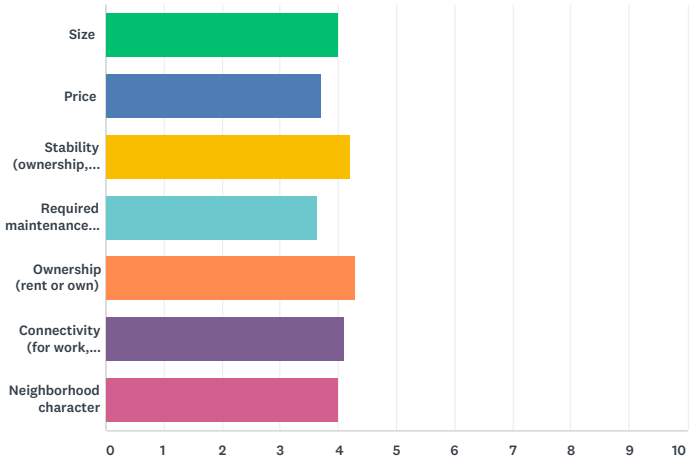
Answered: 345 Skipped: 4



ANSWER CHOICES	RESPONSES	
Rent	17.68%	61
Own	82.32%	284
TOTAL		345

Q3 Is your current home a good fit for your household? Please rate each feature of your home on a scale of 1 to 5 with 1 being "Very Bad" and 5 being "Very Good".

Answered: 344 Skipped: 5



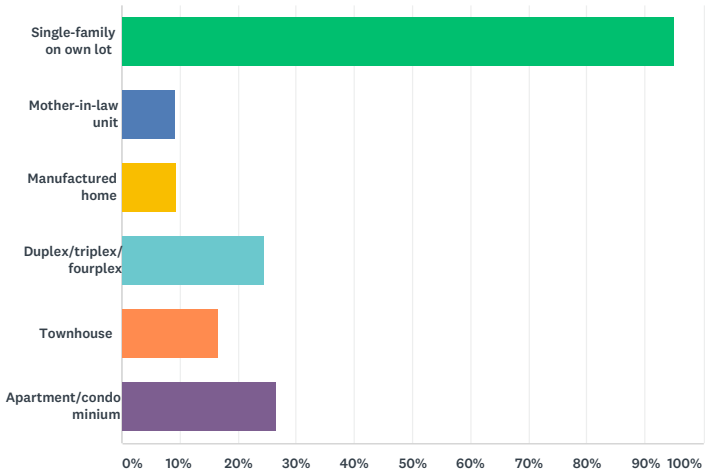
	1 VERY BAD	2 BAD	3 NEITHER GOOD NOR BAD	4 GOOD	5 VERY GOOD	TOTAL	WEIGHTED AVERAGE
Size	2.37% 8	6.80% 23	15.09% 51	40.83% 138	34.91% 118	338	3.99
Price	4.96% 17	10.50% 36	18.37% 63	40.82% 140	25.36% 87	343	3.71
Stability (ownership, long-term lease)	3.81% 13	5.28% 18	10.85% 37	26.98% 92	53.08% 181	341	4.20
Required maintenance (home/yard work, remodel, etc.)	2.63% 9	9.36% 32	27.49% 94	41.52% 142	19.01% 65	342	3.65
Ownership (rent or own)	1.77% 6	4.13% 14	13.27% 45	25.37% 86	55.46% 188	339	4.29
Connectivity (for work, school, shopping, etc.)	2.03% 7	4.07% 14	14.83% 51	38.95% 134	40.12% 138	344	4.11
Neighborhood character	1.16% 4	6.69% 23	18.31% 63	40.12% 138	33.72% 116	344	3.99

#	OTHER/COMMENTS:	DATE
1	Rent prices in Oregon city is ridiculous. They should be approved just like PGE or water rates.	2/27/2018 3:13 AM
2	We live in a designated Historical Conservation District with beautiful restored and conserved homes along with a diverse mixture of home or property ownership: Single dwelling, duplexes, apartments. There are also different landuse zones either within the neighborhood or just outlying: Commercial, industrial, and Parks. We also have a non-profit homeless day shelter which is relevantly new and has significantly impacted our immediate "neighborhood".	2/26/2018 7:32 PM
3	Our landlord recently raised the rent from $1200 to $1800. Can not afford the increase. Forced to move.	2/26/2018 7:14 PM
4	if i'd have had a choice i wouldn't be residing in this park	2/26/2018 7:08 PM
5	We live in a designated Historical Conservation District with a diverse mixture of home ownership. Single dwelling, duplexes, apartments. There is a mix of different zones: commercial, industrial. We also have a non-profit homeless day shelter which has significantly impacted our immediate "neighborhood".	2/26/2018 6:52 PM
6	There is no heat, pipes are constantly clogged, landlord does nothing.	2/26/2018 6:32 PM
7	Rent is way too high, we make $4500 a month and can barely afford to pay rent, bills, feed our kids, and get necessities. Our rent is $1975 - Nearly half of our income.	2/26/2018 5:55 PM
8	I am homeless, housing is bleak in OC	2/26/2018 3:50 PM
9	what I have built suits me very well.	2/25/2018 11:14 PM
10	Home prices are too high in the metro area overall	2/25/2018 8:54 PM
11	Home prices in Oregon City are very high.	2/25/2018 8:27 PM
12	On lease. Barely able to afford rent now and it will only go up each year. I have slightly too much income for subsidized rentals, but the market rate rentals are too high.	2/24/2018 11:49 AM
13	Barclay Village neighborhood is not that good	2/23/2018 5:38 PM
14	Nearby new construction is too dense.	2/23/2018 5:25 PM
15	Own home live in park pay rent	2/22/2018 9:39 PM
16	Need to enforce more livability codes in neighborhoods	2/22/2018 8:33 PM
17	Did not select an apartment that was all that close to work.	2/22/2018 5:21 PM
18	looking to downsize some day	2/22/2018 5:07 PM

19	home ownership required responcibility and care	2/22/2018 4:19 PM
20	We're pretty good by U.S. standards, but would like even more walkability, more *connectivity* between streets (not one or two ways out of neighborhood, less dead-ends etc), slower traffic, more sidewalks… but again, we're starting from a decent place	2/22/2018 4:03 PM
21	Our neighborhood is mostly rentals. Both renters and landlords don't seem to care about upkeep.	2/22/2018 3:54 PM
22	Try a 2 hour commute because oregon city can't figure out how to bring businesses in that pay a living wage.	2/22/2018 3:45 PM
23	Low income housing nearby has cause problems with theft	2/22/2018 3:23 PM
24	Not accessible and other things.	2/22/2018 2:29 PM
25	Too large	2/22/2018 2:20 PM
26	need more space	2/22/2018 2:15 PM
27	Was a good deal when I purchased - would not be able to afford the same home with today's prices	2/22/2018 1:30 PM
28	a single story would serve us better, but are too expensive	2/22/2018 1:29 PM
29	I wish there was more character and affiliation with the neighborhood, but I am pleased that there's pride and everyone takes care of their homes to the best of their abilities.	2/22/2018 1:12 PM
30	We are very happy here.	2/22/2018 1:02 PM
31	I rent, but due to increases every year, I am barely making it.	2/17/2018 1:04 PM
32	I paid $290k in 1999. Now worth $550k. Could not afford to buy now.	2/15/2018 3:39 PM
33	The character of the neighborhood is degraded by a few hostile, dishonest residents.	2/13/2018 10:38 AM
34	large improvement in neighborhood in the time I have lived there	2/12/2018 11:22 AM
35	Need painting, and other stuff falling apart	2/12/2018 5:31 AM
36	What's wrong is the traffic trying to get any where!	2/10/2018 5:23 PM
37	Too small, TOO EXPENSIVE	2/10/2018 12:30 PM
38	There is no sound insulation. There is only heat in one room.	2/10/2018 12:17 PM
39	We need to downsize	2/10/2018 10:27 AM
40	thank you for caring and bringing hope	2/10/2018 12:45 AM
41	These last two questions didn't make sense... what was being asked?	2/9/2018 11:22 PM
42	Rent on a 1970s "as is" townhouse has gone up $200 over the last 2 years	2/9/2018 7:59 PM
43	Property tax are out of control. Reduce property taxes and you'll have affordable housing	2/9/2018 7:53 PM

Q4 What housing types are currently available in your neighborhood? Check all that apply.

Answered: 338 Skipped: 11

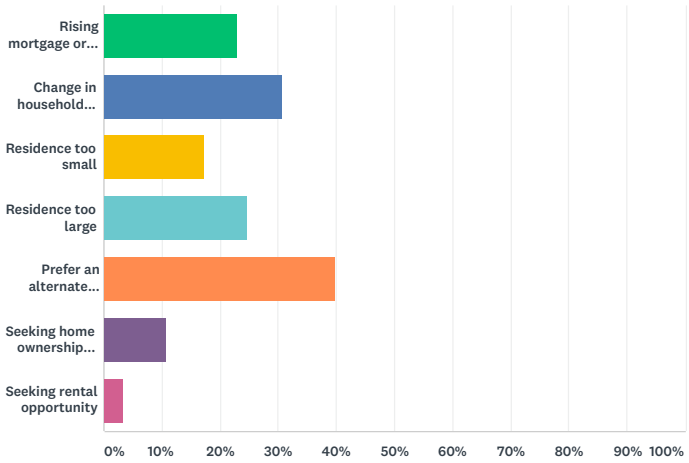


ANSWER CHOICES	RESPONSES	
Single-family on own lot	94.97%	321
Mother-in-law unit	9.17%	31
Manufactured home	9.47%	32
Duplex/triplex/fourplex	24.56%	83
Townhouse	16.57%	56
Apartment/condominium	26.63%	90
Total Respondents: 338		

#	OTHER (PLEASE SPECIFY)	DATE
1	Don’t really know.	2/27/2018 3:13 AM
2	Very limited options. Ideal fit homes are priced out of our reach.	2/26/2018 7:14 PM
3	the unchecked ones are out of my price range	2/26/2018 7:08 PM
4	The Father's Heart	2/26/2018 4:25 AM
5	ZOned only for duplex currently, 3 & 4 plexes exist though throughout	2/23/2018 9:53 AM
6	Rentals	2/22/2018 8:33 PM
7	I think in our neighborhood we should insist on ecological living w comm gardens and previous landscaping and parking. Beautify were you live	2/22/2018 7:35 PM
8	consistant neighborhoods are what citizens want	2/22/2018 4:19 PM
9	None	2/22/2018 3:45 PM
10	acreage	2/22/2018 1:21 PM
11	not sure	2/22/2018 1:11 PM
12	High School students seem to think its a race track	2/22/2018 1:01 PM
13	Section 8 housing	2/19/2018 9:45 PM
14	Nice selection of mixed homes	2/12/2018 11:22 AM
15	According to the city, sex offenders can change a single family home into a “duplex” and move in 10 unrelated males. So, anyone can live there...	2/11/2018 9:27 PM
16	nothing open and long wait list.	2/10/2018 12:45 AM
17	Apartments not far away	2/9/2018 7:27 PM

Q5 What factors might influence your decision to move in the next five or ten years? Please select your top two factors.

Answered: 292 Skipped: 57



ANSWER CHOICES	RESPONSES	
Rising mortgage or rent payments	22.95%	67
Change in household income	30.82%	90
Residence too small	17.47%	51
Residence too large	24.66%	72
Prefer an alternate location	39.73%	116
Seeking home ownership opportunity	10.62%	31
Seeking rental opportunity	3.42%	10
Total Respondents: 292		

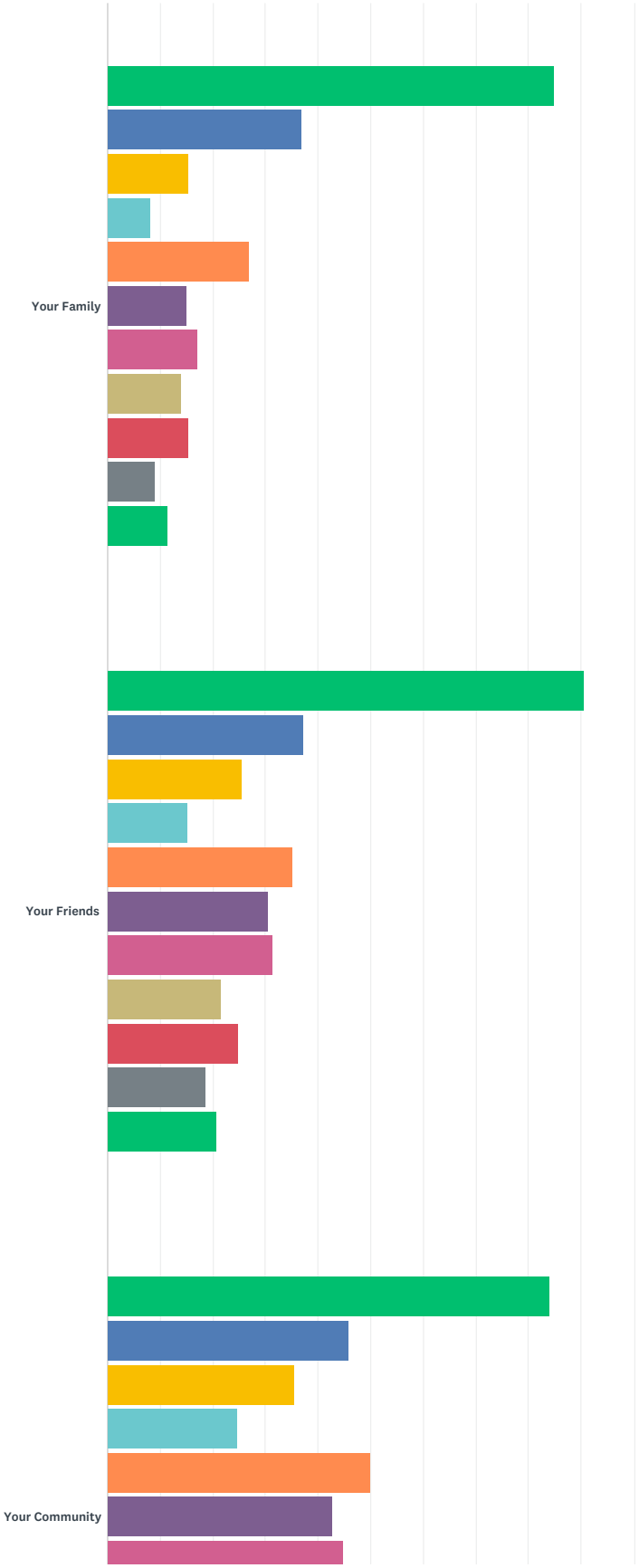
#	OTHER (PLEASE SPECIFY)	DATE
1	Cannot age in place, home not in universal design	2/27/2018 12:34 AM
2	We have enjoyed living here for 22+ years, and enjoy our community. However, the incredible increase of vehicular traffic (our neighborhood is a conduit to other geographic areas of the city). makes it less pedestrian. If increased Parks and conservation/preservation of natural areas that already exist could be a priority - it may be a significant offset to this problem, for sure. Homelessness also has had an impact on our neighborhood. We support, have supported the local shelter - but there has been definite adverse impacts to us personally and to our property.	2/26/2018 7:32 PM
3	Housing is priced way out of being considered affordable.	2/26/2018 7:14 PM
4	N/A	2/26/2018 7:11 PM
5	Living here for 20 + years, there's an incredible increase of vehicular traffic (our neighborhood is a conduit to other geographic areas of the city). Increased Parks and conservation/preservation of natural areas that exist would be an offset to this problem. Homelessness has had an impact on our neighborhood. We support, have supported the local shelter - but there has been definite adverse impacts to us personally and to our property.	2/26/2018 6:52 PM
6	Don't plan on moving	2/26/2018 5:49 PM
7	Old age	2/26/2018 5:34 PM
8	age	2/26/2018 5:07 PM
9	If it gets anymore crowded	2/26/2018 5:04 PM
10	School ratings, quality of neighborhood	2/26/2018 3:02 PM
11	Increase in crime	2/26/2018 2:44 PM
12	Safety concerns like having homeless camps nearby where kids walk	2/26/2018 2:19 PM
13	No plans to move. Any immediate decision would be for personal reasons	2/26/2018 10:58 AM
14	Taxes getting too high would force me retire from my present activities on my property and move to a lower taxed state.	2/25/2018 11:14 PM
15	Development in the area	2/25/2018 9:41 PM
16	Rising property taxes - far too high	2/25/2018 8:54 PM
17	Seeking single level, about 1200 to 1500 Sq ft.	2/25/2018 8:52 PM
18	downsizing	2/25/2018 8:48 PM
19	Homeless people living in the forests around us who are routinely burglarizing our cars and garages	2/25/2018 8:41 PM
20	Low rent housing	2/25/2018 8:41 PM
21	Mom might be moving in...	2/25/2018 8:25 PM

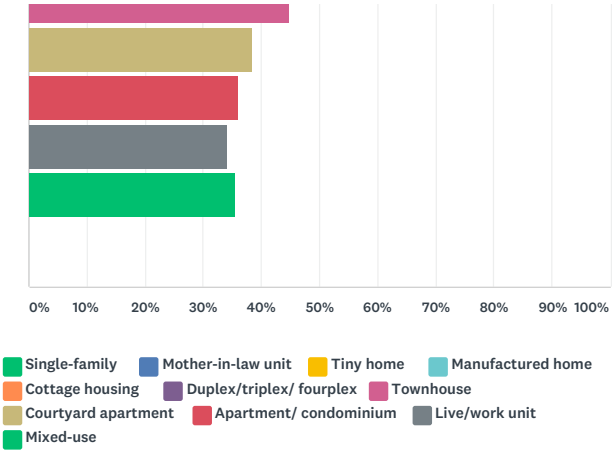
22	Retirement/empty nester	2/25/2018 7:23 PM
23	None	2/25/2018 6:51 PM
24	Move out of state	2/25/2018 5:58 AM
25	Health limitations	2/24/2018 1:55 PM
26	I am a senior citizen and eventually may be unable to live on my own. Right now I can.	2/24/2018 11:49 AM
27	We almost moved to Mt Angel to get away from trashy neighbors & petty theft & vandalism	2/23/2018 5:38 PM
28	Avoiding congested city roads.	2/23/2018 5:25 PM
29	Moved from Portland to Oregon City due to high rent/housing costs.	2/23/2018 4:34 PM
30	Could be getting too old for the stairs in 10 years	2/23/2018 1:03 PM
31	getting too old	2/23/2018 1:02 PM
32	Traffic/inability to get around the local area with the lack of two way streets as folks Park so many cars along the roads you CANT even drive in the designated lanes...is turning the hill into a disaster!! There was NO planning for the amount of housing that the COUNTY ALLOWED with no plan to make the roads flow in a better way!! the waiting for 2-3 lights do make One left hand turn up by the college is one of the MOST retarded areas...Folks here acting like Fat White ASSHOLES!! is the Reason we are looking to move to KY!!	2/23/2018 12:34 PM
33	Too many apartments	2/23/2018 9:53 AM
34	The over building and cramming in new houses on every available piece of land, increasing traffic and population, will cause us to move elsewhere. OC will lose the quaint smaller town feel.	2/23/2018 9:11 AM
35	None - we cannot afford to move. Ever.	2/23/2018 8:48 AM
36	Lot size too small	2/23/2018 7:48 AM
37	none	2/22/2018 9:39 PM
38	racism	2/22/2018 8:45 PM
39	work relocation	2/22/2018 8:38 PM
40	A death	2/22/2018 8:35 PM
41	Continued decline of neighborhood livability. Broken sidewalks, trees blocking road/sidewalks. Junk cars/debris/properties not being maintained.	2/22/2018 8:33 PM
42	Traffic and increase in population in this area. New development is planned nearby.	2/22/2018 8:02 PM
43	Poorly planed new building in our hood with no long term beauty and living like its your own residents. I'm speaking to multiliving. Also to many halfway houses would cause me to move. I'm a women and live alone	2/22/2018 7:35 PM
44	City Hall Corruption	2/22/2018 6:52 PM
45	Housing developments going up around us	2/22/2018 6:42 PM
46	Acreage	2/22/2018 6:38 PM
47	gettinh too old to keep up property	2/22/2018 6:36 PM
48	May get married and move elsewhere.	2/22/2018 5:02 PM
49	May get married and move elsewhere.	2/22/2018 5:01 PM
50	If the larger neighborhood, Park Place in oregon City, become too dense and too busy without any significant infrastructure updates, we're out! maybe moving to a different county.	2/22/2018 4:57 PM
51	none	2/22/2018 4:33 PM
52	deterioration of neighborhood	2/22/2018 4:19 PM
53	Too many houses being built in the area.	2/22/2018 4:07 PM
54	job change is actually the top likely reason	2/22/2018 4:03 PM
55	No work	2/22/2018 3:45 PM
56	Taxes	2/22/2018 3:36 PM
57	move to assisted living	2/22/2018 3:32 PM
58	More rising property taxes than mortgage	2/22/2018 3:23 PM
59	Inability to upkeep home due to our age and/or disabilitu	2/22/2018 2:51 PM
60	Want single story	2/22/2018 2:46 PM
61	The traffic in OC has gotten way out of hand	2/22/2018 2:02 PM
62	over building in area, traffic issues on Holcomb Rd	2/22/2018 2:01 PM
63	Lots for new houses are too small	2/22/2018 1:48 PM
64	Age related factors.	2/22/2018 1:44 PM
65	Crime and drugs	2/22/2018 1:39 PM
66	The City trying to do social engineering rather than providing and maintaining infrastructure services such as Fire, Police, and Public Works.	2/22/2018 1:37 PM
67	Too many homes being built in the area. Property across from house also likely will be developed in the next few years and we prefer privacy.	2/22/2018 1:35 PM
68	Change in city density	2/22/2018 1:34 PM
69	Having bigger yard	2/22/2018 1:30 PM
70	change to single story floor plan - daughter has mobility challenges	2/22/2018 1:29 PM
71	The apparent rise in crime for my area might prompt me to move	2/22/2018 1:24 PM
72	Declining neighborhoods. Run down, unkempt properties, crime.	2/22/2018 1:23 PM
73	Home improvement Neighborhood restrictions	2/22/2018 1:20 PM
74	To much traffic	2/22/2018 1:20 PM

75	life change	2/22/2018 1:16 PM
76	Intruding homeless and county taxes rising	2/22/2018 1:14 PM
77	Rise in neighborhood crime due to low-income housing.	2/22/2018 1:13 PM
78	Retirement	2/22/2018 1:13 PM
79	Retirement.	2/22/2018 1:02 PM
80	High property taxes	2/22/2018 12:57 PM
81	Death.	2/13/2018 10:38 AM
82	Taxes, City Services, and Grocery options- Oregon City seems to be behind in some areas like parks and traffic safety. I would also like to have a grocery store I can safely walk to.	2/12/2018 4:06 PM
83	Can I age in my current home.	2/12/2018 11:22 AM
84	The fact that Oregon City is protecting sex offenders and felons over growing families and professionals.	2/11/2018 9:27 PM
85	Retirement	2/11/2018 2:09 PM
86	Property taxes	2/11/2018 11:00 AM
87	New nearby development that will impact traffic in my neighborhood	2/11/2018 9:12 AM
88	Land	2/10/2018 6:22 PM
89	Too much traffic in OC! Same roads and more cars !	2/10/2018 5:23 PM
90	In adequate infrastructure to support the rapid growth	2/10/2018 2:32 PM
91	Taxes are too high and will force me to sell and move when I retire.	2/10/2018 2:23 PM
92	Way to much growth !	2/10/2018 12:57 PM
93	Too much traffic on street in front of house. Noisy.	2/10/2018 12:42 PM
94	I love Oregon City but the one thing I feel like is the city is producing more and more housing developments instead of improving our roads and schools. We need to focus on our current population now instead of cramming more people on our roads and having more kids in our already too crowded schools	2/10/2018 12:28 PM
95	Lot too small	2/10/2018 9:49 AM
96	At this point nothing	2/10/2018 12:03 AM
97	Aging	2/9/2018 10:15 PM
98	Senior mobility issues	2/9/2018 9:41 PM
99	Very unlikely to move next 5 to 10 years	2/9/2018 9:24 PM
100	Poor infrastructure planning for new growth & too many homeless	2/9/2018 8:39 PM
101	retirement	2/9/2018 7:53 PM
102	Property taxes are too high. That’s what makes affordable house unrealistic	2/9/2018 7:53 PM
103	Want sense of community, ability to walk to restaurants and stores, go for a run through flat neighborhoods	2/9/2018 7:48 PM
104	Looking for vibrant urban community with activity day and night.	2/9/2018 7:27 PM
105	Property tax, crime	2/9/2018 7:14 PM
106	Na	2/9/2018 6:39 PM
107	Business opportunities	2/9/2018 6:24 PM
108	will not move	2/9/2018 5:58 PM

Q6 What housing types are needed to meet the needs of your family, friends and community? Check all that apply.

Answered: 246 Skipped: 103



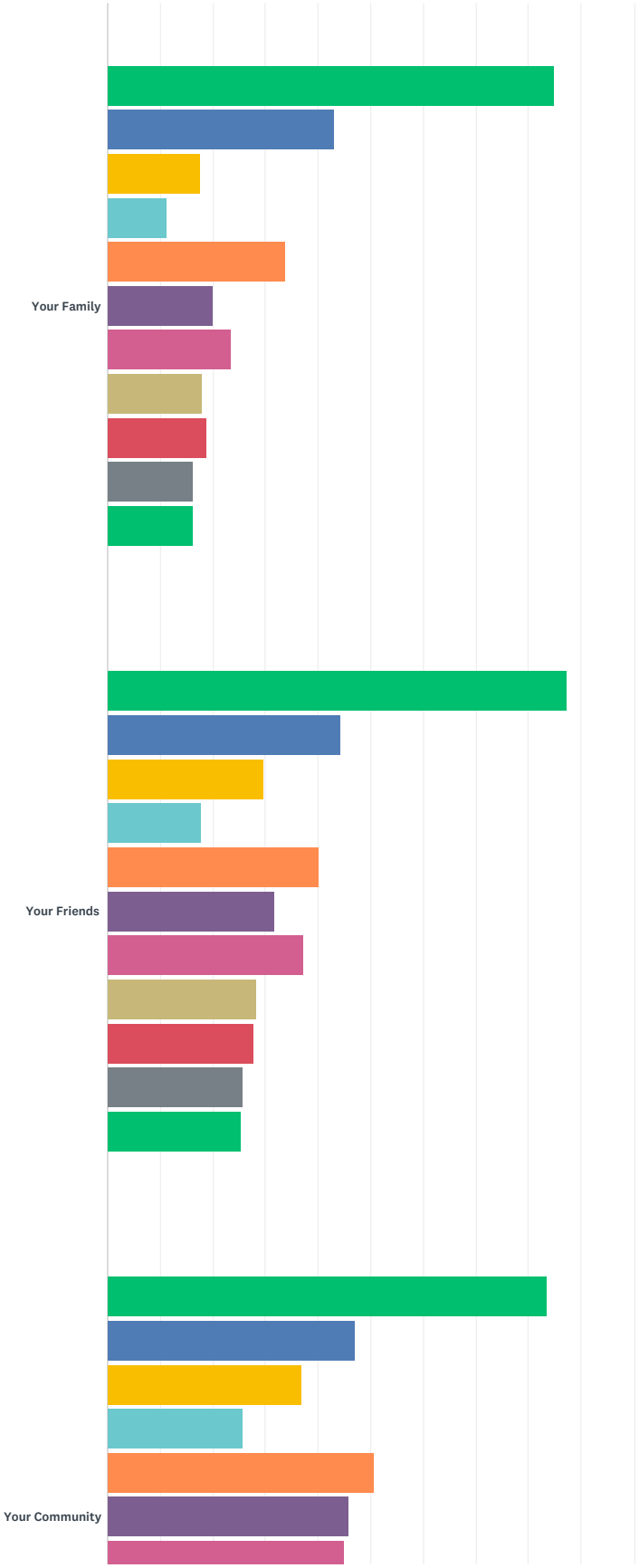


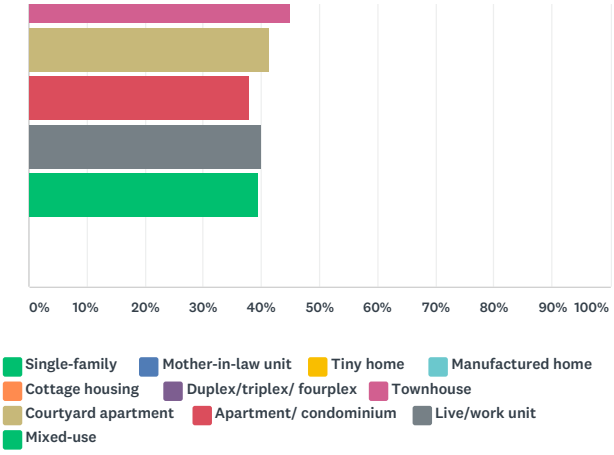
	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOME	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/WO UNIT
Your Family	84.84% 207	36.89% 90	15.57% 38	8.20% 20	27.05% 66	15.16% 37	17.21% 42	13.93% 34	15.57% 38	9.0
Your Friends	90.68% 214	37.29% 88	25.42% 60	15.25% 36	35.17% 83	30.51% 72	31.36% 74	21.61% 51	25.00% 59	18.6
Your Community	84.19% 197	45.73% 107	35.47% 83	24.79% 58	50.00% 117	42.74% 100	44.87% 105	38.46% 90	35.90% 84	34.1

#	COMMENTS:	DATE
1	There is an influx of young families coming to this area. We need affordable Single-family housing.	2/26/2018 8:21 PM
2	They all have unique uses and and pros and cons	2/26/2018 4:32 PM
3	We have acreage that requires us to have help, and would like to be able to put another dwelling on the property for family member.	2/26/2018 4:08 PM
4	I do not like the Tiny house concept!	2/25/2018 11:24 PM
5	Something with centrally located parks, within neighborhoods is needed by all	2/24/2018 12:01 PM
6	Just be SMARTER!! its not too hard to just LOOK to see if what someone thinks is a good idea BEFORE they put aeffort into something and MONEY that isn't a logistical nightmare would be a great start!!	2/23/2018 12:54 PM
7	Its about the beauty of the place you live that brings the pride and love for your neighborhood	2/22/2018 7:56 PM
8	Don't build urban development high density garbage!	2/22/2018 6:45 PM
9	Any additional housing types must meet the historic look of the McLoughlin Neighborhood. If Multi-family units can achieve that, they are welcome. If too contemporary, they should be located in other parts of town--but welcome in Oregon City.	2/22/2018 5:42 PM
10	We don't need high density or low income housing.	2/22/2018 4:15 PM
11	just guessing here...	2/22/2018 4:14 PM
12	Would like to see single level apts or condos suitable for aging population, where stairs are a problem	2/22/2018 3:09 PM
13	All new housing must have at least one off street parking spot per unit	2/22/2018 2:49 PM
14	I need a place with a yard, no ants & accessible.	2/22/2018 2:35 PM
15	more double deck for more bedrooms using one for a play room	2/22/2018 2:27 PM
16	Need increased density generally.	2/22/2018 1:41 PM
17	senior housing is needed	2/22/2018 1:10 PM
18	needs to be some affordable housing	2/22/2018 1:08 PM
19	Not sure of community needs.	2/12/2018 4:31 PM
20	No apartments or condos too much traffic	2/10/2018 5:26 PM
21	Mother in law units are a must.	2/10/2018 12:35 PM
22	More retail options so we don't have to travel.	2/9/2018 8:53 PM
23	Senior Housing is also needed	2/9/2018 7:39 PM
24	seems like all would be good	2/9/2018 5:49 PM

Q7 What housing types will be needed in 10 years to meet the needs of your family, friends and community? Check all that apply.

Answered: 241 Skipped: 108

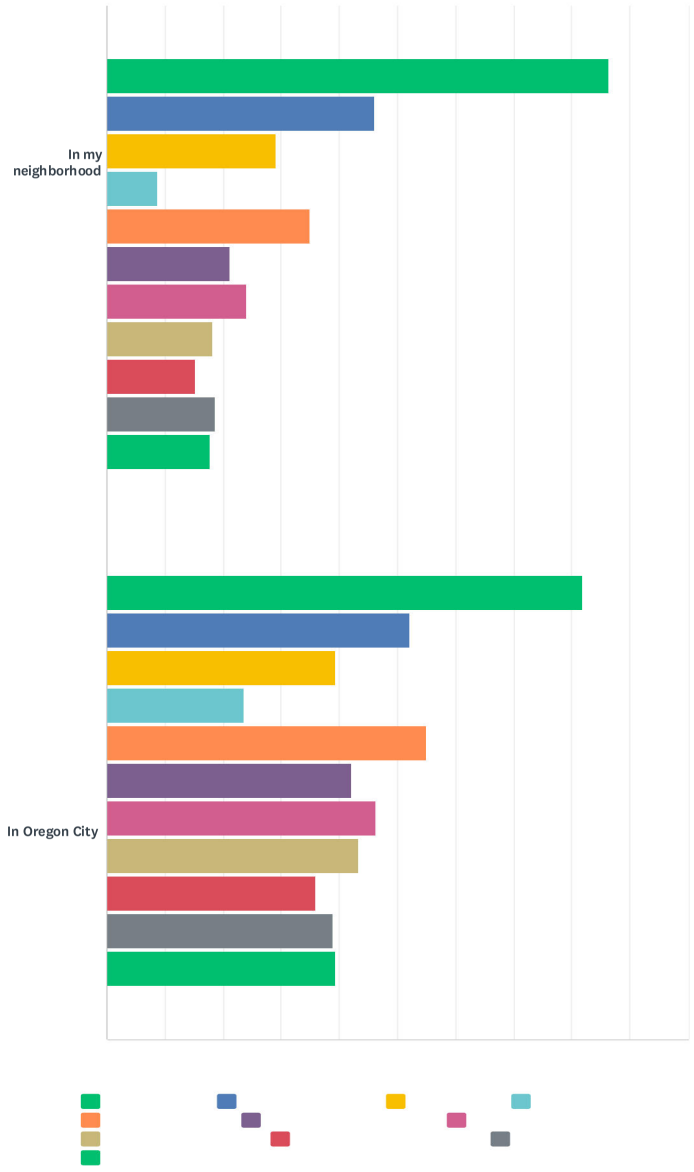




	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOME	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/WO UNIT
Your Family	84.94% 203	43.10% 103	17.57% 42	11.30% 27	33.89% 81	20.08% 48	23.43% 56	17.99% 43	18.83% 45	16.3
Your Friends	87.17% 197	44.25% 100	29.65% 67	17.70% 40	40.27% 91	31.86% 72	37.17% 84	28.32% 64	27.88% 63	25.6
Your Community	83.56% 188	47.11% 106	36.89% 83	25.78% 58	50.67% 114	45.78% 103	44.89% 101	41.33% 93	37.78% 85	40.0

#	OTHER (PLEASE SPECIFY)	DATE
1	I do not like the Tiny house concept! This should be the Mother-in- Law as part of the main property if the lot is large enough to match the accessory building rules.	2/25/2018 11:24 PM
2	ADU's best way to add density to exisiting residences	2/25/2018 11:16 PM
3	Our family may need accessibility/no stairs eventually	2/25/2018 8:46 PM
4	With so many older buildings the county and city need to be more specific about the groups of folks they put in neighborhoods!! ...for instance...NOT thinking that Vetrans with Families will WANT tolive next to BOTH a dispensery and smoke shop with NOthing else for services or groceries!!STUPID! I would NOT be moving into an area that is as full of the Rif Raf that your trying to what make THEM Patrol?? not ok!!	2/23/2018 12:54 PM
5	10 years?? How about immediately?!?! There IS VERY LITTLE housing available in Oregon City now.....	2/23/2018 9:00 AM
6	Plenty of apartments and plexes. Townhomes lead to parking congestion.	2/22/2018 8:41 PM
7	Personally may need a retirement community	2/22/2018 6:45 PM
8	ADUs in or above garages, backyards, especially in historic districts.	2/22/2018 5:42 PM
9	cohousing specifically, shared-ownership	2/22/2018 4:17 PM
10	still guessing...	2/22/2018 4:14 PM
11	All new housing must have at least one off street parking spot per unit	2/22/2018 2:49 PM
12	I need a place with a yard.	2/22/2018 2:35 PM
13	don't need anymore houses getting to crowded	2/22/2018 2:27 PM
14	single story no stairs for aging population	2/22/2018 1:10 PM
15	affordable housing	2/22/2018 1:08 PM
16	I am not sure what the community needs well be in 10 years as dynamics change	2/12/2018 4:31 PM
17	No new housing development until roads & intersections are improved	2/9/2018 8:53 PM
18	Senior Housing	2/9/2018 7:39 PM

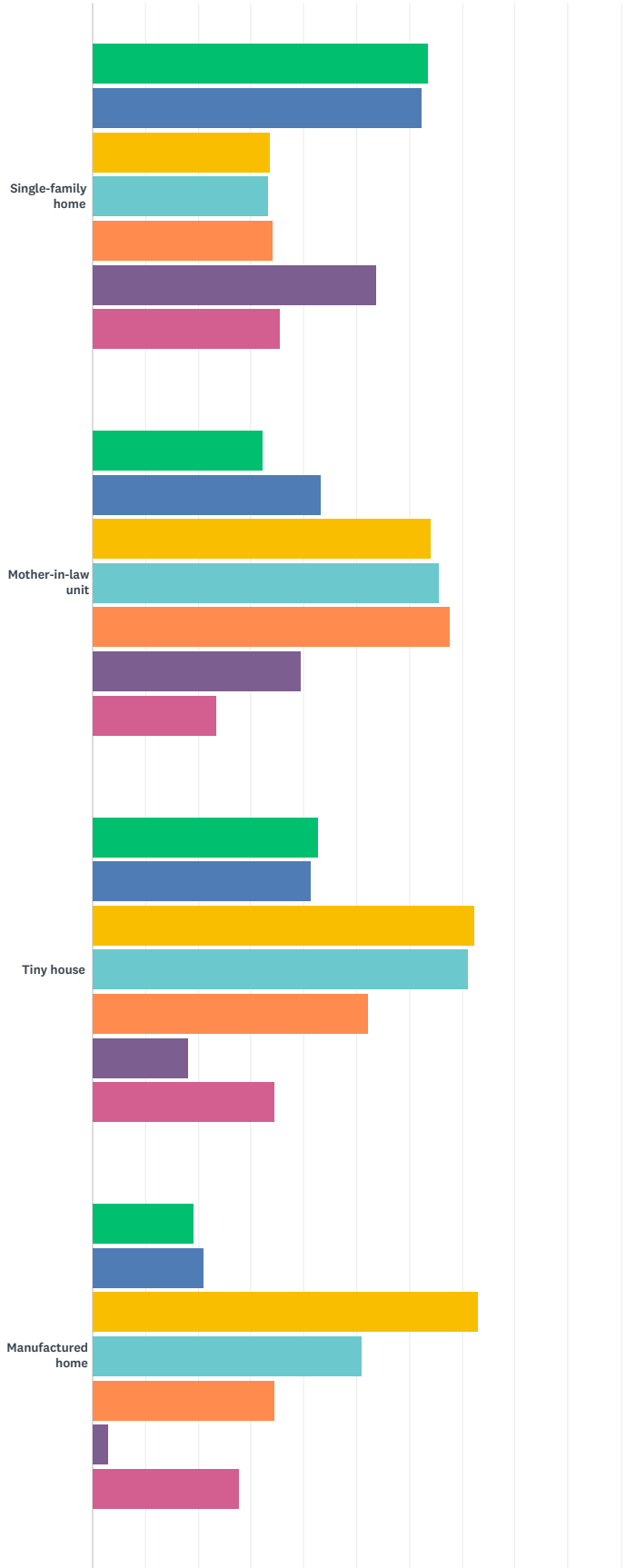
Answered: 215 Skipped: 101



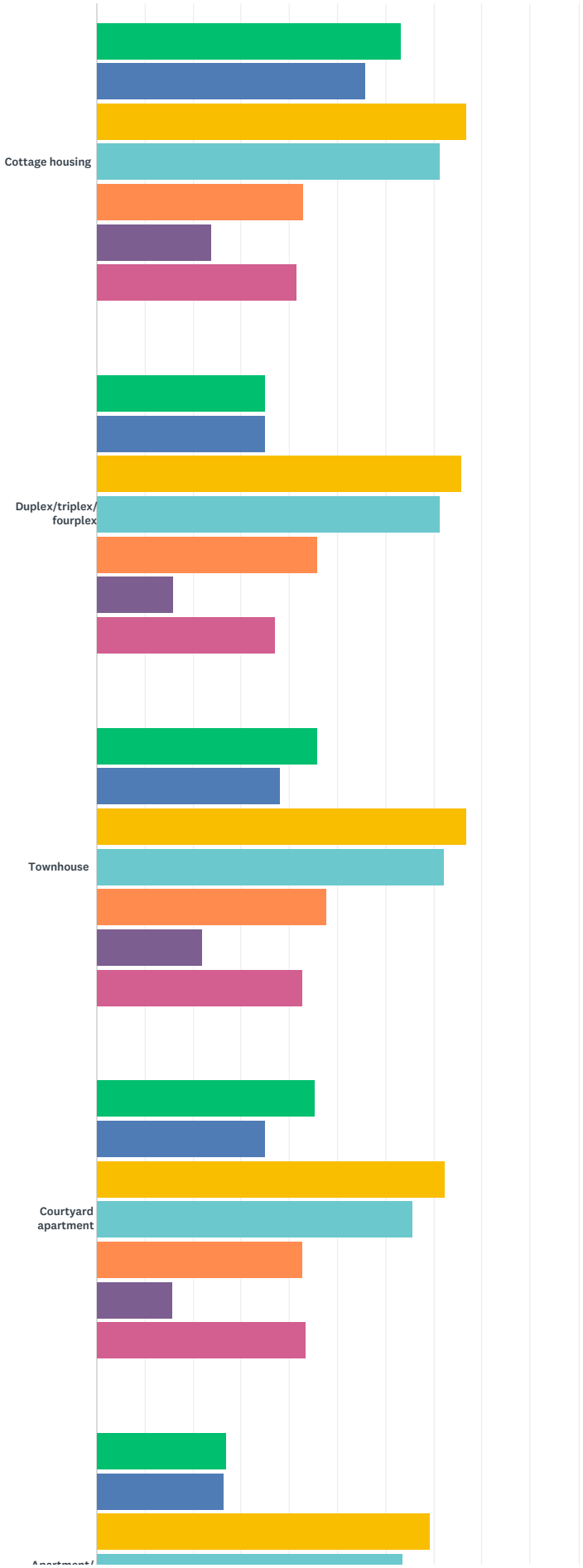
	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOUSE	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/W UNIT
In my	86.31%	46.06%	20.05%	8.71%	24.85%	21.16%	24.07%	18.26%	15.35%	1

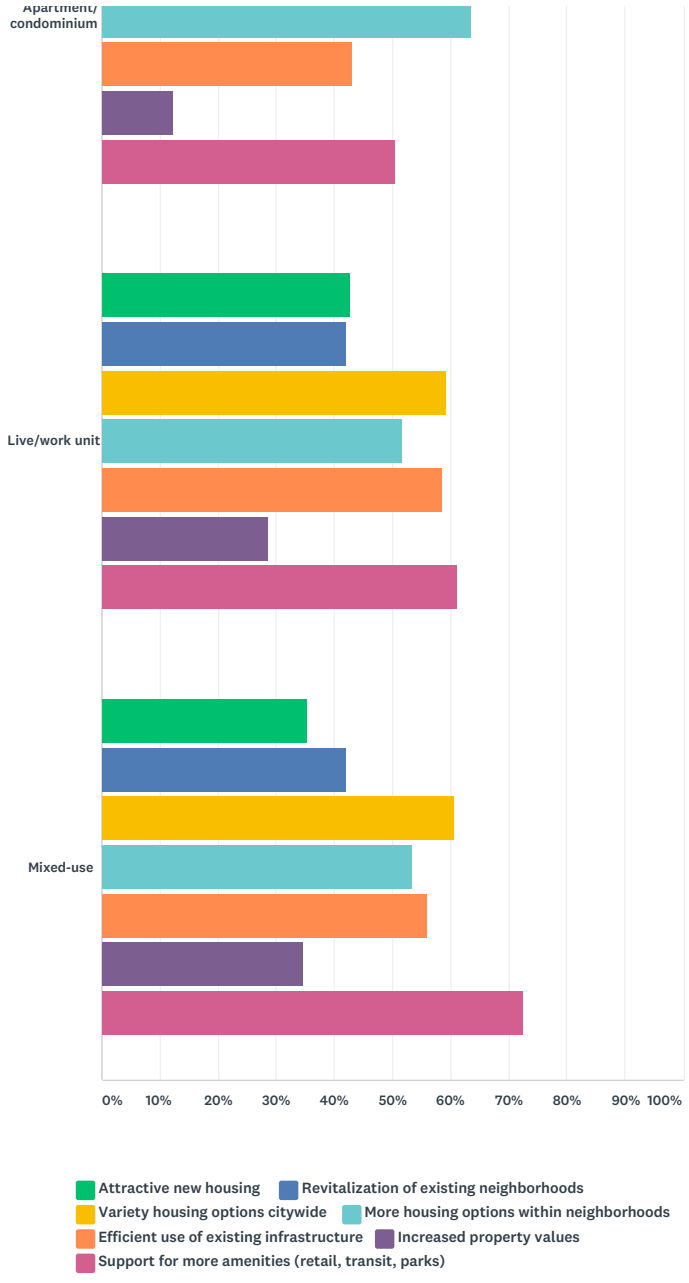
Q9 What benefits do you think the following housing types would provide?

Answered: 242 Skipped: 107



Oregon City Equitable Housing Analysis - Housing Types





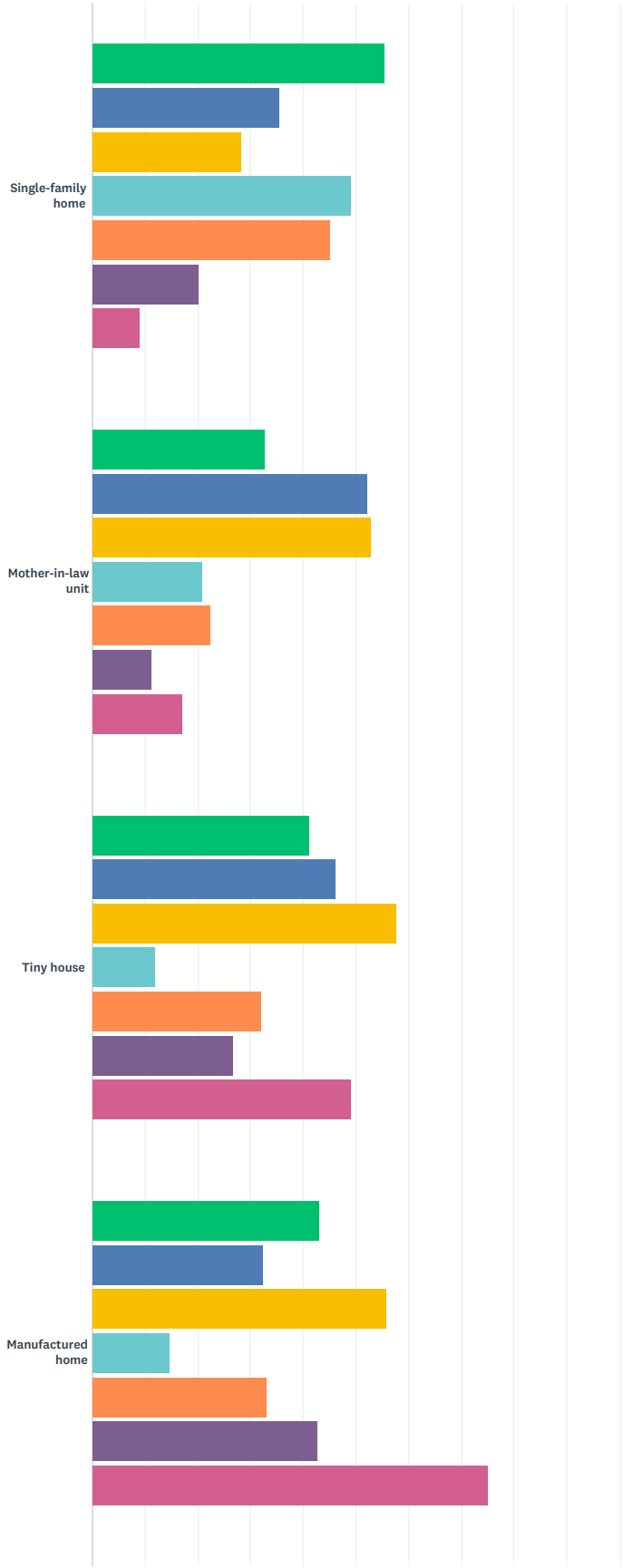
	ATTRACTIVE NEW HOUSING	REVITALIZATION OF EXISTING NEIGHBORHOODS	VARIETY HOUSING OPTIONS CITYWIDE	MORE HOUSING OPTIONS WITHIN NEIGHBORHOODS	EFFICIENT USE OF EXISTING INFRASTRUCTURE	INCREASED PROPERTY VALUES	SUPPORT FOR MORE AMENITIES (RETAIL, TRANSIT, PARKS)	TOTAL RESPONDENTS
Single-family home	63.64% 147	62.34% 144	33.77% 78	33.33% 77	34.20% 79	53.68% 124	35.50% 82	231
Mother-in-law unit	32.29% 62	43.23% 83	64.06% 123	65.63% 126	67.71% 130	39.58% 76	23.44% 45	192
Tiny house	42.77% 68	41.51% 66	72.33% 115	71.07% 113	52.20% 83	18.24% 29	34.59% 55	159
Manufactured home	19.23% 20	21.15% 22	73.08% 76	50.96% 53	34.62% 36	2.88% 3	27.88% 29	104
Cottage housing	63.10% 106	55.95% 94	76.79% 129	71.43% 120	42.86% 72	23.81% 40	41.67% 70	168
Duplex/triplex/ fourplex	35.03% 55	35.03% 55	75.80% 119	71.34% 112	45.86% 72	15.92% 25	36.94% 58	157
Townhouse	45.81% 71	38.06% 59	76.77% 119	72.26% 112	47.74% 74	21.94% 34	42.58% 66	155
Courtyard apartment	45.39% 69	34.87% 53	72.37% 110	65.79% 100	42.76% 65	15.79% 24	43.42% 66	152
Apartment/ condominium	27.01% 37	26.28% 36	69.34% 95	63.50% 87	43.07% 59	12.41% 17	50.36% 69	137

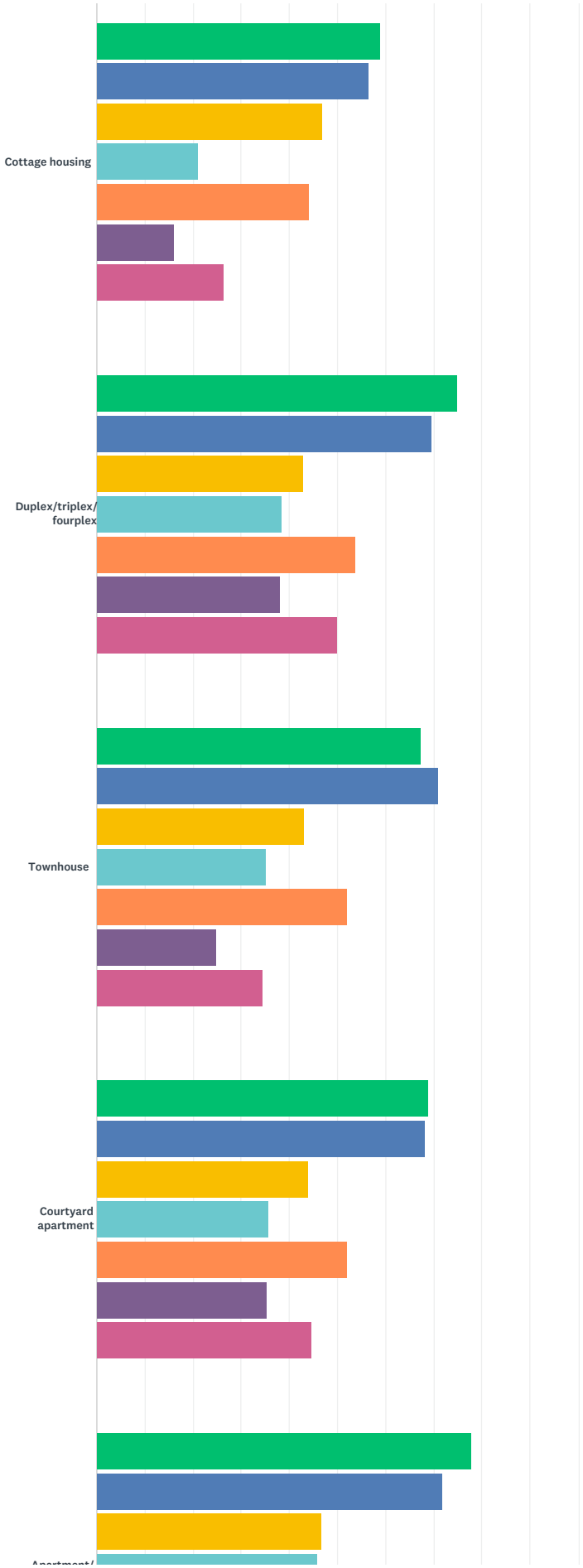
Live/work unit	42.68% 67	42.04% 66	59.24% 93	51.59% 81	58.60% 92	28.66% 45	61.15% 96	157
Mixed-use	35.33% 53	42.00% 63	60.67% 91	53.33% 80	56.00% 84	34.67% 52	72.67% 109	150

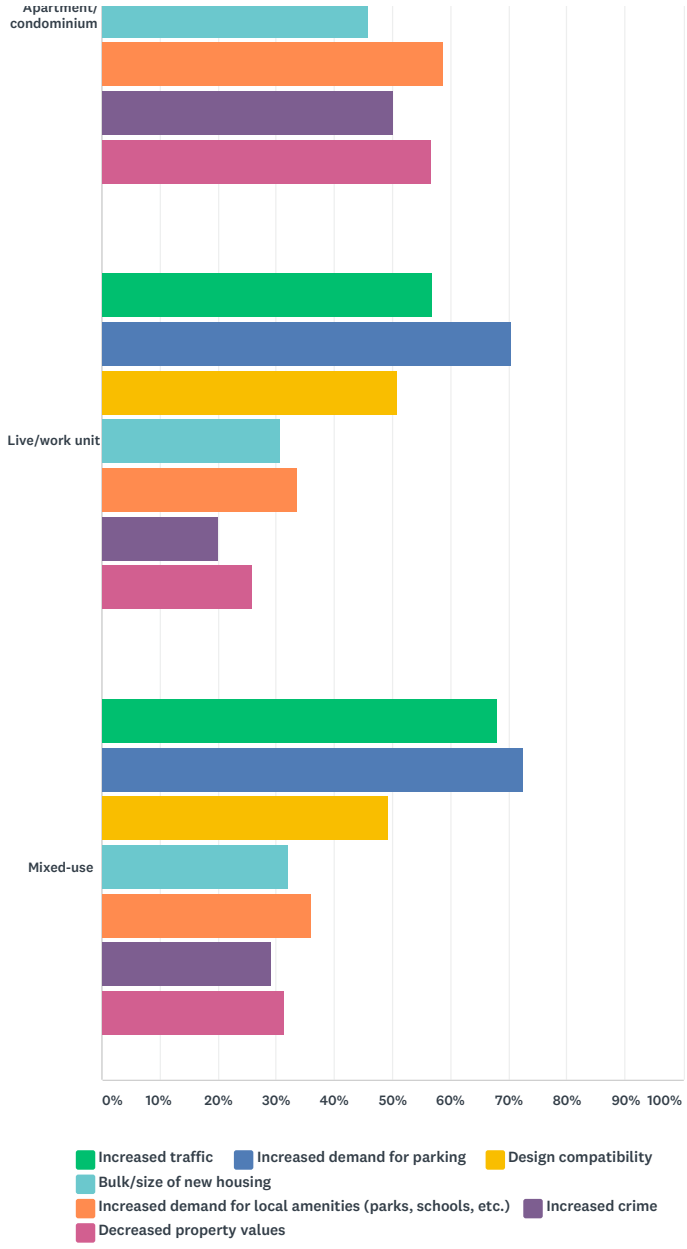
#	OTHER (PLEASE SPECIFY)	DATE
1	The categories of Duplex/triplex;fourplex and Apartment/condo condominium exist already in this neighborhood. For the most part, they are very well maintained and we don't need more of this new construction in an established neighborhood.	2/26/2018 8:21 PM
2	The choice of housing options should be on the property owner. Functionality is the prime motivator.	2/25/2018 11:24 PM
3	Land-use diversity and walkable destinations are very desireable	2/25/2018 11:16 PM
4	absolutely opposed to increased density in OC - if we wanted that, we've move to Portland.	2/25/2018 8:59 PM
5	How about manufactured homes on lots that people can buy, otherwise space rents rise and displace people.	2/24/2018 11:59 AM
6	Lot SIZE and location to pertinent services for the designed use would be a good thing	2/23/2018 12:54 PM
7	Dont turn OC into portland	2/23/2018 9:58 AM
8	Restored historic and existing houses	2/22/2018 5:42 PM
9	none of the others add value to the community	2/22/2018 4:24 PM
10	I'm most concerned about efficient and sustainable developing within the current city and reducing the expansion of new infrastructure liabilities like new roads and developments on the edge of town	2/22/2018 4:17 PM
11	The only structures I would support would be single family. And I don’t want those either.	2/22/2018 4:15 PM
12	More housing suitable for aging population that is still active and not needing assist	2/22/2018 3:09 PM
13	All new housing must have at least one off street parking spot per unit	2/22/2018 2:49 PM
14	we don't need anymore housing traffic is so bad now	2/22/2018 2:27 PM
15	senior house over business for walkability, shopping etc.	2/22/2018 1:10 PM
16	I don't even want to hear about more housing until our existing roads & intersections are improved	2/9/2018 8:53 PM
17	A diversity of housing types will be good for the city. the city should allow the market to determine types of housing that are needed.	2/9/2018 7:39 PM

Q10 What concerns might you have about the following housing types in your neighborhood? Check all that apply.

Answered: 231 Skipped: 118




Cottage housing
Duplex/triplex/ fourplex
Townhouse
Courtyard apartment



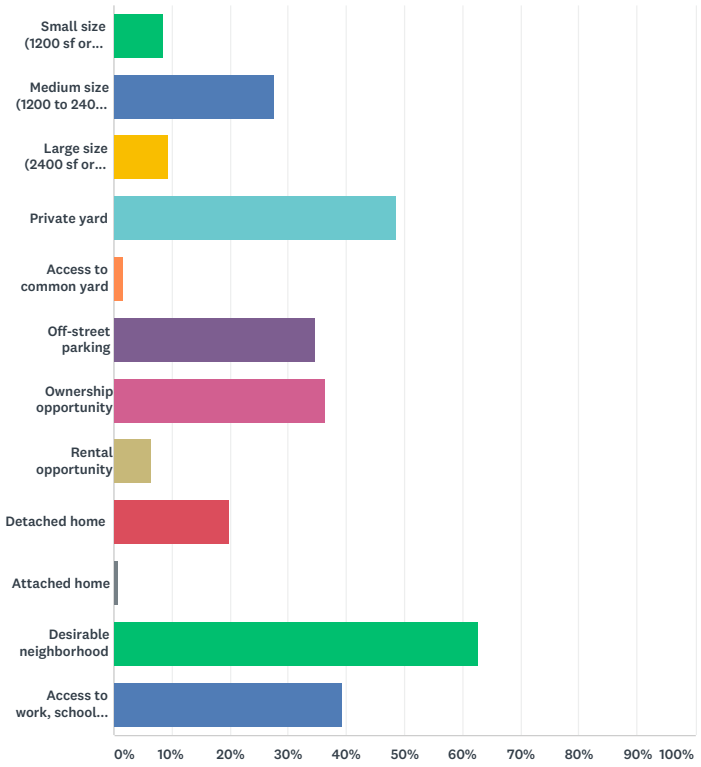
	INCREASED TRAFFIC	INCREASED DEMAND FOR PARKING	DESIGN COMPATIBILITY	BULK/SIZE OF NEW HOUSING	INCREASED DEMAND FOR LOCAL AMENITIES (PARKS, SCHOOLS, ETC.)	INCREASED CRIME	DECREASED PROPERTY VALUES	TOTAL RESPONDENTS
Single-family home	55.37% 98	35.59% 63	28.25% 50	49.15% 87	45.20% 80	20.34% 36	9.04% 16	177
Mother-in-law unit	32.84% 44	52.24% 70	52.99% 71	20.90% 28	22.39% 30	11.19% 15	17.16% 23	134
Tiny house	41.14% 72	46.29% 81	57.71% 101	12.00% 21	32.00% 56	26.86% 47	49.14% 86	175
Manufactured home	43.15% 85	32.49% 64	55.84% 110	14.72% 29	32.99% 65	42.64% 84	75.13% 148	197
Cottage housing	58.97% 92	56.41% 88	46.79% 73	21.15% 33	44.23% 69	16.03% 25	26.28% 41	156
Duplex/triplex/fourplex	75.00% 138	69.57% 128	42.93% 79	38.59% 71	53.80% 99	38.04% 70	50.00% 92	184
Townhouse	67.27% 111	70.91% 117	43.03% 71	35.15% 58	52.12% 86	24.85% 41	34.55% 57	165
Courtyard apartment	68.79% 119	68.21% 118	43.93% 76	35.84% 62	52.02% 90	35.26% 61	44.51% 77	173
Apartment/ condominium	77.89% 155	71.86% 143	46.73% 93	45.73% 91	58.79% 117	50.25% 100	56.78% 113	199

Live/work unit	56.80% 96	70.41% 119	50.89% 86	30.77% 52	33.73% 57	20.12% 34	26.04% 44	169
Mixed-use	68.02% 117	72.67% 125	49.42% 85	31.98% 55	36.05% 62	29.07% 50	31.40% 54	172

#	OTHER (PLEASE SPECIFY)	DATE
1	Apartment complexes are by far the least attractive option	2/25/2018 11:16 PM
2	We don't need more housing in Oregon City	2/23/2018 7:51 PM
3	Under ground water is a huge issue and water run off as KNOWN issues...No building but connecting these as ONE PARK!! Unite the walking areas so traffic and those traveling otherly can NOT cross paths..as much as they are on top of each other causing SO many to be hurt!!	2/23/2018 12:54 PM
4	There's no room to build anything "new" in my existing neighborhood so this is a mute point.....	2/23/2018 9:00 AM
5	Keep your portland high density OUT of OC. This is one of the last normal communities around. Don't bring the crime and drugs.	2/22/2018 6:45 PM
6	Architectural design must augment historic nature of McLoughlin Neighborhood.	2/22/2018 5:42 PM
7	the more walkable we have things, the less driving we'll see. Increased demand for parking and increased traffic *can* result in lower speeds and better walking conditions: on-street parking makes sidewalks safer and slows traffic. I'm most concerned about all the tons of negatives if we build for increased parking and traffic *capacity*. I want to see the elimination of mandatory parking minimums for developments.	2/22/2018 4:17 PM
8	All new housing must have at least one off street parking spot per unit	2/22/2018 2:49 PM
9	don't need anymore houses	2/22/2018 2:27 PM
10	tiny houses and live/work units elicit the least amount of concern for me	2/22/2018 1:23 PM
11	due to the homeless population. I have seen what it has done to Portland and now it is happening in OC	2/22/2018 12:58 PM
12	Too much traffic	2/10/2018 5:26 PM
13	Stop building high density housing without adequate parking! Assume each unit requires 2 parking spaces.	2/9/2018 8:53 PM
14	allow the market to determine what types of housing are needed and where they should be located.	2/9/2018 7:39 PM

Q11 What characteristics are important to you in a home? Select your top three characteristics.

Answered: 247 Skipped: 102



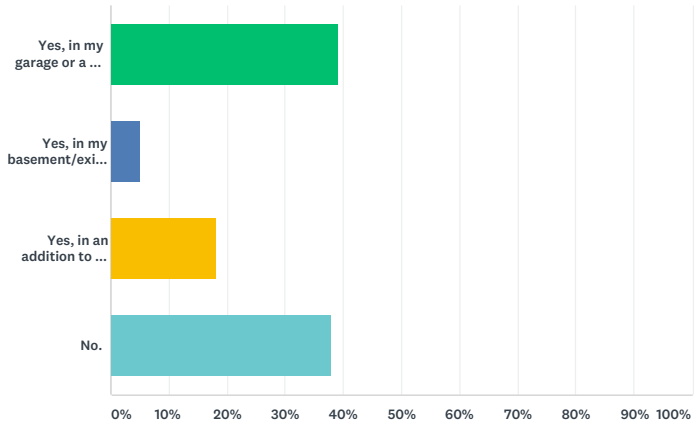
ANSWER CHOICES	RESPONSES	
Small size (1200 sf or smaller)	8.50%	21
Medium size (1200 to 2400 sf)	27.53%	68
Large size (2400 sf or larger)	9.31%	23
Private yard	48.58%	120
Access to common yard	1.62%	4
Off-street parking	34.82%	86
Ownership opportunity	36.44%	90
Rental opportunity	6.48%	16
Detached home	19.84%	49
Attached home	0.81%	2
Desirable neighborhood	62.75%	155
Access to work, school, shopping and play opportunities	39.27%	97
Total Respondents: 247		

#	OTHER (PLEASE SPECIFY)	DATE
1	wanted to select more than 3	2/26/2018 11:11 AM
2	Size of the lot. Ability to design to my my needs.	2/25/2018 11:24 PM
3	Diversity in terms of income, politics, age and race	2/25/2018 11:16 PM
4	Private large yard	2/25/2018 11:08 PM
5	Near greenspace or openspace.	2/25/2018 9:10 PM
6	One level house	2/25/2018 8:47 PM
7	Mixed housing types with attached granny flat, walkable neighborhood to services	2/25/2018 7:34 PM
8	You didn't list my number one: AFFORDABILITY	2/24/2018 11:59 AM
9	Desirable neighborhood & off-street parking are most imp to me	2/23/2018 5:46 PM
10	Code enforcement that takes action	2/22/2018 8:15 PM
11	Mixes demographics. Old people and kids multi-racial	2/22/2018 6:45 PM
12	walkability, access to transit, and low-noise are core values to me that are missing here	2/22/2018 4:17 PM

13	shop	2/22/2018 3:02 PM
14	larger homes should be upstairs for more bed room and bathroom and playroom	2/22/2018 2:27 PM
15	sidewalks	2/22/2018 1:45 PM
16	Safe	2/22/2018 1:44 PM
17	Architectural Design	2/22/2018 1:23 PM
18	low crime green living	2/22/2018 1:10 PM
19	LOW CRIME	2/11/2018 9:35 PM
20	Elbo Room	2/11/2018 11:04 AM
21	Larger yards/lots	2/10/2018 6:30 PM

Q12 If you owned a single-family detached home, would you consider developing a mother-in-law unit?

Answered: 243 Skipped: 106



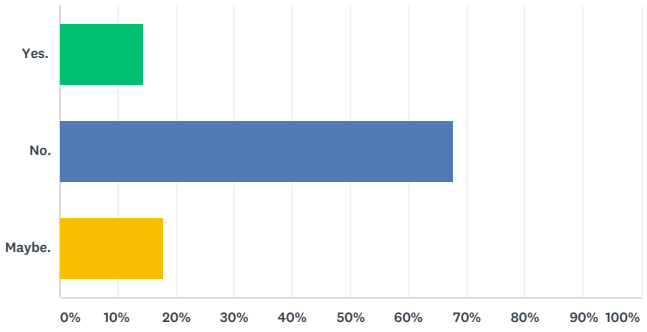
ANSWER CHOICES	RESPONSES	
Yes, in my garage or a new detached structure.	39.09%	95
Yes, in my basement/existing home.	4.94%	12
Yes, in an addition to my current house.	18.11%	44
No.	37.86%	92
TOTAL		243

#	WHAT QUESTIONS WOULD YOU HAVE BEFORE DECIDING?	DATE
1	we did consider it not as a mother-in-law unit but it could be a studio.	2/26/2018 8:25 PM
2	Is it permitted	2/26/2018 8:07 PM
3	I'm not married	2/26/2018 7:25 PM
4	Ease of permitting Overall cost	2/26/2018 4:13 PM
5	is there space for one? would it be useful for my family or good friend?	2/26/2018 11:20 AM
6	What is the % of the lot that can be occupied by structures? Size of the accessory building that could be added.	2/25/2018 11:28 PM
7	-Profitability -Where can it be placed? -Can it be permitted? With what restrictions?	2/25/2018 11:21 PM
8	Who's mom?and privacy	2/25/2018 9:15 PM
9	Privacy for both units. Parking.	2/25/2018 9:14 PM
10	Na	2/25/2018 9:06 PM
11	Not sure if there's room in our current space?	2/25/2018 8:48 PM
12	What permitting costs are, and/or tax breaks incentives are available.	2/25/2018 7:58 PM
13	are there any credits available to offset sdc fees is there a streamlined application process Are all citiy staff working and communicating together to facilitate a pleasurable and expeditious experience	2/25/2018 7:42 PM
14	Can it be occupied by other family members?	2/24/2018 2:12 PM
15	What zoning might be like and if I have room to add an additional structure	2/24/2018 12:02 PM
16	Since I don't have a home this is pure fiction. But: how affordable to do this and who will live there and how much rent will they pay.	2/24/2018 12:02 PM
17	No need for one	2/23/2018 7:51 PM
18	parking options & if permit would be allowed	2/23/2018 5:47 PM
19	just How much will it cost me?? Can I rent it as a business office??	2/23/2018 1:00 PM
20	Code enforcement issues will arise...	2/23/2018 11:22 AM
21	cost	2/23/2018 9:01 AM
22	I don't knw	2/23/2018 12:04 AM
23	How do I start? Where can I find information on the process?	2/22/2018 9:00 PM
24	How would it impact my taxes	2/22/2018 8:22 PM
25	Control of my owner rights if they miss behave or squat	2/22/2018 8:01 PM
26	Lot is too small for another unit of any discription	2/22/2018 6:48 PM
27	What would new taxes be? Portland went through quite a kerfuffle during their process.	2/22/2018 5:47 PM
28	access to outside. noise. access to bathrooms.	2/22/2018 5:25 PM
29	Would there be space to build on the lot and is there available parking space for new additional occupants	2/22/2018 5:24 PM

30	construction costs, permit costs, length of construction.	2/22/2018 5:09 PM
31	How much would permits cost? How much would I pay in additional property tax?	2/22/2018 4:50 PM
32	reduces neighborhood values	2/22/2018 4:25 PM
33	Long list, but I have no questions about overall liking the concept, just about all the practical matters of doing it and managing it.	2/22/2018 4:22 PM
34	perhaps a second story to my detached garage, but the building codes for the McLoughlin Neighborhood would be a problem, and I've heard the permit costs are exorbitant so it's probably not worth it.	2/22/2018 4:20 PM
35	Price-too expensive right now	2/22/2018 2:53 PM
36	When will I have income that will support this hypothetical?	2/22/2018 2:36 PM
37	plumbing and electrical requirements	2/22/2018 1:47 PM
38	How it would look with the existing neighborhood?How would it incroach on neighbors? Would it be used as a rental property? Would it be used as a commercial property?	2/22/2018 1:39 PM
39	Permitted dimensional standards and setbacks within the jurisdiction, whether SDCs apply, permitting process complexity, whether it is cost-prohibitive, and so on.	2/22/2018 1:28 PM
40	Either detached or addition. Questions would be permitting costs, rules and regulations, and how it would impact house value.	2/22/2018 1:17 PM
41	Cost in. construction and taxes.	2/22/2018 1:06 PM
42	Yes, if I could get help financially to build it.	2/17/2018 1:15 PM
43	Privacy for all.	2/12/2018 4:14 PM
44	no additional SDC's	2/12/2018 10:12 AM
45	Size restrictions, distance from property line limits	2/11/2018 9:24 PM
46	What do building codes allow? Will it harm resale?	2/11/2018 6:13 PM
47	Or new structure detached	2/10/2018 6:31 PM
48	Could the process for building be streamlined for less confusion with City Planning?	2/10/2018 2:44 PM
49	None, it's a given that the City needs to allow this.	2/10/2018 1:06 PM
50	How expensive are the permits?	2/10/2018 10:55 AM
51	Will zoning allow this? This would not be for mother-in-laws but more likely for grandchildren.	2/9/2018 11:47 PM
52	Red tape free permits and approval	2/9/2018 9:56 PM
53	What types of city/zoning/permit barriers might I face in an historic district?	2/9/2018 7:58 PM
54	what are the regulatory and approval challenges?	2/9/2018 7:45 PM
55	Cost of permit. Rental rules	2/9/2018 7:00 PM
56	The ADU is a powerful option for density.	2/9/2018 6:31 PM
57	cost and fees	2/9/2018 5:51 PM

Q13 If you owned a single-family detached home built before 1990, would you consider dividing it into two or more smaller units?

Answered: 236 Skipped: 113



ANSWER CHOICES	RESPONSES	
Yes.	14.41%	34
No.	67.80%	160
Maybe.	17.80%	42
TOTAL		236

#	WHAT QUESTIONS WOULD YOU HAVE BEFORE DECIDING?	DATE
1	if i needed more money	2/26/2018 7:25 PM
2	If adequate room allowed for my personal space	2/26/2018 5:47 PM
3	Financial assistance for remodel Overall out of pocket costs	2/26/2018 4:13 PM
4	Our house was built in 1920 it's small, and we love it. The yard is narrow and long and no room for another	2/26/2018 11:20 AM
5	Why am I asking questions of the city, if it is my decision?	2/25/2018 11:28 PM
6	What is the permitting process	2/25/2018 11:21 PM
7	Would depend on the style and ease of dividing it.	2/25/2018 9:14 PM
8	Absolutely not - these destroy neighborhoods and conflict with their character. Again, move to Portland if that's what you want, with increased density, crime, and lack of parking.	2/25/2018 9:01 PM
9	Do I live on a lot large enough to support the number of people living in the space?	2/24/2018 7:32 AM
10	How to!! and could I basically Re work what I have or would I have to tear down mostly and start over??	2/23/2018 1:00 PM
11	HELL NO	2/23/2018 9:01 AM
12	Can I nock it down and rebuild this 1930's place needs to go.	2/22/2018 9:00 PM
13	What are my renter rights if they live in my addition with shared utilities and what rights do I have for dispute or eviction in case of a miss match in personalities or life style	2/22/2018 8:01 PM
14	None. If I wanted to live in a duplex I'd buy a duplex, in a different town.	2/22/2018 6:52 PM
15	Current house was built in 1911. It was divided at one time, but converted back to single family. Division into multi-family not really feasible.	2/22/2018 6:48 PM
16	How would the design/use impact my neighborhood? Could it be done in a low key, unnoticeable way?	2/22/2018 5:47 PM
17	would it fit into the existing feeling of the neighborhood.	2/22/2018 5:25 PM
18	Is there Room to have some yard for each, are the driveways accessibile and is there ample parking space off street.	2/22/2018 5:24 PM
19	they are a negative to a community	2/22/2018 4:25 PM
20	Mostly just questions about the investment value and if the house is amenable to such a transition.	2/22/2018 4:22 PM
21	rentals are almost always a problem for neighborhood integrity...especially her in the McLoughlin Neighborhood...too many slum landlords!!!	2/22/2018 4:20 PM
22	The size of the original structure	2/22/2018 3:10 PM
23	I have seen very few examples of this that have pulled it off well	2/22/2018 2:45 PM
24	Is it efficient.	2/22/2018 2:36 PM
25	What is the present square footage? My current home isn't big enough to split (1000 sq feet)	2/22/2018 1:47 PM
26	Impact on the existing neighborhood. Parking. Upkeep. Schools.	2/22/2018 1:39 PM
27	Cost, complexity of process, the anticipated increase in value, zoning restrictions, setback and dimensional standard requirements, demand for smaller units within the area, etc.	2/22/2018 1:28 PM
28	taxation changes, usage permits, building permits,	2/22/2018 1:19 PM
29	Please no, we don't need a bunch of parking nightmares in neighborhoods. Our single family neighborhood is already a parking nightmare.	2/22/2018 1:17 PM
30	How much space will it cover in my land and where will the driveway go to get to them , that doesn't disrupt the look of single family home..	2/17/2018 1:19 AM

31	Cost.	2/12/2018 9:44 PM
32	Parking, Privacy	2/12/2018 4:14 PM
33	Would not	2/10/2018 5:27 PM
34	applicable regulations	2/9/2018 7:45 PM
35	Yes, absolutely	2/9/2018 6:31 PM
36	cost and fees	2/9/2018 5:51 PM

Q14 Is there anything else you would like to tell us about equitable housing types?

Answered: 88 Skipped: 261

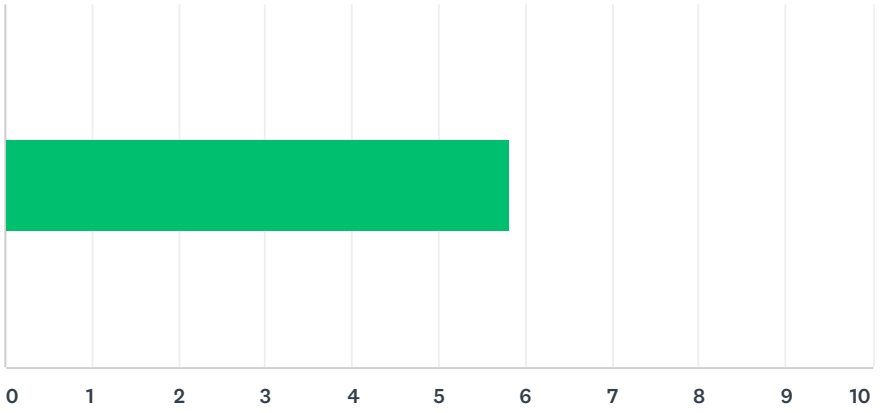
#	RESPONSES	DATE
1	RENT PRICES HAVE BECOME ABSURDLY HIGH.	2/27/2018 3:17 AM
2	Planners need to require that a certain number of units be low income/affordable in large apartment developments.	2/27/2018 12:46 AM
3	Keep established neighborhoods intact and not replace older single family homes with larger units. Do not allow incompatible uses, such as homeless shelters, in established neighborhoods.	2/26/2018 8:29 PM
4	What exactly is equitable housing types and how can we receive feedback from this survey.	2/26/2018 8:25 PM
5	We have lived in OC for over a decade. In my opinion, it's the best area to live in the 'Portland' area. You can see what happens by example when you look at what the other communities have done by creating to much 'affordable' housing.	2/26/2018 7:25 PM
6	i.d like to look into buying a foreclosed home as that may be the only thing affordable i want to break away from these trailer parks	2/26/2018 7:25 PM
7	There are no equitable housing types in Oregon City. They are all ridiculous and only the rich can afford to live here.	2/26/2018 6:03 PM
8	Leaving breathing spaces in between homes	2/26/2018 5:12 PM
9	Though I don't want to see agricultural and timber lands turned in to subdivisions, I think there should be an opportunity to build more than one residence on large parcels, especially for family members.	2/26/2018 4:13 PM
10	Just make sure there is plenty or parking. They build huge apartment complex across from my brother in portland with minimal parking It's a nightmare	2/26/2018 11:20 AM
11	Need small homes (600 - 900 SF) with ownership opportunity or other tax advantage for single people with good income. Cottage arrangement would be perfect, allowing sharing of maintenance responsibilities if lit could allow tax benefit over renting. See Gresham's proposed 5th Street Cottages by Ross Chapin.	2/26/2018 9:29 AM
12	Rent prices are outrageous right now.	2/26/2018 9:21 AM
13	Level of noise, pollution created by more traffic, and unlawful speed violations from individuals	2/26/2018 5:04 AM
14	Traffic and schools a real concern with growth. Avoid high density.	2/25/2018 11:33 PM
15	People should have the right to build whatever they want as long as there are utilities capable of sustaining the owners decisions and the owners activities do not invade the neighbors rights to peaceful existence.	2/25/2018 11:28 PM
16	I hope for options that add density AND diversity. Mixed-use, mid-rise bldgs. preferred for new construction and ADU's for existing residences. It would be nice to know that the process for adding ADUs is reasonably facilitated by the city.	2/25/2018 11:21 PM
17	All neighborhoods should have a variety of housing sizes. Makes it a community fit for multiple generations. Enough of the developments filled with overly large homes.	2/25/2018 9:14 PM
18	Need 2-3 bedrooms	2/25/2018 9:06 PM
19	First and most important step is let citizens of local cities plan for themselves and get out of Metro.	2/25/2018 9:01 PM
20	Affordability begets diversity. I like OCs economic diversity, would hate to see that go away. Would like more people of color.	2/25/2018 8:48 PM
21	There are many definitions for equitable housing - quality and types of building materials such as energy efficiencies result in affordability and should be a part of the conversation. Credits could be considered if developers build with efficiencies that equal or result in cost savings to the occupant. Affordability and Equity from another perspective.	2/25/2018 7:42 PM
22	transit opportunities. I wish we had a safer way to cross Beavercreek/213 (to get to Fred Meyer/Newell Creek Canyon area)	2/24/2018 12:02 PM
23	I would love to live in any privacy designed "mother-in-law" residence. But usually these are reserved for family and I have no family in area.	2/24/2018 12:02 PM
24	Build in parking to the locations adequate to the property type. Increase infrastructure into the process to account for the increased population. Don't build beyond the means of the area!	2/24/2018 7:32 AM
25	Just dont put too many on tese too small rads PLEASE!! its already a PARADE!! there needs to be a way to the OUTER areas like Molalla!! as that is the direction of most of the Newer housing...New Bi pass freeway like the 213 at the bottom of the hill!!	2/23/2018 1:00 PM
26	Don't ruin the bedroom community that we have w/these homes. The City should stick w/the real issues, not trying to make density housing. The infrastructure is already maxing out along w/traffic congestion all over town.	2/23/2018 11:22 AM
27	There is too much traffic in Oregon city as is... we need to putting in so many new developments, it just doesn't work for the city	2/23/2018 12:04 AM
28	how do I find out about all the options that are available to me now?	2/22/2018 9:00 PM
29	It needs immediate access to transit, schools and CCC would be great. Not is established neighborhoods. Best where planned new neighborhoods can be developed.	2/22/2018 8:49 PM
30	Thanks for asking and please consider the responses. Thank you!	2/22/2018 8:42 PM
31	Keep the traffic problems in mind. Beavercreek rd and HWY 213 are already a nightmare. OCHS is over crowded. Water bill is a joke. Property taxes are higher than Milwaukie or Gladstone. It's getting less livable here all the time.	2/22/2018 8:22 PM
32	They can help a home owner and retired person make a small income and help someone or family member get a new advantage or leg up	2/22/2018 8:01 PM
33	Tony Konkel and his planning crew really don't care about the livability of this city.	2/22/2018 7:44 PM

34	Don't over crowd OC PDX should be a guide of what not to do. Make sure there is enough parking and infrastructure	2/22/2018 7:01 PM
35	Stop trying to force affordable housing in a community that doesn't want it. We don't want the max line. We don't want more apartments. We in Oregon City don't want anything to do with portland problems, so leave them there. My families vote would be to lower density, bring in a .25 acre per house new lot size. Our community works hard to afford the extra things in life, the rest can move to section 8 in Portland if they don't want to work for it. This survey scares the crap out of me and the ideas our electrd officials have.	2/22/2018 6:52 PM
36	High to medium density housing is not desirable or wanted in Oregon city. Would prefer more single family housing with space.	2/22/2018 6:45 PM
37	What incentives would the City/County offer homeowners to work creatively with them to meet the housing needs of a growing community? I am pleased to see existing single family and multi-family homes being restored.	2/22/2018 5:47 PM
38	Would like to see more town house/duplex/triplex etc housing available with parking space that is off street. Housing by high school is beautiful but the parking situation is a MESS!!! Effective use of space needs to include parking in the equation. Not maximize units and leave no space to park or drive down streets. Also look at lowering housing price and sizes as not everyone can do $400,000+ especially for a first home. Permit more mother-in- law projects to help with housing needs for single individuals. Just think about parking before you do so.	2/22/2018 5:24 PM
39	if more housing will lead to light rail (Max) coming to Oregon City, it WILL bring more crime to the area. Look at Clackamas Town Center...shoplifting went up 100 - 200%. If you give criminals access to other neighborhoods, they'll travel...so please step up police/security presence wherever more housing and the MAx lands.	2/22/2018 5:09 PM
40	There is a need for mother-in-law suites.	2/22/2018 4:50 PM
41	is you can't afford it, you shouldn't buy it or be there	2/22/2018 4:25 PM
42	I think development is best done iteratively. Instead of a big developer (who generally doesn't live here) coming in and having a massive impact on a neighborhood, things go better when the people who live (or plan to live) here make the decisions on their own. That said, the incentives need to encourage people to build efficient, modest-sized homes and do all they can to maintain our natural environment (trees and green space etc. Overall I URGE everyone involved in this to get involved in / read about / learn from the Strong Towns movement which is *key* to the long-term health of Oregon City. See https://www.strongtowns.org/	2/22/2018 4:22 PM
43	Somehow the equity issues need to be addressed. Poor people get stigmatized and encouraged to apathy because their living conditions are so poor. Renters generally don't care to join in neighborhood activities. There are people who know about how to address these concerns...is this city interested in learning? Our new housing developments are awful...awful!!! Icon Development should be banned from building here.	2/22/2018 4:20 PM
44	The city is over building itself as is. More housing is not needed. The influx of traffic on the existing roadways is going to be too much to handle, not to mention how it will effect schools. If you continue to build without fixing the traffic issues then you're going to drive people out. Quit thinking with your pocket books and start using common sense.	2/22/2018 4:19 PM
45	We need more smaller housing options that are affordable!	2/22/2018 3:14 PM
46	All new housing must have at least one off street parking spot per unit	2/22/2018 2:50 PM
47	a house, mini-house, mobile home, apartment, or a unit in a plex are not equal and I doubt equitable to each other unless you are just using equitable as a buzzword	2/22/2018 2:45 PM
48	I'm a transplant here for a temporary period of time (1 year) and on an AmeriCorps stipend I have found it exceedingly difficult to find housing and make ends meet. 2/3 of my take home pay goes to rent a place I don't enjoy all that much and I'd truly value cheaper, better located housing options in Oregon City.	2/22/2018 2:36 PM
49	I think we need more affordable/low rent housing in Oregon City. Young people starting out working minimum wage can't afford to pay rent.	2/22/2018 2:35 PM
50	I feel there are no reasonable ways to own. A serious attempt to get family's to buy vs rent. And rather than tax breaks to developers to build give tax breaks to family's who buy. I would even like to explore the idea that a family could buy land and contract a home to be built vs a developer buying and building large sections.	2/22/2018 2:20 PM
51	Assisted living and freebees are destroying the Oregon I came to live in over 40yrs ago. I am seriously looking to relocate out of such a liberal area.	2/22/2018 2:07 PM
52	We moved to Oregon City after 35 years in NE Portland. The aspect we like best of Oregon City is the small-town feel. We do not want to see Oregon City developed into one of high dentist housing.	2/22/2018 2:00 PM
53	Still not clear on what equitable housing is. Do we currently have housing that is not equitable and discriminates against folks? The role of government is to provide equal opportunity not equal outcomes. I see this as a frivolous waste of taxpayer dollars that could be better spent providing the basic services that the city is supposed to provide.	2/22/2018 1:48 PM
54	Accessibility is really important. Wheelchair size doorways and hallways are necessary, as are considerations for accessible bathrooms and kitchens.	2/22/2018 1:47 PM
55	Housing is not affordable. My husband and I both have good jobs and are struggling to find an affordable single family home for our family.	2/22/2018 1:46 PM
56	Keep Portland weird, NOT Oregon City	2/22/2018 1:44 PM
57	Less car-centric, closer to anenities, many options of all suzes and configurations.	2/22/2018 1:42 PM
58	I have noticed in nearby areas where large apartments have gone in, schools are overburdened, places quickly become rundown, and crime takes a jump. We need affordable housing, but we need to solve the problems it brings before green lighting all these alternatives. It would be harmful to existing neighborhoods to start allowing, mother in law suites, or dividing the property into units. Homeowners purchased single family homes for that reason. I looked at your pictures and they are the nicest of the nice Portland has. You should go into the areas where it isn't so nice and there are a lot of them. My son is a builder that specializes in ADUs but he works hard to preserve the look of the neighborhood as well.	2/22/2018 1:39 PM
59	I would also like options/policies regarding short term rentals if we are looking to increase housing opportunists, like tiny houses and ADUs.	2/22/2018 1:32 PM
60	I think tiny homes, live/work units, and mixed-use buildings are the future of land development.	2/22/2018 1:28 PM

61	Would love to see a beautiful low income senior development with access to transit and shopping. We need to prepare for our aging population thoughtfully. I likely won't be low income but my mom is and I can't find her housing. The wait list is 2 years or more in most places. We will need a variety of senior living scenarios.	2/22/2018 1:17 PM
62	What do you mean by equitable?	2/22/2018 1:13 PM
63	Do not build apartments or town homes. It does nothing but detract from neighborhoods and brings in crime and increased traffic.	2/22/2018 1:03 PM
64	We need more affordable housing, prices are to high for small families to get started.	2/22/2018 12:59 PM
65	There needs to be more variety in housing types. Standard housing developments, by and large, only provide one type of housing, 2 story, 2500+ sq ft, postage stamp lot, $35000+. Many people want something different, but because of all the regulations, builders cannot afford to build anything different. Reducing the regulations, especially on infill lots, would give rise to some different housing options. I own an acre in the city, on which I tried to locate 5 low cost duplexes, but the city wanted me to do $500,000 of improvements to the city infrastructure. My property has been in the city limits for over 100 years, so the property has already paid it's share of taxes and should not be expected to pay such an outrageous amount to just infill. I gave up on the project because I do not have an extra half a million to give to the city. I have moved on to more cost effective projects in easier to work with jurisdictions. You will be more successful in your quest to have more diverse housing when you reduce the regulations, especially on existing city properties.	2/20/2018 1:29 PM
66	It's important that a housing assessment be completed in Oregon City to determine needs of residents, and that all neighborhoods be required by code to include a variety of affordable housing types for all income levels.	2/19/2018 10:10 PM
67	Rent control is important. I am a single parent and make ok money. My rent increases $100 every year. It now takes 2 paychecks to pay. I am blesses to have a roof over our heads, but I work hard and sometimes I don't have enough for food or gas.	2/17/2018 1:15 PM
68	Wish there were more rent to own homes available.....	2/17/2018 1:19 AM
69	We need a variety to serve all housing needs, affordable to the growing demographic of millennials who will soon be raising families and to our workforce able to buy in the communities in which they work. We also need single level detached housing affordable to the aging Baby Boomers near their children and grandchildren.	2/15/2018 3:58 PM
70	Variety is a good thing, tract home R-8 developments do not make attractive neighborhoods.	2/12/2018 4:14 PM
71	Build single family homes only, no apartments, town homes or trailer parks.	2/12/2018 10:48 AM
72	Tax abatement and or FAR increases	2/12/2018 10:12 AM
73	They need to be thought out. Not just short term, but where growth will happen. Who can afford which areas and what kind of people you want to attract. OC could be an amazing town if laws were passed to clean up (literally) the streets and neighborhoods and to minimize crime and felons and sex offenders.	2/11/2018 9:37 PM
74	The survey failed to offer a not applicable option to many of the housing options I found undesirable. I didn't check any options... but one or two negatives alongside the positives would be nice.	2/11/2018 11:06 AM
75	No	2/10/2018 5:27 PM
76	I would love to build a tiny house or mother-in-law unit but the process through the city is daunting.	2/10/2018 2:44 PM
77	My home is multi generational home. Built in 1966, great construction and a big home. Not a single family home but still a great place.	2/10/2018 2:33 PM
78	The City needs to start thinking outside the box and begin to allow and encourage denser housing, and not let the City footprint just sprawl with boring cookie cutter single home developments, far from amenities . Family homes and those with land around them need to be able to divide structures, develop tiny homes, ADUs, mother-in-law apartments and the like to help younger and older people live in smaller and more affordable housing.	2/10/2018 1:06 PM
79	We just need units available under $1000/mo. Single families can hardly afford to live. People are being forced to share apartments and houses not meant to be shared just to afford rent.	2/10/2018 12:39 PM
80	I don't want our neighborhood to have tall buildings that block our view of the sky.	2/10/2018 10:55 AM
81	With the increase in large house value, and declining income for the bulk of Americans, cottage and tiny housing will be the only affordable housing for many.	2/9/2018 11:47 PM
82	We must build affordable rental housing and do it yesterday!	2/9/2018 9:56 PM
83	I do not support allowing dividing single family homes or building small living structures in backyards for rental purposes. It will change the quality of a neighborhood.	2/9/2018 8:57 PM
84	The city should use a light hand when it comes to regulations. Let the market determine what types of housing are needed in which locations. Encouraging a high enough density to help create a vibrant urban walkable character in specific areas of town. This higher density of housing and commercial uses could allow the city to be self sufficient and eliminate the need to travel outside the immediate neighborhood for shopping work or services, reducing reliance on automobiles and transit.	2/9/2018 7:45 PM
85	Annexation needs to be approved by the voters. Construction restrictions, required permits are ridiculous. Needs to be realistic.	2/9/2018 7:24 PM
86	Make ADU's easier to implement	2/9/2018 6:31 PM
87	housing needs to be design compatible with neighborhood	2/9/2018 6:03 PM
88	O.C. should promote granny flats by getting rid of the fees foe a few years like Portland did.	2/9/2018 5:51 PM

Q1 Generally, expand allowed “missing middle” housing types permitted in low-density, predominately single-family zones subject to design standards tailored to each type of development, including accessory dwelling units, internal conversions, corner duplexes and cluster housing.

Answered: 92 Skipped: 2



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	535	92
Total Respondents: 92			

#		DATE
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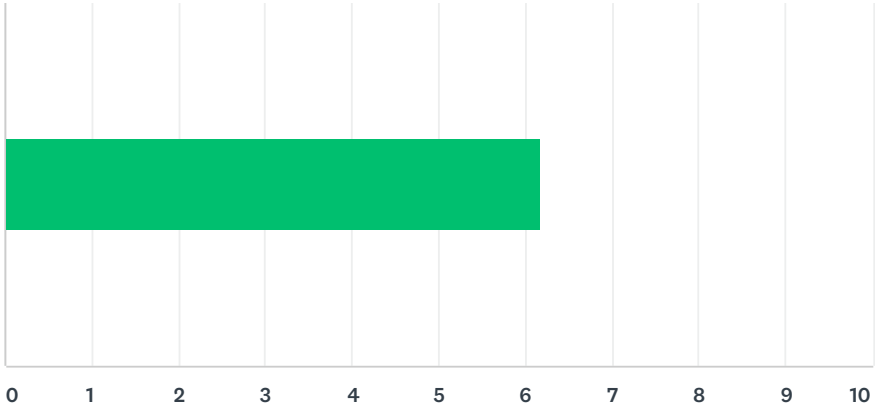
88	6	5/30/2018 8:37 PM
89	0	5/30/2018 5:51 PM
90	9	5/30/2018 5:27 PM
91	10	5/30/2018 4:15 PM
92	7	5/30/2018 4:10 PM

Q2 Generally, expand allowed “missing middle” housing types permitted in medium-density, mixed single-family and multifamily zones subject to dimensional and design standards tailored to each type of development, including ADUs, internal conversions, cluster housing, duplexes and multiplexes.

Answered: 93 Skipped: 1



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	573	93
Total Respondents: 93			

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70	10	5/31/2018 10:27 AM
71	10	5/31/2018 10:08 AM
72	0	5/31/2018 9:59 AM
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74	0	5/31/2018 9:56 AM
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76	5	5/31/2018 9:45 AM
77	10	5/31/2018 9:35 AM
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79	6	5/31/2018 9:28 AM
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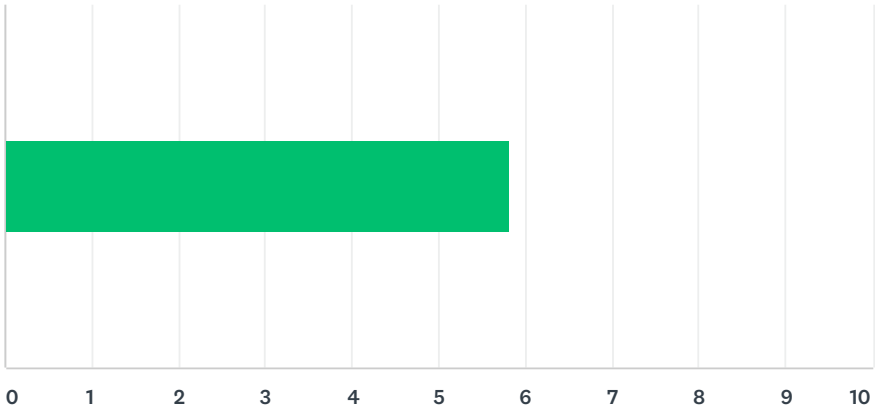
90	0	5/30/2018 5:51 PM
91	10	5/30/2018 5:27 PM
92	10	5/30/2018 4:15 PM
93	7	5/30/2018 4:10 PM

Q3 Encourage greater Accessory Dwelling Unit (ADU) production by removing owner-occupancy and off-street parking requirements and simplifying dimensional and design standards.

Answered: 92 Skipped: 2



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16	0	6/14/2018 8:49 AM
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19	6	6/13/2018 1:23 PM
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43	5	6/9/2018 9:30 AM
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46	5	6/7/2018 8:06 AM
47	1	6/6/2018 6:26 PM
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51	10	6/3/2018 9:13 PM
52	7	6/2/2018 3:53 PM
53	0	6/2/2018 8:41 AM
54	10	6/2/2018 6:14 AM
55	0	6/1/2018 8:58 PM
56	0	6/1/2018 7:36 PM
57	5	6/1/2018 3:13 PM
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59	10	6/1/2018 5:44 AM
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61	10	5/31/2018 4:27 PM

62	10	5/31/2018 2:19 PM
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89	0	5/30/2018 5:51 PM
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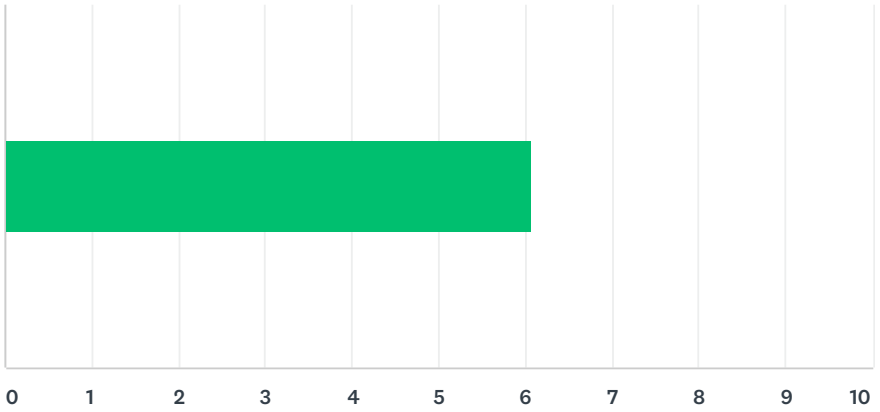
91	10	5/30/2018 4:15 PM
92	7	5/30/2018 4:10 PM

Q4 Allow internal conversions of existing single-family homes into 2-4 units in all residential zones for homes built prior to 1990 to encourage retention of existing housing stock.

Answered: 93 Skipped: 1



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Total Respondents: 93			

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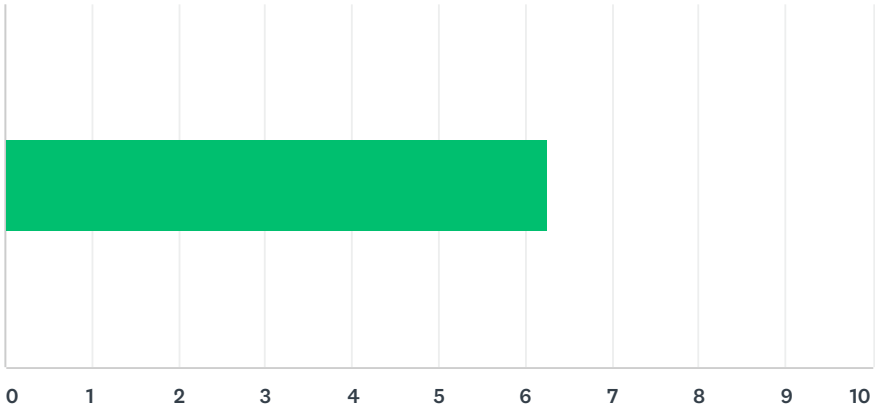
93	10	5/30/2018 4:10 PM

Q5 Allow corner duplexes on standard lots in the predominately single-family, low-density residential zones, subject to design requirements on both street-facing facades. Allow duplexes on all lots in the medium-density zones similar to existing regulations.

Answered: 93 Skipped: 1



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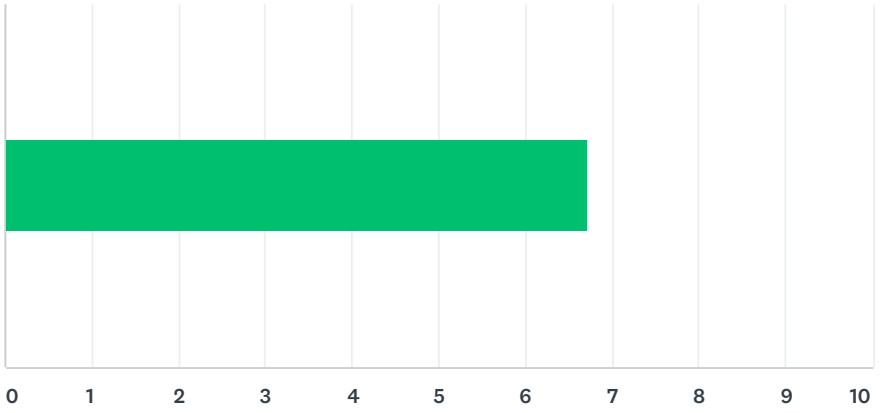
93	10	5/30/2018 4:10 PM

Q6 Allow townhouse development in the medium-density zones where it is already permitted in the R-3.5 zone, and in the high-density residential zone as an alternative to apartments. Apply new dimensional standards and design standards specific to townhouse development.

Answered: 93 Skipped: 1



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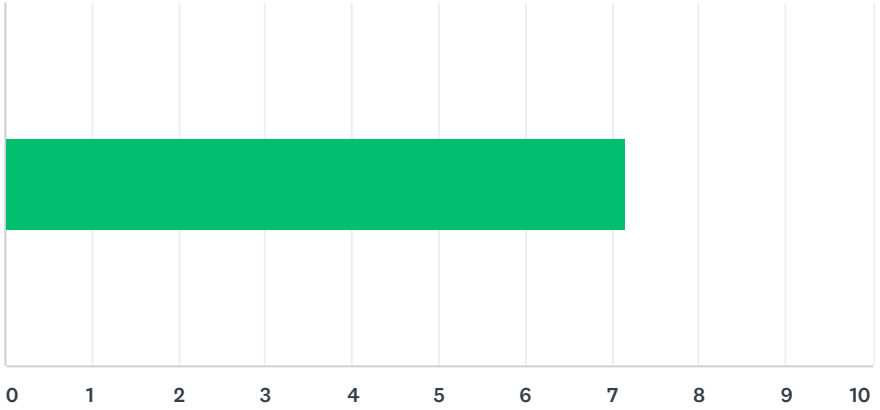
Q7 Allow existing manufactured home parks in their current medium-density residential locations, to facilitate ongoing upgrades and improvements.

Answered: 90 Skipped: 4



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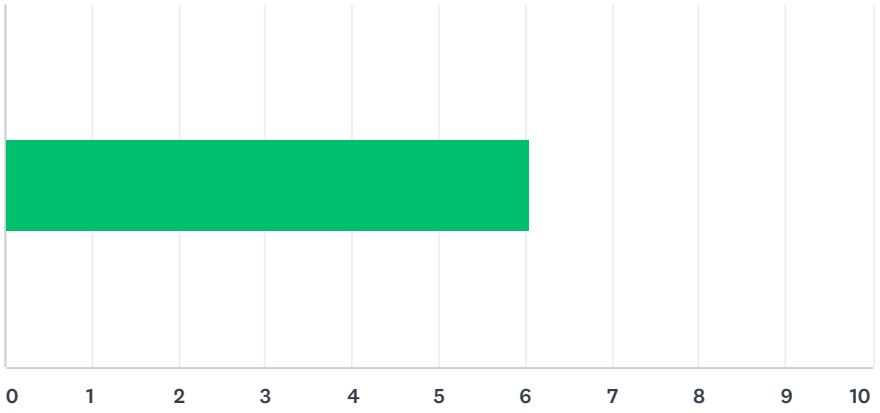
90	10	5/30/2018 4:10 PM

Q8 Permit small multifamily projects with three to four units on a single-lot (triplexes and four-plexes) in medium-density zones through a review process similar to that for single-family and duplex homes, with design standards similar to apartments.

Answered: 90 Skipped: 4



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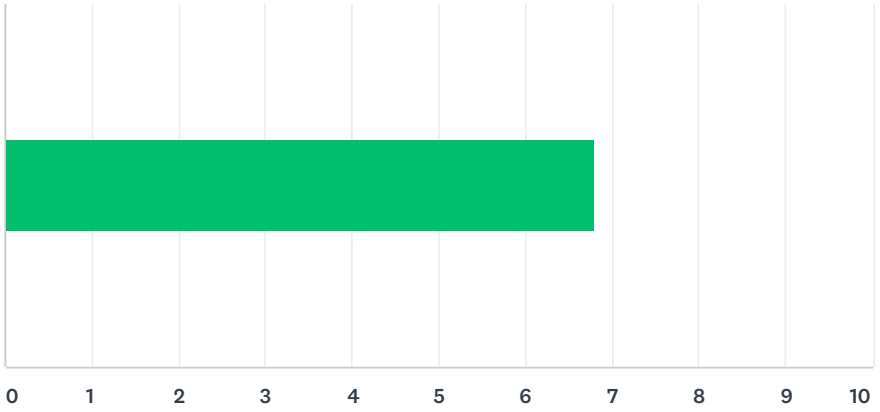
Q9 Introduce new cluster housing standards as a significant revision to the existing cottage housing standards that permit homes at higher densities and smaller scale organized around a central court. Allow a greater variety of residential units from detached cottages and duplexes in the low density zones with additional options for townhouses and multiplex residential in the medium density zones. Update design standards for more flexibility, consistent with standards for other residential development.

Answered: 92 Skipped: 2



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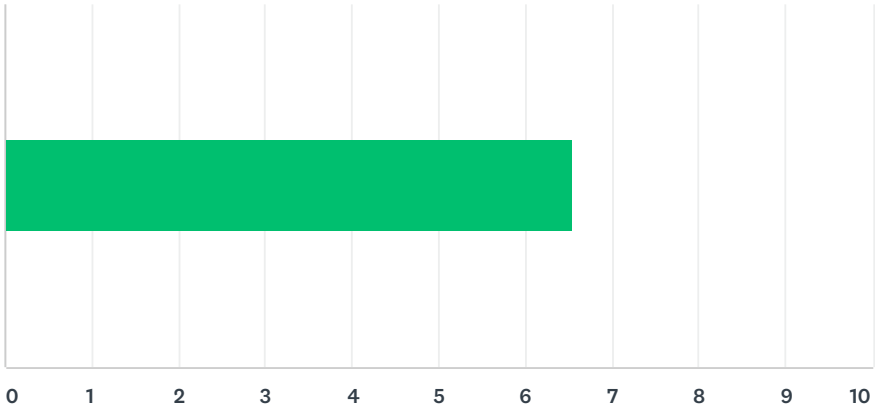
Q10 Permit wider range of residential types from single-family detached houses and townhouses to apartments in the high-density zone, in place of limiting uses to multifamily apartments, provided that minimum density standards are met.

Answered: 90 Skipped: 4



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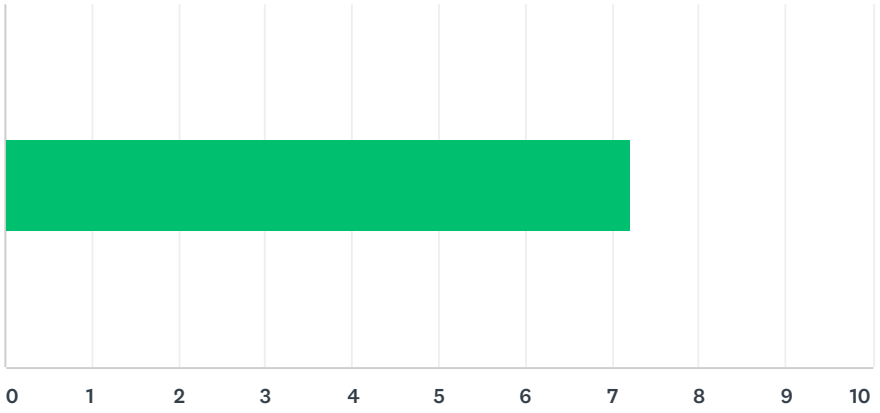
Q11 Allow proposed cluster housing development in the high-density zone, for smaller scale developments of up to 12 units in any format from individual cottages to attached garden apartments or townhouses. Housing units to be clustered around a common courtyard.

Answered: 90 Skipped: 4



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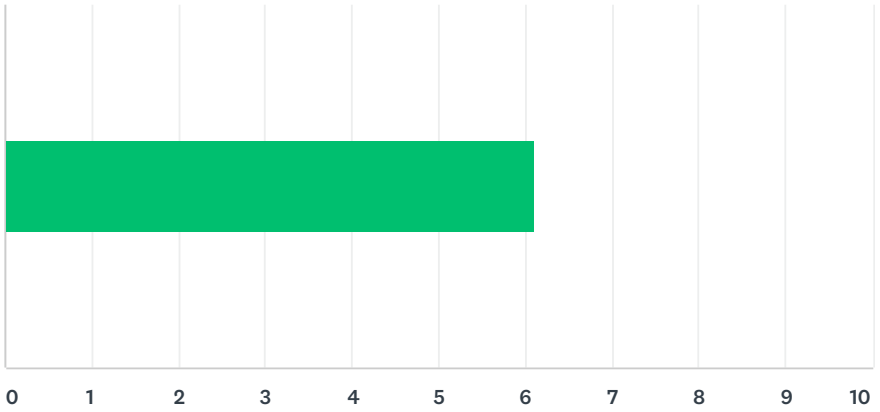
Q12 Offer a 20% density bonus in the high-density zone for regulated affordable housing projects that guarantee units will be affordable for a minimum of 30 years.

Answered: 88 Skipped: 6



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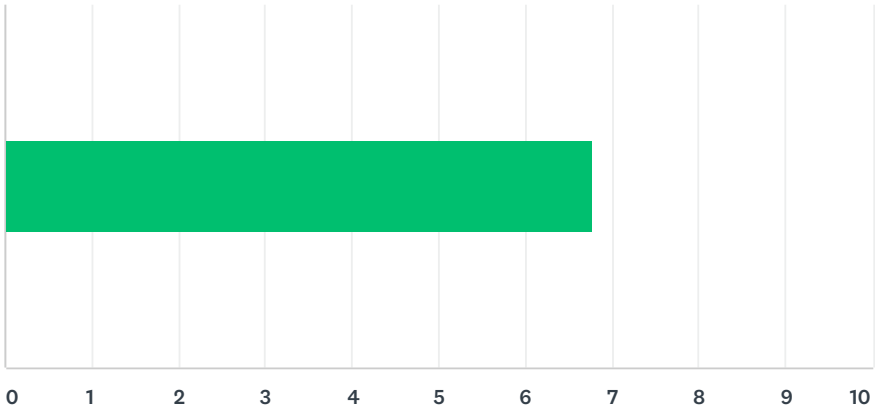
81	10	5/30/2018 9:46 PM
82	0	5/30/2018 9:18 PM
83	8	5/30/2018 8:39 PM
84	7	5/30/2018 7:03 PM
85	0	5/30/2018 5:52 PM
86	10	5/30/2018 5:27 PM
87	10	5/30/2018 4:16 PM
88	10	5/30/2018 4:10 PM

Q13 Retain multifamily apartments as a permitted use in commercial and mixed-use zones with no limitations on ground floor use or required commercial component.

Answered: 88 Skipped: 6



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Total Respondents: 88			

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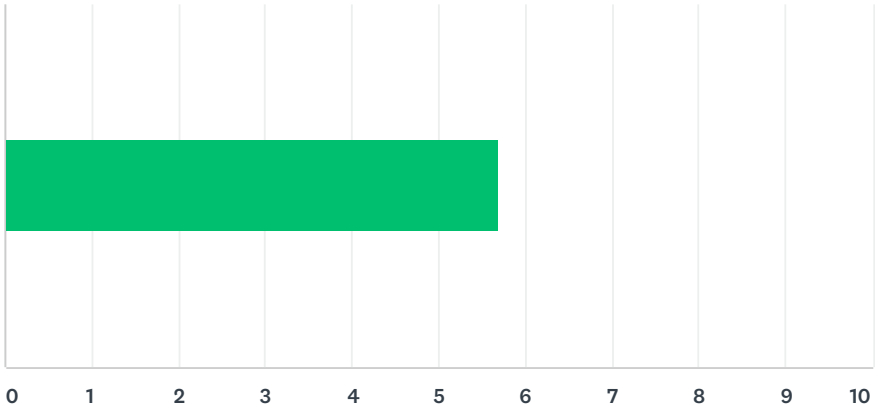
88	10	5/30/2018 4:10 PM

Q14 Retain existing density minimums and maximums in all residential zones, including existing increases for cluster development, ADUs and duplexes. Introduce new density increases for townhouses and multiplex residential in the medium-density zones.

Answered: 82 Skipped: 12



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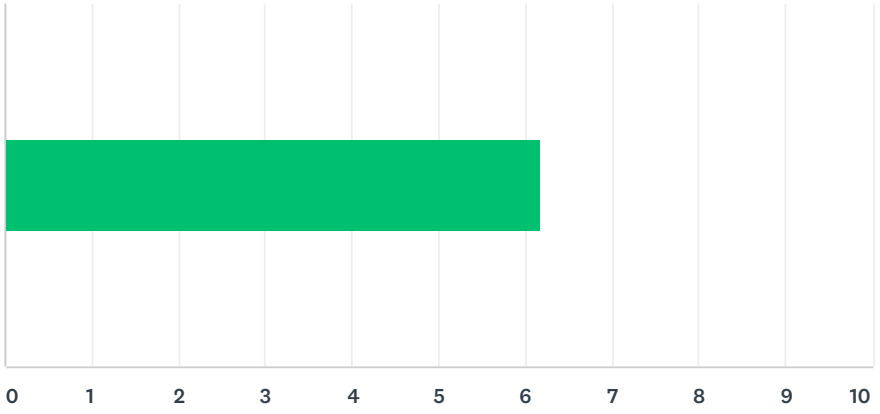
82	10	5/30/2018 4:11 PM

Q15 Simplify residential parking standards for all residential types, requiring a standard of one off-street space per unit for every type of dwelling from single-family detached residential houses to apartments, with no off-street parking required for ADUs. There is currently no minimum for single-family homes and duplexes, and minimums for multifamily residential range from 1 to 1.75 spaces.

Answered: 83 Skipped: 11



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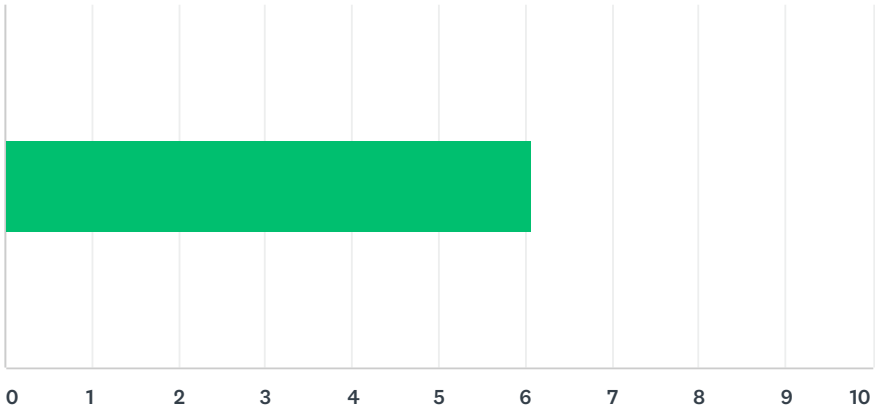
Q16 Simplify design standards for multifamily and mixed-use buildings to de-emphasize articulation and modulation requirements in favor of architectural detailing and other lower-cost design strategies.

Answered: 82 Skipped: 12



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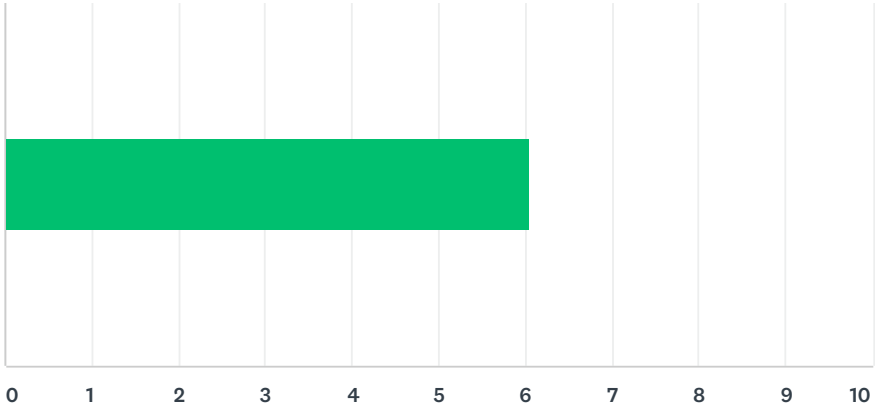
Q17 Retain existing lot averaging provisions for new subdivisions that permit individual lot sizes to be reduced by up to 20% provided that the average lot size within the subdivision meets the minimum requirement for the zone. The provisions allow for more flexible lot patterns, particularly on irregular lots or lots with development restrictions.

Answered: 80 Skipped: 14



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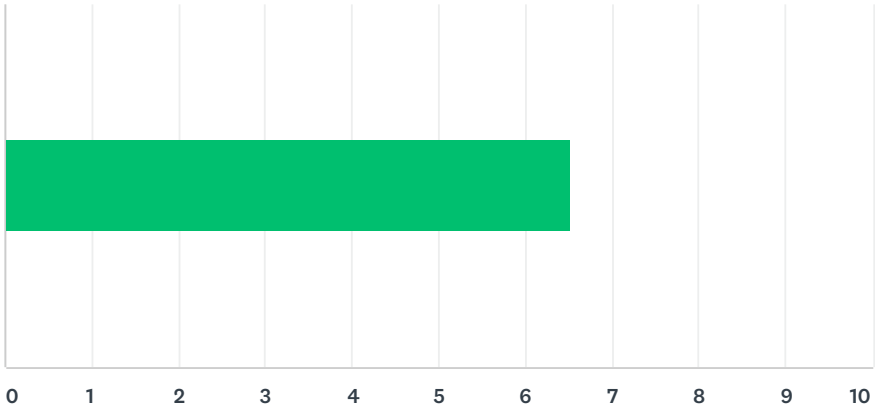
Q18 Promote a modified master plan option for larger residential development projects that mix various types of housing, e.g., single family homes, cluster housing and townhouses, in lieu of standard subdivision process.

Answered: 82 Skipped: 12



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25	1	6/12/2018 6:05 PM
26	6	6/12/2018 4:08 PM
27	7	6/12/2018 2:56 PM
28	9	6/12/2018 1:59 PM
29	3	6/12/2018 1:48 PM
30	1	6/12/2018 1:17 PM
31	9	6/12/2018 12:43 PM
32	5	6/12/2018 11:11 AM
33	10	6/11/2018 5:56 PM
34	10	6/11/2018 5:24 PM
35	7	6/11/2018 4:28 PM
36	1	6/11/2018 11:45 AM
37	10	6/11/2018 11:09 AM
38	8	6/9/2018 9:32 AM
39	10	6/7/2018 4:58 PM
40	10	6/7/2018 10:14 AM
41	7	6/7/2018 8:21 AM
42	1	6/5/2018 7:57 PM
43	8	6/5/2018 10:35 AM
44	7	6/4/2018 12:54 PM
45	10	6/3/2018 9:23 PM
46	10	6/2/2018 4:40 PM
47	0	6/2/2018 8:51 AM
48	2	6/1/2018 9:02 PM
49	0	6/1/2018 7:42 PM
50	0	6/1/2018 9:07 AM
51	8	6/1/2018 5:47 AM
52	7	5/31/2018 8:19 PM
53	10	5/31/2018 4:58 PM
54	10	5/31/2018 2:19 PM
55	10	5/31/2018 2:06 PM
56	7	5/31/2018 1:12 PM
57	9	5/31/2018 12:51 PM
58	0	5/31/2018 12:01 PM
59	8	5/31/2018 11:18 AM
60	10	5/31/2018 11:14 AM

61	9	5/31/2018 11:10 AM
62	5	5/31/2018 10:32 AM
63	10	5/31/2018 10:11 AM
64	0	5/31/2018 10:05 AM
65	10	5/31/2018 9:59 AM
66	0	5/31/2018 9:59 AM
67	5	5/31/2018 9:48 AM
68	3	5/31/2018 9:42 AM
69	5	5/31/2018 9:38 AM
70	9	5/31/2018 9:32 AM
71	7	5/31/2018 9:29 AM
72	10	5/31/2018 9:27 AM
73	10	5/31/2018 9:16 AM
74	10	5/31/2018 7:01 AM
75	0	5/31/2018 1:08 AM
76	7	5/30/2018 9:20 PM
77	8	5/30/2018 8:42 PM
78	8	5/30/2018 7:11 PM
79	0	5/30/2018 5:56 PM
80	10	5/30/2018 5:29 PM
81	8	5/30/2018 4:24 PM
82	10	5/30/2018 4:11 PM

Q19 Do you have any questions, thoughts, concerns or ideas about the proposed equitable housing policy changes? Is there anything we missed?

Answered: 34 Skipped: 60

#	RESPONSES	DATE
1	Zoning is the problem. There is no way that city employees have the local knowledge (or skin in the game) to design a master plan that meets the housing needs of a rapidly changing economy, The best strategy is to get out of the planning business and allow natural market forces to dictate where, what kind and how much housing is needed. I understand the City can't control everything as there are regs out of Salem we must follow, but I bet we could improve things if the City were to downscale it's thumbprint on the process.	6/20/2018 1:48 PM
2	I am in favor any housing concept that can make it feasible for people to secure relatively inexpensive housing. The town homes down the road from me off . South End road seem to be an ideal start. It may also require financial incentives for builder and alliances developed with the financial community	6/20/2018 9:43 AM
3	These are all important and should be coupled with more areas zoned at higher densities. We have too much low density residential. Also please consider reducing SDCs for multi family units and ADUs.	6/19/2018 12:57 PM
4	No questions - it looks like you covered everything discussed. Great Job!	6/18/2018 9:46 PM
5	Are any changes being made the historic district housing requirements?	6/15/2018 11:59 PM
6	We need off street parking and access to mass transit to ensure a broader ability for everyone to get around.	6/14/2018 9:03 PM
7	We need to address a very low cost Tiny House category in Planned Cluster Developments on even smaller lot sizes with concession on all SDC Fees, where we can achieve more houses with smaller bedrooms at one third or less in the cost of an apartment unit found in an multi-story apartment complex.	6/14/2018 2:12 PM
8	Missing from this is allowance of tiny houses, ie those smaller than allowed under existing cottage sized house codes. These may very well be a vital part of solutions for affordable housing, as demonstrated in developments in Eugene and elsewhere.	6/14/2018 8:06 AM
9	I am a land use planner and still find this survey difficult to understand. Focus efforts on allowing alternative housing development types such as cluster/courtyard homes, tiny homes, ADUs, etc while not decreasing design review requirements or the (design) quality of the developments	6/13/2018 1:06 PM
10	A good example for Oregon City officials to tour is Fairview Village in Fairview, OR. They have implimented "Best Practices" and learned some lessons in the process.	6/13/2018 10:08 AM
11	All must have 2 off street parking and zone no street parking after 1 am	6/13/2018 1:14 AM
12	I appreciate your asking me the questions. My greatest concern with regard to housing development is auto traffic congestion.	6/12/2018 2:56 PM
13	Please keep OC OC, not Portland. That is why we moved here. This isn't a big city, lets not turn it into one...	6/12/2018 1:48 PM
14	I think we should encourage community gardens, green paving and more green spaces if were going to pack more people in smaller spaces, more geen spaces and big Tall 150 foot potential hight tree planting. Red oaks and such. More animal habitat and stream and water way exposure.	6/12/2018 11:11 AM
15	I think some commercial mixed use areas should have a 1st floor requirement for conmercial activity. Not in all areas of this zone, but in some dedicated areas.	6/7/2018 8:21 AM
16	Maintain existing Oregon City residential atmosphere and avoid high density housing and changes to neighborhoods	6/5/2018 7:57 PM

17	This is an historic town. Although we need to encourage density and affordable housing, it is vital not to allow developers to construct featureless architectural people-storage boxes that in no way relate to their surroundings.	6/4/2018 12:54 PM
18	Cluster housing projects should have lowered SDC fees. The lower fees are necessary because of the smaller unit requirement. It's justified because of the increased density.	6/3/2018 9:23 PM
19	I'm concerned if there are still limited affordable places to buy, more and more of us will be life-long tenants. We MUST do better in regards to housing stability and affordability for tenants. Part of housing equity is not just a change in zoning code; it's a change in the way we think of housing overall. Shelter is meant to be shelter, not a money-maker for the "big" house inhabitants. Please consider putting into place (as a start, but Oregon City can do even better!) tenant protections similar to Portland's.	6/2/2018 4:40 PM
20	I feel that the traffic concerns for adding high volume housing projects is not adequately addressed, and while these options might be good for many, the issue of overcrowding roadways and schools is a real concern that cannot be remedied with a single road improvement and should be thought about carefully before expanding housing in large volumes. It would be nice to see a plan for a new school in high volume areas to account for the increase in volume which would likely bring more low to middle income families to the area and dump their kids into an already overcrowded and underfunded school and emergency response system.	6/2/2018 8:51 AM
21	Most of our housing shortage (and subsequent skyrocketing rents) is the result of the city zoning and housing standards. The best way to create affordable housing is for the city to get out of the way and let the market meet the demand. Our crisis is because of city planning...and thus will not be fixed by more city planning	6/1/2018 9:07 AM
22	Wasn't sure how to answer any of these questions because the language was hard to understand. You didnt provide enough context beyond zoning definition. Pictures were helpful, but the last portion of questions made no sense to me, e.g WTF are articulation and modulation?	5/31/2018 8:19 PM
23	Would love to see encouragement of mixed use, incorporation and requirement of small gathering spaces within these plans and walkability to restaurants and other everyday places to cut down on traffic. The more we can walk from our neighborhood across the street to get groceries or to a restaurant, the less traffic there is. This emulates Sellwood where walking to the bank, to the bar, to the dry cleaners and to a restaurant is what everyone does. It’s a splendid place to live. I hope we can develop that kind of walkable and bikeable city here.	5/31/2018 4:58 PM
24	Don't turn OC into Portland. People buy homes here for a reason and pay the price to not have there street filled with cars from apartments and row housing.	5/31/2018 12:01 PM
25	reduce fees charged for development, they are passed on to buyers, making home unaffordable.	5/31/2018 11:14 AM
26	I am concerned that allowing townhomes instead of apartments in the R2 zone will result in only townhomes being built and therefore be less affordable. These zone are "needed housing" areas.	5/31/2018 11:10 AM
27	I highly support internal conversions as an option for the missing middle. This approach keeps compatibility and increases dwelling units. This should be allowed in all single family dwelling districts.	5/31/2018 10:11 AM
28	Regarding the 20% density bonus: How does the city plan on guaranteeing housing units stay "affordable" for 30 years? Does the city plan on putting an artificial ceiling on the price of a house/condo in those areas? One of the main ways the average person accumulates wealth is the appreciation of value of real estate. If the City places a cap on the price an owner can sell their house or condo for it would make that unit less attractive to buyers because the City would be eliminating the potential for the market price to rise beyond the cap.	5/31/2018 9:42 AM
29	Oregon City needs to allow more mother inlaw type quarters with the increase in baby boomers.	5/31/2018 9:38 AM
30	Create new Tiny House category for dwelling units of greater than a footprint of 200 Square Feet. Allow for the rezoning of commercial and industrial zones properties where planned affordable housing communities create increases of greater than 100 new dwellings units within clusters.	5/31/2018 7:01 AM
31	I strongly support more equitable housing options, which I see very lacking in this community. I did find the language in this survey to be somewhat inaccessible for the lay person. I didn't answer some questions because I wasn't completely clear on what was being asked/stated.	5/30/2018 9:52 PM
32	Require all new housing development that is market rate to provide a percentage of affordable housing, like around 30%. Increase density in areas of low density zones. Remove parking minimums and encourage public transportation use.	5/30/2018 7:11 PM

33	Yes. Equitable housing does not mean high density. Are you Portland wanna-be's?	5/30/2018 5:56 PM
34	As the city changes, I'm excited that the council and building department is seeking ways to creatively address some of the issues of inequality that are arising in the region due to the housing shortage. It's encouraging to see these ideas take form and I'm happy to be flexible in the way I view my city and get around in it if it means that we can make room for a wider diversity of families and individuals. As the market pushes the housing price up, those without as many resources need advocates and it's great that the city is working on their behalf to find equitable solutions.	5/30/2018 4:24 PM

OREGON CITY

Equitable Housing Project

Public Workshop

Tuesday, May 15, 6:00 – 8:00 p.m.
Oregon City Library (606 John Adams St.)

SUMMARY

WELCOME, INTRODUCTIONS

Pete Walter welcomed members of the public and thanked them for attending the Equitable Housing Public Workshop. Pete explained that the Equitable Housing Study began during the summer of 2017 and is expected to be completed in 2018. The purpose of the project is to remove barriers to developing more equitable housing. The work of the project has been guided by a Technical Advisory Team and Project Advisory Team, some of whom are here tonight. Steve Faust from 3J Consulting and Elizabeth Decker of JET Planning are leading the project.

Elizabeth Decker explained that the agenda for the evening. Elizabeth will present proposed changes to the City's development codes designed to result in more equitable housing. Following the presentation, small groups will discuss the proposals. The small groups will report back to the larger group before adjourning at 8pm.

PRESENTATION

Elizabeth explained that equitable housing is defined by Metro and the City as "diverse, quality, physically accessible affordable housing choices with access to opportunities, services and amenities." This includes choices for homes: to buy or rent; accessible to all ages, abilities and incomes; and convenient to meet every day needs, such as transit, schools, childcare, food and parks.

The housing supply in Oregon City is dominated by single-family detached houses that provide quality homes for many residents. However, these houses are unaffordable to an increasing number of households at the same time that household sizes are shrinking. Households paying more than 35 percent of their income to housing are considered to be in unaffordable housing. In Oregon City, 1,629 homeowners with a mortgage meet this definition, 171 homeowners without a mortgage, and 1,633 renters. That totals approximately 27 percent of all households in Oregon City. More than 55 percent of Oregon City households consist of 1-2 people and only 37.2 percent have children.

While limited in numbers, alternatives to single-family detached homes are diverse.

Housing Type	Units
Multifamily (5+ units)	2,120 units
Townhouse	688 units
Manufactured homes	418 units
Multiplex (3-4 units)	359 units
Duplex	252 units
Accessory dwelling units	23 units
Cottage housing	0 units

At the most extreme, a lack of diverse housing stock can contribute to an in increase in persons experiencing homelessness. The 2017 Oregon City homeless count found 322 individuals experiencing homelessness in Oregon City, 186 of whom were under 18 years old. The Oregon City School District has seen a 93 percent increase in its homeless student population over the last 10 years. The top reasons cited by those experiencing homelessness were that 1) rents were too high, 2) unemployment and 3) eviction.

The result of these trends is a lack of housing that meets the needs of Oregon City households and contributes to the lack of equitable housing, lack of housing choices and, at the extreme, an increase in homelessness. The City initiated a project to remove regulatory barriers to developing more equitable housing, to support development of more housing and more diverse types of housing affordable to a wider range of Oregon City residents.

Residential development takes place within different zones of the city, each currently tailored to support a different mix of housing and uses. The main zoning categories to understand as the backdrop for future policy changes are:

- Low-Density Residential Zones: These are areas primarily used for single-family residential, and what many think of as a traditional residential neighborhood with individual houses. These are zoned R-10, R-8, and R-6 corresponding with 10,000-square foot minimum lot sizes, 8,000 sf, 6,000 sf respectively. These zones together are the most common residential zones in the city, applied to the greatest amount of land.
- Medium Density Residential Zones: These are more mixed zones, with some single-family homes on smaller lots and some attached townhouses. Zoned R-5 and R-3.5 with 5,000 square feet or 3,500 square foot lots.
- High Density Residential Zone: The highest density zone is R-2, with a 2,000 square foot per unit requirement and primarily multifamily development, typically built as low-rise apartment buildings of a few stories.
- Mixed-Use and Commercial Zones: Primarily located along prominent corridors and in downtown, these areas contribute to housing opportunities because they allow all-residential projects with no requirements for mix of uses or ground floor use limitations.

The project has resulted in several broad groups of proposed policy changes to increase equitable housing opportunities in Oregon City.

- Expand “missing middle” housing in low and medium density zones
- Expand housing types while maintaining density in high density zone
- Continue to allow multifamily residential in mixed use and commercial zones
- Coordinate permitting, design and improvement requirements for residential development

A summary of proposed changes to the City’s policies and codes to promote more equitable housing includes:

Expand allowed “missing middle” housing types permitted in predominately single-family zones with dimensional and design standards tailored to each type of development.

- Liberalize accessory dwelling unit (ADU) regulations consistent with emerging best practices and state mandates to remove owner-occupancy and off-street parking requirements, and simplify

dimensional and design standards, to encourage greater ADU production which is currently averaging two units per year.

- Introduce internal conversions of existing single-family homes into 2-4 units as a permitted use in all residential zones for homes built prior to 1990 to encourage retention of existing housing stock.

- Introduce corner duplexes as a permitted use on standard lots in the predominately single-family, low-density residential zones, subject to design requirements on both street-facing facades. Allow duplexes on all lots in the medium-density zones similar to existing regulations.

- Support expanded townhouse development, which has traditionally performed well in the Oregon City market, by permitting it in the medium-density zones, where it is already permitted in the R-3.5 zone, and in the high-density residential zone as an alternative to apartments. Apply new dimensional standards and design standards specific to townhouse development.

- Permit existing manufactured home parks as an allowed use in their current medium-density residential locations, to facilitate ongoing upgrades and improvements.

- Permit small multifamily projects with three to four units on a single-lot (triplexes and four-plexes) in medium-density zones through a review process similar to that for single-family and duplex homes, with design standards similar to apartments.

- Introduce new cluster housing standards as a significant revision to the existing cottage housing standards that permit homes at higher densities and smaller scale organized around a central court rather than traditional front yard, sidewalk and curb. Allow a greater variety of residential units from detached cottages and duplexes in the low-density zones with additional options for townhouses and multiplex residential in the medium density zones. Update design standards for more flexibility, consistent with standards for other residential development.

Expand housing types while maintaining density in high density zone.

- Permit wider range of residential types from single-family detached houses and townhouses to apartments in the high-density zone, in place of limiting uses to multifamily apartments, provided that minimum density standards are met.

- Allow proposed cluster housing development in the high-density zone, for smaller scale developments of up to 12 units in any format from individual cottages to attached garden apartments or townhouses. Housing units to be clustered around a common courtyard.

- Offer a modest 20% density bonus in the high-density zone for regulated affordable housing projects that guarantee units will be affordable for a minimum of 30 years.

Continue to allow multifamily residential in mixed use and commercial zones.

- Retain multifamily apartments as a permitted use in commercial and mixed-use zones with no limitations on ground floor use or required commercial component.

Coordinate permitting, design and improvement requirements for residential development in all zones

- Retain existing density minimums and maximums in all residential zones, including existing increases for cluster development, ADUs and duplexes. Introduce new density increases for townhouses and multiplex residential in the medium-density zones.

- Simplify residential parking standards for all residential types, requiring a standard of one off-street space per unit for every type of dwelling from single-family detached residential houses to apartments, with no off-street parking required for ADUs. There is currently no minimum for single-family homes and duplexes, and minimums for multifamily residential range from 1 to 1.75 spaces.

- Simplify design standards for multifamily and mixed-use buildings to de-emphasize articulation and modulation requirements in favor of architectural detailing and other lower-cost design strategies.

- Retain existing lot averaging provisions for new subdivisions that permit individual lot sizes to be reduced by up to 20% provided that the average lot size within the subdivision meets the minimum requirement for the zone. The provisions allow for more flexible lot patterns, particularly on irregular lots or lots with development restrictions.

- Promote modified master plan option for larger residential development projects that mix various types of housing, e.g., single family homes, cluster housing and townhouses, in lieu of standard subdivision process.

Provide Informational Resources

Produce educational materials to improve understanding the housing options available and the associated approval processes and costs, and to promote development of identified housing options. The educational materials will identify the opportunities and processes for creating additional housing to provide transparency to the development community and public. This will include a list of items a developer or property owner would typically need to know in order to conduct due diligence, including all processes, potential fees, likely development exactions and dedications, types of consultants, permits and inspections needed, system development charges, and City financing options if available. Educational materials include:

- An online mapping application to help interested developers identify properties with development potential for multifamily housing, duplex/triplexes, accessory dwelling units (ADUs), and other housing types. Information may include: zoning and overlay districts, transit locations, employment centers, social services, multimodal transportation facilities, parks and open spaces, schools and utility locations, etc.
- Guides to the City process across all departments for residential development from pre-application conference through final occupancy certificate for up to seven (7) priority housing types: single-family homes, ADUs, townhouses, apartment or condo units, cluster housing, duplex and/or corner duplex, and internal conversions.
- ADU brochure/guidebook intended to encourage homeowners to develop ADUs, including pictures and floor plans of ADUs that meet Oregon City ADU regulations, sample project budgets, overview of ADU benefits, and other background information.
- Development fees calculator that can help to inform developers' own pro forma assumptions about soft costs. The calculator will include costs related to permit fees, processes, inspections,

system development charges, and potential incentives available to offset or finance these costs for selected types of residential development projects. The calculator will adjust estimated costs based on site size, project geography, project type, and other factors depending on the City's needs.

Prior to discussion, one community member expressed concern and frustration that the project did not directly address homelessness. Following clarification and discussion with the group that the project would help promote more housing and more housing options, the individual stayed and participated for the remainder of the workshop.

DISCUSSION

Groups of three to six people discussed the various equitable housing concepts including which concepts they support and which they would change and how. Notes taken from the various group discussions include:

- Senior housing needed
- Liked proposed housing types
- It is hard a homeowner and developer.
- It is too hard to develop cluster housing
- 3-4 units are restricted to medium and high density. Why not lower density zones like R6, R8 and R10?
- Getting through permitting is very difficult.
- The Building Division has been very supportive during the application process. The Public Works Department has not been as supportive.
- A City staffer advised that for some projects, a homeowner will need to hire engineers and designers to assist with the application process.
- What about transitional housing options like boarding houses and SROs?
- Consider an incentive to reduce open space for projects near parks.
- Need to build for single woman households as an increasing household type.
- Look to brownfields for development opportunities.
- Density bonuses.
- Less restrictive system development charges (SDCs).
- Master plan fees are high if you want flexibility.
- How to make the process easy for a non-professional.

Each table reported back to the full room, citing concepts they support and concepts they do not support:

- Support for proposals as they promote equity for people who make too much money for public assistance, but cannot afford housing.
- Flexibility of housing choice from a variety of housing types is good.
- Like that it will result in more interesting neighborhoods.
- Simplify the ADU process. Look to the Portland example.
- Manufactured home parks are a good option, but concerned that homes lose value and therefore do not help build equity.
- Need better transportation connections, more public transportation and transit options (e.g., TriMet MAX line). Maybe more density will support a bus route.
- Some missing middle housing has potential.
- Oregon City has many female-heads of household. Provide housing options that meet their needs.

- What about shared housing/single room occupancy (SROs)/co-housing as an option? Need to look at the definition of "family" and how many unrelated people can live in one facility.
- There should not be an owner occupancy requirement for boarding houses.
- Group homes need better bathroom facilities and maintenance.
- Provide incentives for density, bonuses, SDC reductions/waivers.
- It's hard to get through the development process. Provide a simplified process for non-professional builders.
- Reduced dependency on cars, make neighborhoods more walkable with more amenities. More sidewalks and lower parking requirements.
- Maintain the R2 zone. Need more incentives for mixed-use development to actually get some real density of residential uses. It currently doesn't attract development that is financially feasible.
- SDC fees/costs are very high and a barrier to entry.
- Want to add incentives to increase density.
- Master plans are good, but it is an expensive process.
- Desire for small. affordable condominiums (600 sf) with amenities like a patio and garden.
- Construction costs per square foot don't match people's incomes.
- Facilitate development of homes designed for consistency with existing neighborhood character. Blend-in if not match.
- Collaborate with schools on growth.
- There should be a transition from high density areas to low density areas which could be achieved by mixture of unit types.
- Would like higher density options in the low-density zones (R6, R8, R10) similar to those proposed for medium-density zones.
- Not in my back yard (NIMBYs).
- Housing in mixed use zones and commercial zones needs incentives
- Look at Bridge Meadows development example.
- Through another city process, look at possible ways to address homelessness, such as rent control and eliminating no-cause evictions.
- There are very few housing options for Medicaid recipients. these people need live-in caregivers.
- Single story cluster housing is better option for the elderly.
- Market-private development could help meet needs to provide more options for the homeless.

CLACKAMAS COUNTY

HEALTH HOUSING AND HUMAN SERVICES DEPARTMENT

HOUSING AND COMMUNITY DEVELOPMENT DIVISION

Final - 11/13/2017

Clackamas County
Housing and Community Development Division
Public Services Building
2051 Kaen Road – Suite 245
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Executive Summary

ES-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

Clackamas County Housing and Community Development is a division within the larger Clackamas County Health, Housing and Human Services Department that includes the Behavioral Health, Public Health, Health Centers, Social Services, the (public) Housing Authority, Community Solutions (workforce programs) and Children Youth and Families divisions.

2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview

Housing and Community Development Division staff have used community survey data, public meeting comments, public housing waitlist information, Portland metroploitan area housing information and several reports to select the following goals to accomplish over the next 5 years:

1. Community Infrastructure Improvements - 10,000 persons to benefit.

2. Public Facilities Improvements - 7,500 persons to benefit.

3. Public Services - 10,000 persons will benefit.

4. Housing Rehabilitation - 150 households will benefit.

5. Affordable Housing - 260 households will benefit.

6. Homeless Assistance - 1,750 homeless persons will be assisted with shelter and services.

Six (6) Assessment of Fair Housing Goals have been included in the 2017-2021 Consolidated Plan.

3. Evaluation of past performance

Clackamas County Housing and Community Development has been a major partner and funder of many affordable housing projects and most of the senior centers throughout the county over the last 20 years. The impact of projects and services supported with grant funds is often limited by the federal grant regulations and the actual annual funding levels although communities and non-profit partners do bring private resources to leverage the federal funds. Clackamas County Housing and Community

Development Division continues to expend federal funds efficiently and effectively within the bounds of federal regulations. Slow moving projects are cancelled allowing funds to be reallocated to projects that are on track to be completed as scheduled.

Clackamas County coordinates with and provides staff support to the homeless Continuum of Care.

Clackamas County has recently completed an Assessment of Fair Housing and established the following goals for program years 2017 to 2021:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Increase accessibility to affordable housing for persons with disabilities and single parent familial status households. (households with children under 18 yrs.).
3. Improve access to housing and services for all protected classes.
4. Enforce Fair Housing laws and Increase public understanding of Fair Housing laws.
5. Coordinate Fair Housing Advocacy and Enforcement Efforts among regional partners
6. Ensure that all housing in Clackamas County is healthy and habitable.

4. Summary of citizen participation process and consultation process

Clackamas County Housing and Community Development Division maintains a Citizen Participation list of persons interested in programs and services funded by federal grants. Public meeting notices are posted in community newspapers and notices of funding availability are distributed throughout the county through newspapers and email lists.

The community participation process for selecting Clackamas County's fair housing goals included 10 public meetings, three separate surveys during April, May and June of 2016 and consultations with 23 community agencies. A total of 310 people responded to a community survey, a public housing resident survey and a Spanish language survey. Some surveys were mailed to groups and all surveys were available on paper and online. A public notice was published in community newspapers notifying interested persons that a draft of the AFH document, AFH Goals and an executive summary was posted for a 30-day comment period that was extended to 45 days.

The Continuum of Care homeless services providers and public housing residents are engaged in annual public meetings to discuss programs, projects and services. The general public is also invited and engaged through solicitation of feedback through community online surveys and public meetings.

5. Summary of public comments

Public meetings were held on October 26, 2016, November 15, 2016 and April 6, 2017 to gather comments on housing and community development needs. The general public, particularly low income persons, is facing rapidly increasing demands for market rate housing resulting in sharp increases in rent and a very low apartment vacancy rate. Low-income persons are unable to move due to a lack of affordable housing units available throughout the county and particularly in areas of high opportunity for employment, shopping and community services.

6. Summary of comments or views not accepted and the reasons for not accepting them

All public comments were accepted.

7. Summary

The public comment period on the Consolidated Plan and the 2017 Action Plan was from March 16 to April 17, 2017 and the public hearing was held on April 6, 2017. All comments were in support of homeless services, affordable housing projects and first time home owner programs. All comments were accepted. The Board of County Commissioners approved the final plans on May 11, 2017 with the provision that the plan would not be submitted until actual grant allocation amounts were provided by HUD and incorporated into the plans.

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	CLACKAMAS COUNTY	
CDBG Administrator	CLACKAMAS COUNTY	Housing and Community Development Division
HOPWA Administrator		
HOME Administrator	CLACKAMAS COUNTY	Housing and Community Development Division
ESG Administrator	CLACKAMAS COUNTY	Housing and Community Development Division
HOPWA-C Administrator	CLACKAMAS COUNTY	Community Development Division

Table 1 – Responsible Agencies

Narrative

Clackamas County Housing and Community Development is a division within the larger Clackamas County Health, Housing and Human Services Department that includes the Behavioral Health, Public Health, Health Centers, Social Services, the (public) Housing Authority, Community Solutions (workforce programs) and Children Youth and Families divisions. Clackamas County recieves no HOPWA funds. Services for persons with AIDS are provided by the nearby City of Portland, Oregon.

Consolidated Plan Public Contact Information

Office location: Housing and Community Development Division Public Services Building 2051 Kaen Road – Suite 245 Oregon City, Oregon (503) 655-8591

Housing and Community Development Website: http://www.clackamas.us/communitydevelopment/

Clackamas County Housing and Community Development website includes maps of low/mod income areas, funding policies, meeting notices, meeting schedules, Consolidated Plans, annual Action Plans, information on HOME repairs grants and loans, and other programs.

Staff Contacts:

Chuck Robbins, Director: chuck@clackamas.us

Kevin Ko, Housing and Community Development Manager: kko@clackamas.us

Mark Sirois, Project Coordinator: marksir@clackamas.us , 503.650.5664

Steve Kelly, Project Coordinator: stevekel@clackamas.us

PR-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

Clackamas County is an urban and rural county within the Portland/Vancouver metropolitan statistical area. Clackamas County provides the bulk of the social services, assisted housing services and public housing to low-income residents in the county. Clackamas County provides federal funding to non-profit housing developers to build, purchase and maintain assisted housing throughout the county.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

Clackamas County Housing and Community Development Division (HCD) coordinates activities between public housing and assisted housing agencies through funding and reporting outcomes to state and federal agencies. The local public housing authority is a part of Clackamas County's Health, Housing and Human Services Department. Nonprofit and for profit housing developers and housing providers are in regular contact with HCD staff about project ideas and potential state and federal grants that could be combined with CDBG and HOME funds for a successful housing project proposal. The HOME program provides vital funding to affordable housing providers that also apply for state tax credit funding as one of few sources of funds available to develop affordable housing units in the rural parts of Clackamas County.

The Clackamas County Health, Housing and Human Services (H3S) Department includes; a public housing authority, a community development division, a public health division, a social services division, a behavioral health division and a primary care division. H3S is often a convener of agencies to apply for funding, build facilities and provide services to vulnerable populations. In some cases the county provides the services, and in other cases non-profit agencies provide the housing or services. CDBG funds also provide support for the Housing Rights and Resources program, an H3S program in the Social Services Division. This program provides housing referral and information on all available housing services and resources to residents in need of affordable housing and related services.

HCD consults directly with the county primary care health facilities and health services to coordinate services and projects.

HCD consults directly with local governments (15 cities and towns in Clackamas County) regarding public facilities and infrastructure projects. Adjacent governments including City of Portland, Multnomah County and Washington County are contacted regularly regarding public meetings however due to scheduling conflicts staff from these governments rarely attend our public meetings.

Currently HCD has business and civic leaders engaged in the community and housing development needs assessment through their activities on non-profit boards, planning councils and

commissions. Some non-profit agencies are considered civic organizations. HCD will continue to reach out to community groups that include civic and business leaders in the community. HCD is currently nurturing business contacts on the Housing Advisory Board that guides the Housing Authority of Clackamas County and county-wide affordable housing policy.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness

H3S Housing and Community Development Division (HCD) personnel administer the Continuum of Care (CoC) annual renewal application process and the Homeless Management Information System (HMIS). The same HCD office uses CDBG, ESG and CoC funds to support homeless services and for the Homeless Point in Time (PIT) count of homeless persons. The PIT is conducted with over 150 volunteers coordinated by the Social Services Division.

H3S Housing and Community Development Division (HCD) personnel administer the Continuum of Care (CoC) annual renewal application process and the Homeless Management Information System (HMIS). The annual Continuum of Care renewal application funds over $2,000,000 of services and rent assistance to homeless persons in the county. CoC efforts secure services and support for over 478 persons including 32 chronically homeless persons (based on the CoC 2016 Housing Inventory Chart.)

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS

The HCD staff coordinate the Continuum of Care monthly meetings and the CoC governing board activities. The CoC policies and ESG program policies were developed with both CoC and ESG homeless services providers. The CoC reviewed and adopted the current CoC and ESG policies in February 2017.

HCD personnel also provide the HMIS training and support for CoC and ESG providers. The monthly CoC activities and quarterly performance reports are coordinated by the same Community Development Division staff that coordinates the ESG funding applications and awards process. The FY 2017-2019 ESG funding recommendations were presented to the CoC Steering Committee on February 2, 2017 and to the CoC Homeless Council (CoC) for discussion and review on February 22, 2017. CoC providers, the local

public housing agency and all the agencies in the Continuum of Care are engaged in addressing the needs of homeless persons.

The CoC consults with Community Solutions, a Workforce Investment Act partner and division of H3S, to conduct employment related training for homeless persons.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	Housing Authority of Clackamas County
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Homeless Needs - Families with children Homelessness Needs - Veterans Market Analysis
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Housing Authority is staffed by Clackamas County employees. The Housing Authority Director is also the director of the Housing and Community Development Division. The anticipated outcomes are coordinate efforts to maintain and build affordable housing units for low income residents as well as coordinated social services and employment training.
2	**Agency/Group/Organization**	NORTHWEST HOUSING ALTERNATIVES
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Northwest Housing Alternatives (NHA)is one of a few non-profit housing developers in Clackamas County. NHA staff are active on the Continuum of Care homeless council as a provider of homeless housing services and homeless prevention services with ESG funding, local government funding and private foundation funding.
3	**Agency/Group/Organization**	CLACKAMAS WOMEN'S SERVICES
	Agency/Group/Organization Type	Housing Services-Victims of Domestic Violence Services-homeless Services - Victims

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Clackamas Womens Services (CWS)is one of a few providers of services for survivors of domestic violence in the county. CWS staff are active in the Continuum of Care homeless council. CWS also provides emergency shelter services funded in part by ESG funding as well as transitional housing and permanent housing services funded in part by Continuum of Care funding and private foundation funding.
4	**Agency/Group/Organization**	INN HOME
	Agency/Group/Organization Type	Services-Children Services-homeless Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The Inn is a youth services agency that is actively involved in the homeless Continuum of Care.
5	**Agency/Group/Organization**	CLACKAMAS COUNTY
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless Services-Health Service-Fair Housing Health Agency Child Welfare Agency Other government - County
	What section of the Plan was addressed by Consultation?	Lead-based Paint Strategy Anti-poverty Strategy

	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Clackamas County Health, Housing and Human Services Department includes the Social Services Division, Office of Children and Youth Division, the Public Health Division and the Community Development Division. The Public Health Division maintains a webpage regarding lead based paint hazards. webpage site: http://www.clackamas.us/publichealth/lead.htmlThe County's Public Health Division provides materials and training on preventing lead based paint exposure. The County's Public Health Division is a resource to other county agencies addressing LBP hazards.
6	**Agency/Group/Organization**	STATE OF OREGON DEPARTMENT OF HUMAN SERVICES
	Agency/Group/Organization Type	Other government - State
	What section of the Plan was addressed by Consultation?	Lead-based Paint Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	The state of Oregon maintains a Construction Contractors Board that provides periodic updates on state LBP laws and regulations for private and public contractors to reduce exposure to LBP.

Identify any Agency Types not consulted and provide rationale for not consulting

N/A

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Clackamas County	CoC and ESG goals to prevent and reduce homelessness are incorporated in the Strategic Plan goals
Assessment of Fair Housing	Clackamas County	Assessment of Fair Housing goals are part of the Strategic Plan goals

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Metro Equitable Housing Report 2016	Metro Council	Metro is a regional land use planning governmental organization that determines the urban growth boundary for th emetro area. Metro also plans and operates the solid waste transfer stations, regional parks, and several entertainment venues
2017-2020 Older Americans Act Area Plan	Clackamas County Social Services Division	The Social Services Division is the county coordinator of services to elderly persons and the community action agency. Many services are provided through the county senior centers and county social services staff.
OHCS Clackamas County Housing Profile 2013	State of Oregon	The Oregon Housing and Community Services (OHCS) Department prepared county housing profiles for the entire state.
ADA Transition Plan for the Public Right-of-Way	Clackamas County Department of Transportation and Development	Public Facilities Improvements and ADA accessibility of streets, sidewalks and public facilities

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

Clackamas County has recieved and reviewed the following plans in preparation of this consolidated plan:

- The City of Portland Consolidated Plan
- The Metro Equitable Housing Report January 2016
- Portland Consortium Consolidated Plan for 2016-2020 (City of Portland, City of Gresham and Multnomah County)

Clackamas County also participates in a Regional Fair Housing Group to coordinate fair housing efforts in the metro region. Members of the group include 4 counties and 4 large cities in the region.

Narrative (optional):

Clackams County is part of the Portland/Vancouver Metropolitan Statistical area which is currently grappling with an affordable housing crisis.

PR-15 Citizen Participation

1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting

The Housing and Community Development Division held 2 public meetings, conducted a survey, accepted 34 applications for funding and held a public hearing to collect citizen input on housing and community development goals.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)

1	Public Meeting	Non-targeted/broad community	October 26, 2017. 6 people attended from 4 non-profit agencies. 2 staff were also present.	Brianna Williamson provided a description of the Housing Rights and Resources program that is funded by CDBG. Brianna stated that the program helps residents avoid being evicted. Last year the program process over 2500 called from people seeking help with housing problems. The program is unique in that program staff help people describe the specifics of their particular housing issues as well as properly screen persons before referring them to legal Aid Services of Oregon if needed. The Housing Rights and Resources program also helps landlords get accurate information regarding their rights as landlords in addressing any concerns about difficult tenants. Erika Silver added that this service is much needed in Clackamas County to prevent people from becoming homeless and to help the County maintain good relationships with landlords. Martha McLennan, executive director of NHA, thanked Clackamas County for supporting the Annie Ross House and the HomeBase housing stabilization and homeless prevention program. The NHA campus in Milwaukie, Oregon is preparing for re-building the Annie Ross Shelter and other buildings to increase the number of housing units at the site. NHA is working with SIN network to provide additional shelter services if needed while Annie Ross Housing is being re-constructed. NHA has secured a site on Pleasant Street and will be applying for funding to build up to 20 units of homeless veterans family housing. Shelly Mead with Bridges to Change (B2C) explained that they provide transitional housing for persons exiting correctional facilities. B2C housing has services for homeless persons, persons who need alcohol and drug additions counseling and housing for	All public comments were accepted	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
				sex offenders. B2C will be looking for additional funding for permanent affordable housing for persons leaving transitional housing services.Emily and Amy with NEDCO explained that they were at the meeting to learn more about the Clackamas County funding and application process. NEDCO has provided foreclosure counseling, business incubation for food and beverage entrepreneurs, home ownership assistance as well as apartment deposit assistance for families with Section 8 vouchers. NEDCO is exploring options to assist youth who are aging out of foster care and into independent living. NEDCO would like to develop cottage housing to provide first time home owner options.		

2	Public Meeting	Non-targeted/broad community	November 15, 2016. 5 people attended from 4 non-profit agencies and 1 local government. 1 staff person was also present.	Lori Mack talked about the need for working with individuals living in poverty and providing job readiness training, intensive employment and career case management, access to employment skill building, customized job placement, and job retention. The Community Solutions employment program target populations are: residents of HACC, individuals served through Clackamas Womens Services, individuals successfully managing a mental illness, referrals from the Oregon Youth Authority, Clackamas County Social Services, and the long term unemployed.Katie Ullrich discussed Proud Grounds various programs including a home ownership program for low income families. Proud Ground maintains ownership of the land only. Families purchase the house, gain equity and may sell the house to another low income family.Mellani Calvin, asked about possible funding for the Assist Program to help individuals with disabilities apply for social security benefits. The program would include home visits in Clackamas County to meet with individuals and families to complete the application process.Jim Whynot with the City of Gladstone confirmed that he was working with his engineer to review potential street improvement projects and that the city would be submitting an application for CDBG funding.Tina Kennedy asked about the funding for services for veterans in emergency and transitional housing. Funding can cover a 3 year period. Tina's group is working with the County Social Services Division to provide housing to homeless veterans.	All public comments were accepted	
3	Internet Outreach	Non-targeted/broad	Survey results: 171 residents	Survey respondents expressed a overwhelming need for affordable housing and services for low income persons to maintain housing.	All comments in the	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
		community Residents of Public and Assisted Housing	responded to the Assessment of Fair Housing survey. 196 persons responded to the Housing and Community Needs survey.		community surveys were accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Public Meeting	Non-targeted/broad community	April 7, 2016 Sandy Connect Luncheon which included 15 organizations providing services to people in the rural Sandy Oregon area. Persons were provided with information on the community development program funding as well as the fair housing assessment process to develop goals.	Several people asked for additional English and Spanish paper surveys to provide to their clients and neighbors.	All comments were accepted and included in the Assessment of Fair Housing report.	

Table 4 – Citizen Participation Outreach

Needs Assessment

NA-05 Overview

Needs Assessment Overview

Housing Needs Assessment: More than 20,000 households in Clackamas County are "Severely Cost Burdened" due to paying more than 50% of their incomes for housing. Table 10 data indicates that for low-income **renters** that pay more than 50% of their incomes for housing: a total of 10,314 households, 32% are elderly households (3,256 Households) and 37% are small related households (3,781 households). Table 10 also indicates that for low income **home owners** that pay more than 50% of their income for housing: a total of 9,745 households, 39% are elderly households (3,801 Households) and 32% are in small related households (3,078 households).

Disproportionately Greater Need: Extremely low income renters in 8,336 households with incomes in the 0 to 50% of AMI have the greatest need and are most at risk of becoming homeless due to rapidly rising rents and increasing housing market pressure to maximize profits on housing investments.

Public Housing: Residents of public housing live in Milwaukie and Oregon City and Housing Choice voucher holders live throughout the county. Currently there is a general lack of affordable housing for low income households in the jurisdiction and in the region. The rapid increasing in housing demand in the private housing market will continue to gentrify some low income neighborhoods and push low-income families further from high opportunity areas. Public Housing residents and voucher holders are experiencing a lack of ability to move due to the lack of affordable accessible units for rent.

Homeless Needs Assessment: The 208 homeless families living in sheltered in the 2015 homeless count included 194 adults and 256 children. 53 persons were identified as homeless veterans since they reported having served in the U.S. military. Another 1,504 persons were counted as "doubled up" or living in overcrowded conditions due to economic hardship.

Non-homeless needs assessment: Based on a State (OHCS) 2013 Clackamas County Housing profile report, more than 3,000 persons need housing with alcohol and drug rehabilitation services, more than 2,500 persons with chronic mental illness need housing with services, 1,450 persons with developmental disabilities need housing with services, 104 households in danger of domestic violence need housing options, more than 12,500 elder persons need housing, more than 1,000 frail elderly need housing and 256 released offenders need housing units.

The Housing Authority of Clackamas County 2017-2022 Plan waitlist data identified 365 elderly persons that were eligible for housing assistance and 384 households headed by a disabled person that were eligible for housing assistance.

Non-housing community development needs assessment: Public Facility Needs for Clackamas County include Homeless Facilities, Domestic Violence (services) Facilities, Mental Health Facilities, Senior Centers and Abused/Neglected Children Facilities. Public Improvement Needs identified for Clackamas County include Water/Sewer Improvements, Street/Alley Improvements, Curbs and Sidewalks, Bike and Pedestrian Paths and, Drainage (street) Improvements.

NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

More than 20,000 low-income households in Clackamas County are "Severely Cost Burdened" due to paying more than 50% of their incomes for housing.

Table 10 data indicates that for low-income **renters** that pay more than 50% of their incomes for housing: a total of 10,314 households, 32% are elderly households (3,256 Households) and 37% are small related households (3,781 households).

Table 10 also indicates that for low income **home owners** that pay more than 50% of their income for housing: a total of 9,745 households, 39% are elderly households (3,801 Households) and 32% are in small related households (3,078 households).

Demographics	Base Year: 2000	Most Recent Year: 2012	% Change
Population	338,391	383,746	13%
Households	136,954	147,796	8%
Median Income	$52,080.00	$64,352.00	24%

Table 5 - Housing Needs Assessment Demographics

Data Source: 2000 Census (Base Year), 2008-2012 ACS (Most Recent Year)

Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	12,633	14,249	22,180	15,734	83,015
Small Family Households	3,922	4,615	7,689	6,108	44,964
Large Family Households	765	924	2,021	1,658	7,160
Household contains at least one person 62-74 years of age	2,266	3,117	5,148	3,761	17,833
Household contains at least one person age 75 or older	1,782	3,420	3,577	1,729	5,698
Households with one or more children 6 years old or younger	1,992	2,220	3,290	2,459	8,790

Table 6 - Total Households Table

Data Source: 2008-2012 CHAS

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	374	420	465	130	1,389	60	40	60	35	195
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	35	10	60	75	180	0	50	48	49	147
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	404	613	473	237	1,727	4	118	182	212	516
Housing cost burden greater than 50% of income (and none of the above problems)	5,342	2,994	1,039	240	9,615	3,169	3,082	3,372	1,402	11,025

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing cost burden greater than 30% of income (and none of the above problems)	573	2,404	4,609	975	8,561	487	1,284	3,159	2,938	7,868
Zero/negative Income (and none of the above problems)	468	0	0	0	468	617	0	0	0	617

Table 7 – Housing Problems Table

Data Source: 2008-2012 CHAS

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	6,142	4,014	2,049	668	12,873	3,229	3,293	3,666	1,698	11,886
Having none of four housing problems	1,267	3,564	8,059	5,125	18,015	891	3,369	8,404	8,219	20,883
Household has negative income, but none of the other housing problems	468	0	0	0	468	617	0	0	0	617

Table 8 – Housing Problems 2

Data Source: 2008-2012 CHAS

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	2,598	2,709	2,418	7,725	792	1,262	2,511	4,565
Large Related	492	415	265	1,172	212	271	1,069	1,552
Elderly	1,496	1,687	1,336	4,519	1,696	2,291	2,320	6,307
Other	2,002	1,406	2,097	5,505	977	718	811	2,506
Total need by income	6,588	6,217	6,116	18,921	3,677	4,542	6,711	14,930

Table 9 – Cost Burden > 30%

Data Source: 2008-2012 CHAS

4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	2,363	1,074	344	3,781	708	942	1,428	3,078
Large Related	257	115	4	376	182	242	523	947
Elderly	1,359	1,315	582	3,256	1,392	1,389	1,020	3,801
Other	1,824	763	314	2,901	883	604	432	1,919
Total need by income	5,803	3,267	1,244	10,314	3,165	3,177	3,403	9,745

Table 10 – Cost Burden > 50%

Data Source: 2008-2012 CHAS

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	404	563	458	243	1,668	4	114	158	236	512
Multiple, unrelated family households	0	50	55	4	109	0	54	72	39	165

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Other, non-family households	50	10	15	65	140	0	0	0	0	0
Total need by income	454	623	528	312	1,917	4	168	230	275	677

Table 11 – Crowding Information – 1/2

Data Source: 2008-2012 CHAS

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	2,363	1,074	344	3,781	708	942	1,428	3,078

Table 12 – Crowding Information – 2/2

Alternate Data Source Name:
Consolidated Plan Table 10

Data Source Comments: Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children.

Describe the number and type of single person households in need of housing assistance.

Single person households may be included in the elderly and small related households – a total of 13,227 renters and 10,872 home owners may need housing assistance. Table 9 data indicates that a total of 18,921 households that are low-income renters pay more than 30% of their incomes for housing. 24% of these households are elderly households (5,502 of the 18,921) and 41% are small related households (7,725 of the 18,921). Table 9 also indicates that for the 14,930 households that are low income home owners that pay more than 30% of their income for housing, 42% are elderly households (6,307 of the 14,930) and 31% are small related households (4,565 of the 14,930).

Table 10 data indicates that for the 10,314 low-income renter households that pay more than 50% of their incomes for housing, 32% are elderly households (3,256 of 10,314) and 37% are small related households (3,781 of 10,314).

Table 10 also indicates that for the 9,745 low income home owner households that pay more than 50% of their income for housing, 39% are elderly households (3,801 of 9,745) and 32% are small related households(3,078 of 9,745). Elderly persons on fixed incomes or single persons on fixed incomes due to disability would be included in these small related households and elderly household percentages.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

Table 10 indicates that there were 10,314 renter households with Housing Cost burden of 50% of household incomes. The "Other" category in Table 10 may include disabled person households. 2012 American Community Survey (ACS) data for Clackamas County (AFH HUD Table 14) showed that there were 3,478 persons between the ages of 5 and17 with disabilities. 21,334 persons between the ages of 18-64 had disabilities and 18,738 people over the age of 65 had disabilities.

2012 ACS data for Clackamas County (AFH HUD Table 13 Disability Type) also showed that 14,405 people had hearing difficulty, 5,906 people had vision difficulty, 16,721 people had cognitive difficulty, 21,985 people had ambulatory (mobility) difficulty, 9,217 people had self-care difficulty and 14,826 people had difficulty living independently. More information on housing needs for persons with disabilities is provided in Section NA-45 of this plan.

Using that assumption that 50% of households in danger of domestic violence may need housing assistance and 1,225 households contacted the primary provider in 2015, the need would be 612 households. The need could drop to 417 households when subtracting a total of 195 victim of domestic violence households that were provided with housing assistance in emergency shelters in 2015.

In Clackamas County, domestic violence advocates provided direct assistance to over 1000 victims of domestic violence and assisted with over 730 protective orders in 2015. Source: Clackamas County District Attorney's Office 2015 Annual Report.

The primary provider of domestic violence survivor services in Clackamas County is Clackamas Women's Services (CWS). 2,431 people in 1,225 households asked for and got support from CWS in 2015 (1,038 adults and 1,393 children). 2,514 people accessed support from CWS in 2014 (985 adults and 1,529 children). Source: Clackamas Women's Services 2014 and 2015 Annual Reports. Two emergency shelters in Clackamas County provided housing assistance to 196 households that reported domestic violence as a cause for homelessness.

What are the most common housing problems?

As indicated in Table 7, the most common housing problems for both renters and owners is the cost burden of greater than 30% of household income and greater than 50%.

Table 7 reveals that 44% of all low income renters with housing problems (9,615 of 21,940) have a greater than 50% of income housing cost burden. 39% of these renters pay more than 30% of their income for housing for a combined total of 89% or 18,176 households that are burdened by housing expenses.

Of all low income owners with housing problems, 54% of these owner households (11,025 of 20,368) are spending more than 50% of household income for housing and 39% (7,868 of 20,368) are paying more than 30% of their incomes for housing related costs. The combined total of low income home owners that are burdened by housing expenses is 93% (18,893 of 20,368) of all owner households reporting housing problems.

Are any populations/household types more affected than others by these problems?

It appears that renters in Elderly households (3,256 of 10,314) and small related households (3,781 of 10,314) renters are more affected by housing problems than the other populations listed in Table 10.

As stated above, Table 10 data indicates that for low-income **renters** that pay more than 50% of their incomes for housing: a total of 10,314 households, 32% are elderly households and 37% are small related households.

Table 10 also indicates that for low income **owners** that pay more than 50% of their income for housing: a total of 9,745 households, 39% are elderly households and 32% are small related households. Elderly on fixed incomes or singles with disabilities on fixed incomes due to disability would be included in these percentages.

Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

The 5,803 households with 0 to 30% of household area median incomes (extremely low income) represent 56% of all **renter** households (5,803 of 10,314) paying more than 50% for their housing

detailed in Table 10. These extremely low income renter households include elderly households, small related households and large related households that include both individuals and families. 1,359 households are elderly and extremely low income paying more than 50% of their income for housing. These extremely low income renter households are currently house and imminent risk due to one lost paycheck or one unexpected expense away from eviction and homelessness.

Extremely low income households that own their homes are 32% of all owner households that pay more than 50% of their incomes for housing also detailed in Table 10. Of these 3,165 extremely low income home owner households, 1,392 are elderly. A total of 890 home owner households at this income level paying more than 50% for their housing are comprised of small related and large related households.

Formerly homeless individuals and families receiving rapid re-housing services from one agency in Clackamas County in 2015 reported that 535 persons in 195 households were provided with assistance. Of the households served 70% had children, 47% of adults reported that they had been victims of domestic violence, 20% of persons assisted reported having a disability and 9 persons were veterans of military service. (2015 CAPER ESG report)

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

Clackamas County uses a definition of at-risk of homeless aligned with the state of Oregon definition however Clackamas County has no current estimate on any at-risk populations. Clackamas County does operate a Coordinated Housing Assessment system to process requests for homeless assistance. From January 1, 2016 to December 31, 2016, the Coordinated Housing Access System received a total of 4, 116 phone calls for assistance. 426 calls were regarding domestic violence assistance, 641 calls were for subsidized housing, 908 calls were requests for homeless prevention and 396 people were calling for affordable housing. A reasonable estimate of an at-risk of homelessness could be 908 households per year based on the requests for assistance.

Clackamas County uses the same at-risk of homelessness definition as the State of Oregon:

Imminent Risk of Homelessness – household is at imminent risk of homelessness, and will imminently lose primary nighttime residence:

- My residence will be lost within 14 days of the date of application for homeless assistance by court order or the equivalent under applicable state law (formal eviction notice); AND
- I have not identified a subsequent residence; AND

- I lack the resources or support networks needed to obtain other permanent housing

Unstably Housed –an individual or family who:

- Is at risk of losing housing, and does not otherwise qualify as homeless under the above listed (1-4) categories, AND:
- Have been notified to vacate current residence or otherwise demonstrate high risk of losing current housing, AND
- Lack the resources and support network to obtain other permanent housing.

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Clackamas County Homeless Count data from 2013 and 2015 indicates that households that have one or more of the following characteristics are likely to experience instability and increased risk of homelessness:

- Low-income (High rent),
- unemployment,
- domestic violence,
- disabilities including mental illness,
- substance abuse addiction

Discussion

Given the rapidly rising cost of rental housing in our area, the greatest issue affecting low income persons and families is the high cost of housing. "No cause" evictions are currently legal in Oregon allowing landlords to give a 30 day notice to all tenants to vacate their homes for no reason other than a landlord's desire to empty the rental unit. In some cases of property owners wanting to maximize their investments, one bedroom apartment rents have been increased by 100% from $700 per month to $1,400 per month. Low income renters have little recourse in these circumstances. This increased market demand for housing is reflected in the number and percentage of households paying more than 50% of their income for housing. The 23,712 number of households paying more than 50% of their incomes for housing as reported in Table 21 are from 2012 Census data. Since 2012, these numbers

have only increased due to increasing financial pressure on home owners and increased housing market demands for rental units.

As stated above, Table 10 data indicates that for low-income **renters** that pay more than 50% of their incomes for housing: a total of 10,314 households, 32% are elderly households (3,256 Households) and 37% are small related households (3,781 households). Table 10 also indicates that for low income **home owners** that pay more than 50% of their income for housing: a total of 9,745 households, 39% are elderly households (3,801 Households) and 32% are in small related households (3,078 households).

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

The Clackamas County population demographics in 2012 were reported in Comprehensive House Affordability Strategy (CHAS) HUD tables as 84.48% White, 7.73% Hispanic, 3.84% Asian or Pacific Islander, 0.74% Black, 0.62% Native American/Non-Hispanic and 0.12% Other/Non-Hispanic.

Disproportionate Housing needs for households in the 0-30% AMI category is that Black (by 0.5%) and Hispanic (by 1.86%) populations are over represented compared to the county general population. In the 30-50% AMI category the Hispanic population is over represented by 1.86%. In the 50-80% AMI category Whites are over represented by 4.75% while Hispanics are underrepresented by 2.7%. In the 80-100% AMI category, Asian and Pacific Islander populations are over represented by 2.28% while Hispanics are under represented by 2% compared to the county general population.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	11,647	1,496	1,033
White	9,682	1,402	874
Black / African American	140	0	4
Asian	259	4	65
American Indian, Alaska Native	113	4	0
Pacific Islander	15	0	0
Hispanic	1,115	79	70

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Data Source: 2008-2012 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	11,072	3,476	0
White	9,394	3,085	0
Black / African American	55	29	0
Asian	230	45	0
American Indian, Alaska Native	85	25	0
Pacific Islander	0	0	0
Hispanic	1,080	220	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Data Source: 2008-2012 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	13,272	10,237	0
White	11,843	9,401	0
Black / African American	44	50	0
Asian	319	138	0
American Indian, Alaska Native	59	60	0
Pacific Islander	20	10	0
Hispanic	704	457	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Data Source: 2008-2012 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	5,720	9,672	0
White	4,805	8,645	0
Black / African American	50	55	0
Asian	350	159	0
American Indian, Alaska Native	105	44	0
Pacific Islander	0	50	0
Hispanic	330	369	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Data Source: 2008-2012 CHAS

*The four housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4.Cost Burden greater than 30%

Discussion

Disproportionate Housing Needs for populations with "*one or more of four housing problems*" including having a housing cost burden that is more than 30% of the household income are listed in **Tables 13-16. Table 13** lists the number of households with incomes that have extremely low income (extreme poverty) are represented by household incomes that are 0-30% of Area Median Income (AMI) were 83.1% White which is 1.38% less than 84.48% of Whites in the county jurisdiction. The Hispanic population in this income level with housing problems were 9.6% of the population which is 1.86% higher than the 7.73% of Hispanics in the county. The Black population represents 1.2% of the 0-30% AMI population which is 0.46% higher than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population is 2.4% which is 1.44% lower than the 3.84% of the county population. The American Indian population with housing problems at the 0-30% AMI level is 0.97% which is 0.35% higher than the 0.62% in the county.

30 to 50% - Disproportionate Housing Needs for populations with housing problems listed in **Table 14** with incomes that are low income are represented by household incomes that are 30-50% AMI were 84.84% White which is 0.36% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in this income level with housing problems were 9.75% of the population which is 2.02% higher than the 7.73% of Hispanics in the county. The Black population represents 0.5% of the 30-50% AMI population which is 0.24% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population is 2.08% which is 1.76% lower than the 3.84% of the

county population. The American Indian population with housing problems at the 30-50% AMI level is 0.77% which is 0.15% higher than the 0.62% in the county.

50 to 80% - Disproportionate Housing Needs for populations with housing problems listed in **Table 15** with household incomes that are 50-80% AMI were 89.23% White which is 4.75% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in this income level with housing problems were 5.03% of the population which is 2.7% lower than the 7.73% of Hispanics in the county. The Black population represents 0.33% of the 50-80% AMI population which is 0.41% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population is 2.55% which is 1.29% lower than the 3.84% of the county population. The American Indian population with housing problems at the 50-80% AMI level is 0.44% which is 0.18% lower than the 0.62% in the county.

80-100% - Disproportionate Housing Needs for populations with housing problems listed in **Table 16** with household incomes that are 80-100% AMI were 84% White which is 0.48% less than 84.48% of Whites in the county jurisdiction. The Hispanic population in this income level with housing problems were 5.77% of the population which is 1.96% lower than the 7.73% of Hispanics in the county. The Black population represents 0.87% of the 80-100% AMI population which is 0.13% more than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population is 6.12% which is 2.28% more than the 3.84% of the county population. The American Indian population with housing problems at the 80-100% AMI level is 1.84% which is 1.22% higher than the 0.62% in the county.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

This HUD Comprehensive Housing Affordability Strategy (CHAS) table displays housing cost burden levels of No Cost Burden: less than 30% of household income spent on housing, Cost Burden: 30-50% of household income is spent on housing and, Severe Cost Burden: more than 50% of household income is spent on housing. The Clackamas County general population racial and ethnic demographics in 2012 were reported in HUD CHAS tables as 84.48% White, 7.73% Hispanic, 3.84% Asian or Pacific Islander, 0.74% Black, 0.62% Native American/Non-Hispanic and 0.12% Other/Non-Hispanic.

Housing Cost Burdens in Clackamas County is that the white population has a higher percentage of Cost Burden and Severe Cost Burden (2.84% and 2.93% more than 84.48% of the county population) than other racial and ethnic groups. The next largest ethnic group is the Hispanic population that appears to have a lower rate of Cost Burden and Severe Cost Burden however this measure may be a function of who responded to the data collection surveys at a higher rate. The Hispanic population has increased at a higher rate since 2012 in the jurisdiction as well.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	10,173	2,966	1,033
White	8,518	2,567	874
Black / African American	140	0	4
Asian	209	54	65
American Indian, Alaska Native	73	44	0
Pacific Islander	15	0	0
Hispanic	950	244	70

Table 17 – Severe Housing Problems 0 - 30% AMI

Data Source: 2008-2012 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	6,687	7,833	0
White	5,749	6,713	0
Black / African American	25	54	0
Asian	95	180	0
American Indian, Alaska Native	30	80	0
Pacific Islander	0	0	0
Hispanic	586	724	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Data Source: 2008-2012 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	5,702	17,812	0
White	4,988	16,277	0
Black / African American	10	84	0
Asian	149	303	0
American Indian, Alaska Native	29	90	0
Pacific Islander	20	10	0
Hispanic	439	728	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Data Source: 2008-2012 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	2,062	13,330	0
White	1,533	11,893	0
Black / African American	40	65	0
Asian	160	349	0
American Indian, Alaska Native	75	74	0
Pacific Islander	0	50	0
Hispanic	205	494	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Data Source: 2008-2012 CHAS

*The four severe housing problems are:
1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4.Cost Burden over 50%

Discussion

Per HUD guidance: "A disproportionately greater need exists when members of a racial or ethnic group at a given income level experience housing problems at a greater rate (10% points or more) than the income level as a whole."

Table 21 lists the number of renter and owner households with no cost burden spending less than 30% (<30%) of their household incomes on housing. The 90,738 total number of <30% no cost burden households were 90.7% White which is 6.22% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in the <30% cost burden level were 3.80% of the population which is 3.93% lower than the 7.73% of Hispanics in the county. The Black population represents 0.5% of the no cost burden which is 0.24% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population with no cost burden (less than 30%) level are 2.77% which is 1.07% lower than the 3.84% of the county population. The American Indian population at the no cost burden level is 0.36% which is 0.26% lower than the 0.62% in the county.

30-50% Housing Cost Burden - Table 21 lists the number of renter and owner households with housing cost burden at 30-50% of their household incomes. A total of 30,765 households were cost burdened with 30-50% of incomes spent on housing expenses. Of these cost burdened households, 87.32% were White which is 2.84% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in this cost burdened level were 3.80% of the population which is 3.93% lower than the 7.73% of Hispanics

in the county. The Black population represents 0.70% of the cost burdened level which is 0.04% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population at the cost burdened level are 3.35% which is 0.49% lower than the 3.84% of the county population. The American Indian population at the cost burdened level is 0.55% which is 0.07% lower than the 0.62% in the county.

Severe Cost Burden - More than 50% of income - Table 21 lists the number of renter and owner households in Clackamas County with severe housing cost burdens spending more than 50% of their incomes on housing. A total of 23,712 households were at the severe cost burden level. Of these households, 87.41% were White which is 2.93% more than 84.48% of Whites in the county jurisdiction. The Hispanic population at the severe cost burden level were 5.85% of the population which is 1.88% lower than the 7.73% of Hispanics in the county. The Black population represents 0.63% of the severe cost burdened population which is 0.11% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population at the severe cost burdened level are 2.98% which is 0.86% lower than the 3.84% of the county population. The American Indian population at the severe cost burden level is 0.79% which is 0.17% lower than the 0.62% in the county.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

Disproportionate Housing Needs – Severe Housing Needs for households in the 0-30% AMI category is that Black (by 1.38%) and Hispanic (by 1.61%) populations are over represented compared to the county general population. In the 30-50% AMI category the Hispanic population is over represented by 1.03%. In the 50-80% AMI category Whites are over represented by 3% while Asian and Pacific Islanders are underrepresented by 0.88%. In the 80-100% AMI category, Asian and Pacific Islander populations are over represented by 3.92% while Hispanics are over represented by 2.21% compared to the county general population.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	90,738	30,765	23,712	1,129
White	82,300	26,863	20,727	974
Black / African American	455	214	150	4
Asian	2,335	1,030	693	65
American Indian, Alaska Native	324	170	188	0
Pacific Islander	180	0	15	0
Hispanic	3,452	1,975	1,388	70

Table 21 – Greater Need: Housing Cost Burdens AMI

Data Source: 2008-2012 CHAS

Discussion:

Per HUD guidance: "A disproportionately greater need exists when members of a racial or ethnic group at a given income level experience housing problems at a greater rate (10% points or more) than the income level as a whole."

Table 21 lists the number of renter and owner households with no cost burden spending less than 30% (<30%) of their household incomes on housing. The 90,738 total number of <30% no cost burden households were 90.7% White which is 6.22% more than 84.48% of Whites in the county

jurisdiction. The Hispanic population in the <30% cost burden level were 3.80% of the population which is 3.93% lower than the 7.73% of Hispanics in the county. The Black population represents 0.5% of the no cost burden which is 0.24% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population with no cost burden (less than 30%) level are 2.77% which is 1.07% lower than the 3.84% of the county population. The American Indian population at the no cost burden level is 0.36% which is 0.26% lower than the 0.62% in the county.

30-50% Housing Cost Burden - Table 21 lists the number of renter and owner households with housing cost burden at 30-50% of their household incomes. A total of 30,765 households were cost burdened with 30-50% of incomes spent on housing expenses. Of these cost burdened households, 87.32% were White which is 2.84% more than 84.48% of Whites in the county jurisdiction. The Hispanic population in this cost burdened level were 3.80% of the population which is 3.93% lower than the 7.73% of Hispanics in the county. The Black population represents 0.70% of the cost burdened level which is 0.04% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population at the cost burdened level are 3.35% which is 0.49% lower than the 3.84% of the county population. The American Indian population at the cost burdened level is 0.55% which is 0.07% lower than the 0.62% in the county.

Severe Cost Burden - More than 50% of income - Table 21 lists the number of renter and owner households in Clackamas County with severe housing cost burdens spending more than 50% of their incomes on housing. A total of 23,712 households were at the severe cost burden level. Of these households, 87.41% were White which is 2.93% more than 84.48% of Whites in the county jurisdiction. The Hispanic population at the severe cost burden level were 5.85% of the population which is 1.88% lower than the 7.73% of Hispanics in the county. The Black population represents 0.63% of the severe cost burdened population which is 0.11% lower than the 0.74% of the county population that is Black. The combined Asian and Pacific Islander population at the severe cost burdened level are 2.98% which is 0.86% lower than the 3.84% of the county population. The American Indian population at the severe cost burden level is 0.79% which is 0.17% lower than the 0.62% in the county.

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

Extremely low income renters with incomes in the 0 to 80% of AMI have the greatest need and are most at risk of becoming homeless due to rapidly rising rents and increasing housing market pressure to maximize profits on housing investments. The Hispanic population with Housing Problems and Severe Housing Problems at the 0 to 50% of AMI are 1 to 2% more represented in this category than the jurisdiction's general Hispanic population of 7.73%. The white population is over represented by 3 to 4% in the 50-80% of AMI population with Housing Problems and Severe Housing Problems compared to the 84.48% of the white population in the county.

If they have needs not identified above, what are those needs?

No other needs have been identified.

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

Clackamas County has 218 Census Tract Block Groups. Of those 218 block groups, ten percent (10%) or 22 block groups have a population that is more than 56% low and moderate income (LMI).

According to the Census Bureau 7.73% of Clackamas County residents identified their ethnicity as Hispanic or Latino in the 2010 census.

2010 Census data on ethnicity of County residents indicates that of the more populated cities, Canby and Molalla had the highest percentages of Hispanic/Latino residents (21% and 14% respectively). Among the cities with populations above 10,000 people, Canby, Happy Valley and Wilsonville had greater than 20% minority populations.

Clackamas County Housing and Community Development Division reviewed both race and ethnic information from the 2010 Census Bureau to determine minority ranking. The 22 block groups with the highest minority ranking represent 10 percent of all the block groups in Clackamas County.

Nine (9) block groups rank in the top 22 for both minority and LMI, and represent the block groups with the highest concentrations (HC) of poverty and minorities. Five (5) of the high LMI concentration (HC) block groups are located in the North Clackamas Area along HWY 205. One (1) of the HC block groups is

in Milwaukie and two (2) of the HC block groups are in Canby. A total of 13, 855 people live in these areas of High Concentrations (HC) of minority and low income persons.

NA-35 Public Housing – 91.205(b)

Introduction

The geographic area of the Housing Authority of Clackamas County (HACC) is the same geographic area as the county jurisdiction. HACC wait list data for 2017 indicated that although 7,892 person applied to be added to the Public Housing Waitlist only 3,629 were added to the waitlist. 35% of current public housing residents have a disability according to Census data provided by HUD. 28% of households on the 2015 wait list had a disabled family member. 84% of the households (984 families) added to the waitlist were extremely low income (Less than 30% of AMI). 33.3% of the households added (365 families) to the waitlist were in elderly households. 384 families (34%) reported having a disabled head of household.

HACC maintains 545 units of public housing, 1561 Section 8 vouchers providing rental assistance to low income households, 264 units of private market housing, over 100 other housing units in various projects including farmworker housing and 51 Veteran's Administration VASH Vouchers. Based on the table below 541 of the 545 households in public housing have requested accessibility features and 106 of th epeople in public housing are elderly.

Totals in Use

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	0	541	1,549	0	1,479	5	0	65

Table 22 - Public Housing by Program Type

***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**

Data Source: PIC (PIH Information Center)

Characteristics of Residents

Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers				
				Total	Project - based	Tenant - based	Special Purpose Voucher	
							Veterans Affairs Supportive Housing	Family Unification Program
Average Annual Income	0	0	12,319	11,830	0	11,906	5,889	0
Average length of stay	0	0	7	6	0	6	1	0
Average Household size	0	0	2	2	0	2	1	0
# Homeless at admission	0	0	0	0	0	0	0	0
# of Elderly Program Participants (>62)	0	0	106	347	0	340	1	0
# of Disabled Families	0	0	210	525	0	463	3	0
# of Families requesting accessibility features	0	0	541	1,549	0	1,479	5	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	0	500	1,427	0	1,359	4	0	64
Black/African American	0	0	21	71	0	71	0	0	0
Asian	0	0	9	13	0	12	0	0	1
American Indian/Alaska Native	0	0	10	36	0	35	1	0	0
Pacific Islander	0	0	1	2	0	2	0	0	0
Other	0	0	0	0	0	0	0	0	0
***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**									

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	0	36	67	0	66	0	0	1
Not Hispanic	0	0	505	1,482	0	1,413	5	0	64
***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**									

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

The Housing Authority of Clackamas County (HACC) (PHA) currently has 35% of public housing residents with a disability according to Census data provided by HUD. The PHA housing needs analysis is based on the HACC public housing Waiting List data from the 2015 Annual Plan. 4,109 Households requested Housing Choice Vouchers and Public Housing. 86% of households (3,528 households) were extremely low income households with incomes of less than 30% of the Area Median Income. 28% of households on the wait list had a disabled family member. 28% of households on the wait list (754 households) were requesting a one-bedroom unit, 21% requested a two-bedroom unit, 862 households or 32% requested a three bedroom unit and, 20% requested a unit with at least 4 bed-rooms.

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

471 households are on the public housing waitlist (2016). 706 households are on the waiting list for Housing Choice Vouchers. Residents of public housing and Housing Choice voucher holders are distributed throughout the county. Currently there is a general lack of affordable housing for low income households in the jurisdiction and in the region. The rapid increasing in housing demand in the private housing market will continue to gentrify some low income neighborhoods and push low-income families further from high opportunity areas. Public Housing residents and voucher holders are experiencing a lack of ability to move due to the lack of affordable accessible units for rent.

The 2016 PHA waitlist had 84% of the households (984 families) that were extremely low income (Less than 30% of AMI). 33.3% of the households were (365 families) in elderly households. 384 families (34%) reported having a disabled head of household.

The PHA goals for 2017 to 2022 detail the following goals as the immediate needs of PHA residents:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Improve access & housing choice for everyone, with a focus on protected classes and single parent households.
3. Enforce Fair Housing laws and increase public understanding of Fair Housing laws.
4. Improve the quality of Housing Authority assisted housing and customer service.
5. Improve the community quality of life and economic vitality.

6. Promote self-sufficiency and asset development of families and individuals.

How do these needs compare to the housing needs of the population at large

Residents of public housing and Housing Choice voucher holders have similar housing needs to the population at large who are low-income, elderly and/or disabled. County residents and residents of the Portland Metro region are expressing frustration over the lack of affordable, accessible rental and home ownership housing units.

Public Housing residents would like to have more opportunities for increasing their incomes, providing educational opportunities for their children and geeting services for their families.

Discussion

A recent regional Metro Housing Equity 2016 Report detailed the lack of affordable housing units referenced as "missing middle" housing units. "There are currently approximately 30,000 income-restricted units of housing regulated to remain affordable to households making less than 60 percent of median income, and approximately 73,000 units of market-rate housing that are affordable at this level (although rising rents will cause this number to diminish) in the four-county metro region. With over 185,000 households making less than 60 percent of median income, that leaves a shortage of more than 80,000 units of affordable housing." *Metro Opportunities and challenges for equitable housing, January 2016* website: **oregonmetro.gov/equitablehousing.**

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

Most of the population in Clackamas County lives in urban areas. There are also homeless persons and families camping and living in the several small towns in rural areas and in a very large rural forested area that is part of a national forest. The Homeless Continuum of Care (CoC) covers the entire geographic area of Clackamas County.

The 2017 Point in Time Count was conducted through combined efforts of one hundred volunteers and 36 programs or agencies speaking with homeless people at 43 sites, including food pantries, faith based organizations, agency waiting rooms, shelters, schools and outdoor areas.

Homeless Needs Assessment

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Adult(s) and Child(ren)	70	83	123	54	71	329
Persons in Households with Only Children	2	1	2	1	2	9
Persons in Households with Only Adults	85	433	647	290	84	395
Chronically Homeless Individuals	30	264	385	173	30	139
Chronically Homeless Families	30	225	331	148	30	139
Veterans	7	58	85	38	7	33
Unaccompanied Child	2	1	2	1	2	9
Persons with HIV	0	4	8	3	1	4

Table 26 - Homeless Needs Assessment

Data Source Comments: 2017 Continuum of Care Point in Time Count of sheltered and unsheltered homeless persons conducted in January 2017.

Indicate if the homeless population is: Partially Rural Homeless

Rural Homeless Needs Assessment

Population	Estimate the # of persons experiencing homelessness on a given night		Estimate the # experiencing homelessness each year	Estimate the # becoming homeless each year	Estimate the # exiting homelessness each year	Estimate the # of days persons experience homelessness
	Sheltered	Unsheltered				
Persons in Households with Adult(s) and Child(ren)	20	0	20	20	2	200
Persons in Households with Only Children	0	0	0	0	0	0
Persons in Households with Only Adults	20	0	20	20	2	200
Chronically Homeless Individuals	5	0	5	5	1	200
Chronically Homeless Families	5	0	5	5	1	200
Veterans	5	0	5	5	1	200
Unaccompanied Youth	0	0	0	0	0	0
Persons with HIV	0	0	0	0	0	0

Table 27 - Homeless Needs Assessment

Data Source Comments: 2017 Continuum of Care Point in Time Count of sheltered and unsheltered homeless persons conducted in January 2017.

For persons in rural areas who are homeless or at risk of homelessness, describe the nature and extent of unsheltered and sheltered homelessness with the jurisdiction:

The estimates listed in the rural Homelessness Needs Assessment table above are rudimentary estimates based on staff experience.

The assumption is that these persons were not counted during the January 2017 count.

Clackamas County does not conduct a separate rural homelessness count.

The Homeless Count data that is available is from the full county count that was conducted in January 2017 and listed in the Homelessness Needs Assessment table.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

Accurate information on the number of persons becoming homeless each year and leaving homelessness is not clearly available due to the multiple sources of varying information including: the CoC Homeless Count, the Coordinated Housing Assess, the CoC Homeless Management Information system and the number of people seeking services directly from churches, social services agencies and homeless services providers.

607 persons were housed in CoC homeless assistance programs, using data from the county's Homeless Management Information System for Jan 1, 2016 to Dec 30, 2016. Of these persons, 229 people or 38% left homeless services. 145 persons or 63% of all leavers left for permanent housing, 76 persons or 33% of all leavers moved to other temporary housing, 4 persons left to move to an institution and 4 persons went to other destinations.

Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
White	115	285
Black or African American	4	14
Asian	1	1
American Indian or Alaska Native	16	13
Pacific Islander	3	2
Ethnicity:	**Sheltered:**	**Unsheltered (optional)**
Hispanic	22	25
Not Hispanic	129	321

Data Source Comments: 2017 CoC Homeless Point in Time Count

Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

The 208 homeless families living in shelters and transitional housing during the 2015 homeless count included 194 adults and 256 children. 53 persons were identified as homeless veterans since they reported having served in the U.S. military. Another 1,504 persons were counted as “doubled up” or living in overcrowded conditions due to economic hardship.

The 2017 Homeless Count found that 309 adults and 395 children in households containing both adults and children received homeless housing and services during the prior year. Of those who received serves: 547 adults were in households without children, 9 children were in child only households, 24 people were not in an "unknown" household situation. Homeless Veterans: 92 homeless individuals counted between October 1, 2015 and September 30, 2016 reported that they had served in the US Armed Forces.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

The 2015 count found that 43% of the homeless population did not want to provide their race or ethnic identity. 45% reported they were white, 4% identified as American Indian, 2% identified as Black, 2% identified as Asian or Pacific Islander, 4% identified as Hispanic.

The 2017 Count found that 79% of unsheltered homeless persons were white, 7.4% were multi-racial, 3.8% were Native American or Alaska Native, 2.2% were Black and 9.4% were Hispanic.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Children accounted for 47% of persons that were homeless or in unstable housing. Young adults age 18 to 24 were 11% of homeless persons counted. Elderly persons age 65 and older were only 2% of the homeless population. Chronically homeless persons in Clackamas County were predominantly male between 40 and 64 years old. The gender of chronically homeless persons was 34% female and 66% male.

2017 homeless Household Configurations. Households of all configurations were represented within the count:

298 individuals in households made up of adults with children were counted, School District Homeless Liaisons identified an additional 1,165 homeless children who are known to be in families, but for whom the makeup of their households is not known.

290 children were counted with no adult in their households (including those children designated as Unaccompanied by Homeless School Liaisons)149 individuals were counted in households with more than one adult and without children

588 single adult households were counted.

Persons with disabilities made up 55% of people served in housing programs.

Discussion:

The total number of homeless counted in 2017 is 4% higher than the 2015 count total. Counts are much higher in number of unsheltered individuals (↑54%), homeless children (↑35%), and chronically homeless individuals (↑43%). The count of homeless veteran increased (↑15%).

Caution should be taken in identifying trends in the number of homeless counted across years. Many factors affect the results of the Point-in-Time Count. Count methodology, volunteer availability, agency staff involvement, and weather (especially this winter) all impact the count.

NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

Clackamas County Social Services is a division within the larger Clackamas County Health, Housing and Human Services Department that includes Behavioral Health, Public Health, Health Centers, Community Development, the Housing Authority, Community Solutions (workforce programs) and Children Youth and Families.

Clackamas County Social Services (CCSS) was created through the merger of the Area Agency on Aging and the Community Action Agency. The Area Agency on Aging (AAA) and the Community Action Agency (CAA) combine advocacy, program coordination and development activities with social programs to provide opportunities and services for the elderly, people with disabilities, low-income persons, rural residents, and communities of color in Clackamas County. In addition to being an AAA and a Community Action Agency, CCSS includes the County Developmental Disability Program, the County Veterans Service Office, and the Volunteer Connection.

Clackamas County is not a HOPWA grantee. The City of Portland which is just to the north of Clackams County recieves HOPWA funding for the entire region.

The County Deapartment of Transportation and Development (DTD) recently completed an assessment of ADA accessibility needs on all county roadways. The ADA TRANSITION PLAN FOR PUBLIC RIGHTS OF WAY Assessment found that 1,917 Locations had a missing curb ramp, 1,352 locations had a non-functional curb ramp, 1,476 locations failed to meet standards and only 132 ramps met ADA standards.

Describe the characteristics of special needs populations in your community:

2012 American Community Survey (ACS) data for Clackamas County (AFH HUD Table 14) showed that there were 3,478 persons between the ages of 5 and17 with disabilities. 21,334 persons between the ages of 18-64 had disabilities and 18,738 people over the age of 65 had disabilities.

2012 ACS data for Clackamas County (AFH HUD Table 13 Disability Type) also showed that 14,405 people had hearing difficulty, 5,906 people had vision difficulty, 16,721 people had cognitive difficulty, 21,985 people had ambulatory (mobility) difficulty, 9,217 people had self-care difficulty and 14,826 people had difficulty living independently.

Clackamas County's overall population has grown, and there has been a significant increase in the number of older adults residing in the County. Portland State University Population Research Center estimates the 2016 population of those aged 65 and older to be 66,529, an increase of 17,368 people. In addition to increasing in number, the percentage of older adults has also increased. According to US Census Bureau estimates, Clackamas County's population of seniors has grown from 18 percent in 2010 to 22 percent, including those aged 85 and over, which is slightly higher, up from 7,409 to 7,693.

The percentage of Hispanic and Latino residents aged 60 and older has increased from 1.7 percent to 2.2 percent. The overall Hispanic population has also increased, from 7.7 percent to 8.4 percent. The 4.5 percent of older adults who identify as non-white include 239 African Americans, 267 Native Americans, and 1,437 Asians.

The overall number of people living below the poverty line is slightly higher in 2016 than it was in the 2010 census, as is the number of people aged 60 and older living in poverty, which has increased from 4,139 to 5,603. This means that 6.6 percent of the people 60 and older in Clackamas County live below the poverty level.

The number of people with a disability has declined since the last Area Plan in all age groups except for those aged 65 and older, which increased from 18, 717 to 19,692.

In the FY15-16 service year, the ADRC received 1,672 calls from 1,135 unduplicated callers. Through our Oregon Project Independence program, we provided services to 232 older adults and had a waiting list of 351 people.

What are the housing and supportive service needs of these populations and how are these needs determined?

Based on a State (OHCS) 2013 Clackamas County Housing profile report:

- over 3,000 persons need housing with alcohol and drug rehabilitation services,
- over 2,500 persons with chronic mental illness need housing with services,
- 1,450 persons with developmental disabilities need housing with services,
- 104 households in danger of domestic violence need housing options,
- more than 12,500 elder persons need housing,
- more than 1,000 frail elderly need housing and
- 256 released offenders need housing units.

The Housing Authority of Clackamas County 2017-2022 Plan waitlist identified 365 elderly persons that were eligible for housing assistance and 384 households headed by a disabled person that were eligible for housing assistance.

The goal of the Area Agency on Aging is to provide services, supports and information that allow older adults (and in some cases depending on program guidelines, younger persons with disabilities) to live independently through direct programming, contracting with other organizations, engaging in regional collaboration, and planning efforts. The primary planning document that is used by the AAA to guide its work is the Area Plan.

The Area Plan describes how CCSS will meet the needs of older adults and persons with disabilities living in Clackamas County, and includes demographic information, a needs assessment, and specific goals and

activities for a number of areas that are critical to the population, including Caregiver Services, Transportation and Legal Services.

In order to serve older adults residing in both urban and rural areas of the county, Clackamas County Social Services (CCSS) utilizes a single entry approach, working with a comprehensive network of ten Senior, Adult or Community Centers, to ensure that every older adult in Clackamas County has easy access to information and services.

The Clackamas Resource Connection, an Aging and Disability Resource Center (ADRC), provides additional services for all residents of Clackamas County. In 2013 the Clackamas Resource Connection became part of the regional Metro Aging and Disability Resource Connection and was renamed the Clackamas Aging and Disability Resource Connection.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

The county jurisdiction population with HIV/AIDs was identified as 321 persons by state (OHCS) reports in 2013. HIV/AIDS services and housing is provided in the Portland Metropolitan area by the Cascades Aids Project: http://www.cascadeaids.org/

Discussion:

Persons with mobility disabilities including elderly persons continue to face barriers to housing and services in their communities. Rural communities and low-income urban areas lack resources to build sidewalks, pedestrian crossings and other accessible infrastructure for persons with disabilities. The jurisdiction does fund some infrastructure projects including installation of accessible sidewalks in low-income rural areas in the jurisdiction on a limited basis. Cities in urban areas of the jurisdiction are also re-building streets and sidewalks to include accessible sidewalks and crosswalks.

NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction's need for Public Facilities:

Clackamas County is a large and diverse county, covering 1,879 square miles with 15 incorporated cities and towns, as well numerous unincorporated communities. The more urbanized northern section of the county contrasts sharply with the rural and frontier nature of the southern and eastern portions of the county. These were identified as High Needs for Clackamas County: Homeless Facilities, Domestic Violence (services) Facilities, Mental Health Facilities, Senior Centers and Abused/Neglected Children Facilities.

How were these needs determined?

A community survey of cities and the general public was conducted in September and October of 2016. Public Facilities Needs were identified through community surveys, public housing resident surveys, and public meetings with community groups.

Describe the jurisdiction's need for Public Improvements:

The following public improvements were identified as High Public Improvements Needs for Clackamas County: Water/Sewer Improvements, Street/Alley Improvements, Curbs and Sidewalks, Bike and Pedestrian Paths and, Drainage (street) Improvements.

In 2016, the jurisdiction's Department of Transportation and Development conducted a self-evaluation of street facilities that are barriers to accessibility. The self asseessment resulted in an ADA Transition Plan For the Public Rights-Of-Way (February 2017) which identified 1,917 missing curb ramps, 1,352 non-functional curb ramps, 1,476 curb ramps that failed to meet th estandards and only 132 curb ramps that met ADA standards. AN estimate provided that based on the current levels of funding, completing these public facilities improvements would take 70 years.

How were these needs determined?

A community survey of cities and the general public was conducted in September and October of 2016. Public Improvement Needs were identified through community surveys, public housing resident surveys, surveys of city planning staff and public meetings with community groups.

The Department of Transportation and Development ADA Transition Plan For the Public Rights-Of-Way (February 2017) identified the 350 Missing Curb ramps on arterial streets as the top priority for construction. The second highest priority identified was the 566 non-functional curb ramps on arterial

streets.

Describe the jurisdiction's need for Public Services:

The need assessment conducted in October and November of 2016 included a community survey of cities, the general public and public housing residents. Fair Housing Activities, Homeless Services, Youth Services, Neglected/Abused Children Services, Renter/foreclosure training and Employment/Training Services were identified as High Needs.

How were these needs determined?

A community survey of cities and the general public was conducted in September and October of 2016. Public Services Needs were identified through community surveys, public housing resident surveys and public meetings with community groups.

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

The Portland metropolitan region that includes the Clackamas County jurisdiction is experiencing an increase in demand for housing due to an influx of new residents. By some estimates over 100,000 people are moving to the Portland Metro area every year. This current demand for housing is causing rapid rent increases and forcing low-income households to look for housing in other parts of the region including Clackamas County.

A regional report: the Metro Housing Equity 2016 Report concluded that there is currently a shortage of 80,000 "missing middle" housing units in the region: "There are currently approximately 30,000 income-restricted units of housing regulated to remain affordable to households making less than 60 percent of median income, and approximately 73,000 units of market-rate housing that are affordable at this level (although rising rents will cause this number to diminish) in the four-county metro region. With over 185,000 households making less than 60 percent of median income, that leaves a shortage of more than 80,000 units of affordable housing."

MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

Clackamas County residential properties are 69% single family detached residential units, 4% single unit attached, 4% apartments in 2-4 units, 9% apartments in 5-19 unit developments, 7% in larger 20 or more apartment units and 7% of the housing units are mobile homes, boats, recreational vehicles (RV campers) or vans. The housing market in Clackamas County is under increasing economic pressure due to an influx of persons moving to the region. The region experienced a housing market stagnation during the 2009-2010 economic downturn which caused many foreclosures and halted most housing construction.

Since 2010 the housing market has re-bounded into a high demand market that is causing a rapid increase in rents and housing costs. Most of the housing in Clackamas County is in good condition since most was built after 1980.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	109,015	69%
1-unit, attached structure	6,897	4%
2-4 units	6,779	4%
5-19 units	14,455	9%
20 or more units	11,232	7%
Mobile Home, boat, RV, van, etc	10,544	7%
Total	***158,922***	***100%***

Table 28 – Residential Properties by Unit Number

Data Source: 2008-2012 ACS

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	172	0%	1,635	4%
1 bedroom	1,628	2%	9,875	21%
2 bedrooms	13,181	13%	19,810	43%
3 or more bedrooms	86,443	85%	15,052	32%
Total	***101,424***	***100%***	***46,372***	***100%***

Table 29 – Unit Size by Tenure

Data Source: 2008-2012 ACS

Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

The county jurisdiction is partly within an urban growth boundary that encourages preservation of rural agricultural land and density of residential areas. The state of Oregon (OHCS) maintains a list of assisted housing units in Clackamas County. A total of 2,719 assisted housing units in 49 locations are located in the county jurisdiction not including public housing units. 112 of these assisted units are targeted for alcohol and drug recovery, 176 are for persons with disabilities, 813 units for elders, 1,618 for low income families.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

Three of the twelve Section 8 contract properties in Clackamas County have contract expiration dates between 2017 and 2021. If all three of these Section 8 properties are sold there may be a loss of up to 125 units of affordable housing. Three properties have contracts that will expire in 2022 and six have contracts that extend to or beyond 2030.

48 units with a contract expiring on 11/3/2019 are at the OREGON CITY TERRACE at 600 May street in Oregon City.

25 units with a contract expiring on 12/31/2020 are at 300 MAIN at 300 SE Main Street in Estacada.

52 units with a contract expiring on 8/31/2020 are at WILLAMALANE at 4707 SE Boardman Avenue in Milwaukie.

Does the availability of housing units meet the needs of the population?

The needs of low income families, elders and persons with disabilities far outweighs the housing availability. Only 6.3% of the 2,678 persons in Clackamas County with chronic mental illness identified in the State of Oregon study in 2013 had housing available to them leaving a gap of 2,509 units.

Only 5.5% of the 1,554 persons with developmental disabilities had housing available leaving a gap of 1,469 units. Only 15.9% of the frail elderly had housing available leaving a gap of 1,316 units.

In the three years since 2013 these needs have not been met by development of assisted housing units. In some cases low-income units may have been lost to expiring contracts and sale to private investors for re-sale of affordable housing units.

Describe the need for specific types of housing:

As the population ages many more small affordable accessible units are needed for low income persons. The market trends are pushing more housing development of larger homes and luxury apartments. The largest gap identified in 2013 was the 6.5% of the elderly with available housing leaving a gap of 12,909 units however some of these households may not be low income.

As mentioned earlier in this plan, there is a general lack of affordable housing for low income houldholds. More than 20,000 households with extremely low incomes of less than 30% of AMI are paying more than 50% of their incomes for housing.

Discussion

A recent Assessment of Fair Housing (2017-2021) report established a jurisdictional goal of constructing 500 new units of affordable (rent restricted units) housing over the next 5 years in areas of high opportunity as well as adoption of a Strategic Housing Plan that includes developing revenue sources for construction of affordable housing projects. While this goal of 500 new units is far from the 20,000 needed units, more affordable and accessible housing in the jurisdiction will directly benefit low-income households, vulnerable populations and protected classes. Affordable housing units once completed will include eligibility requirements for low income and disabled persons. Affordable housing development organizations will be required to reach out to protected classes and vulnerable low income populations in the jurisdiction.

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

The cost of housing in the Clackamas County jurisdiction has been increasing along with all other housing in the Portland Metropolitan area due to economic pressures generated by an influx of people moving into the area. The housing trends are to build bigger homes for the private market and to build luxury apartments to maximize real estate investments. A news article in the Oregonian on April 4, 2017 stated that the state legislature was considering (HB 2004) a "tenant protection bill" to lift a statewide ban on rent control and stop "no-cause" evictions after a six-month trial period.

Non-profit housing developers are struggling to secure Low Income Housing Tax Credits to finance affordable housing units due to recent changes at the federal level. The public housing authority has been allowed to pay above the fair market rent in some areas yet many Housing Choice Vouchers (HCV) have been returned because no affordable units could be found. The rental housing inventory has a vacancy rate of less than 2% according to an apartment owners' association report in Spring 2016.

Cost of Housing

	Base Year: 2000	Most Recent Year: 2012	% Change
Median Home Value	193,700	300,600	55%
Median Contract Rent	632	858	36%

Table 30 – Cost of Housing

Data Source: 2000 Census (Base Year), 2008-2012 ACS (Most Recent Year)

Rent Paid	Number	%
Less than $500	5,439	11.7%
$500-999	25,571	55.1%
$1,000-1,499	10,441	22.5%
$1,500-1,999	2,904	6.3%
$2,000 or more	2,017	4.4%
Total	***46,372***	***100.0%***

Table 31 - Rent Paid

Data Source: 2008-2012 ACS

Housing Affordability

% Units affordable to Households earning	Renter	Owner
30% HAMFI	1,407	No Data
50% HAMFI	4,936	3,001

% Units affordable to Households earning	Renter	Owner
80% HAMFI	22,263	8,660
100% HAMFI	No Data	16,895
Total	***28,606***	***28,556***

Table 32 – Housing Affordability

Data Source: 2008-2012 CHAS

Monthly Rent

Monthly Rent ($)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	886	1,021	1,208	1,757	2,109
High HOME Rent	682	793	944	1,208	1,328
Low HOME Rent	643	689	827	955	1,066

Table 33 – Monthly Rent

Data Source: HUD FMR and HOME Rents

Is there sufficient housing for households at all income levels?

No. There is not sufficient housing for all income levels. The cost of home ownership has increased by 55% and the cost of rental housing has increased by 36% in the county since the year 2000. These housing cost measures are from 2012 data. The cost of housing has continued to increase since 2012. As stated earlier over 20,000 households are paying more than 50% of their income for housing. The region has a shortage of 80,000 affordable rental units.

How is affordability of housing likely to change considering changes to home values and/or rents?

The affordability of market rate housing will likely decline in the next few years due to increased market demand for housing units by people moving to the Portland Metropolitan area.

“Overall rents in the Metro area have seen an increase of 13% year-over-year, but additional supply has caused rent increases to slow to 5.3% since the Fall Report, indicating an annualized increase closer to 10%” per year. Source: Multifamily Northwest, The Apartment Report, Spring 2016.

A news article in the Oregonian on April 4, 2017 stated that the state legislature was considering (HB 2004) a "tenant protection bill" to lift a statewide ban on rent control and stop "no-cause" evictions after a six-month trial period.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

HOME rents and Fair Market Rents are low compared to Area median Rent. Rents have been rising throughout the Portland metropolitan area. The median rent was $1,538 and the Fair Market rent as of April 2016 was $1,021 per month for a one-bedroom apartment. The HIGH HOME rent is $920 per month and the LOW HOME rent was $689 per month. The jurisdiction needs to both preserve affordable housing units and seek additional funds to build new affordable and accessible housing units for low-income households. For a 3-bedroom apartment there is a $500 monthly shortfall between Fair Market and HIGH HOME rents. Fair Market rent in April 2016 was $1,757, with a HIGH HOME rent of $1,269 and a LOW HOME rent of $955 per month.

The jurisdiction will continue to seek partners to develop affordable housing and to preserve exisiting affordable housing units. The jurisdiction has a limited source of affordable housing funds ($700,000 per year of HOME funds) that is being reduced annually by the federal government. The jurisdiction is developing a Strategic Housing Plan that will include possible funding sources for new affordable housing units.

Discussion

A recent news article in the Oregonian on March 13, 2017 highlighted 13 neighborhoods in the Portland metro area that were termed "severely rent burdened". One of these neighborhoods (census tract 0215 block group 001) was located in the North Clackmas Park area along Highway 224 between Milwaukie and Happy Valley. The neighborhood is considered middle-income and mostly homeowners. 26% of the homes are rental properties in which 57% of residents spend more than half of their incomes on rent. The median rental housing cost was $1,538 per month. For a 3-bedroom apartment there is a $500 monthly shortfall between Fair Market rent and HIGH HOME rents. Fair Market rent in April 2016 was $1,757, with a HIGH HOME rent of $1,269 and a LOW HOME rent of $955 per month.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

Clackamas County is primarily single family residential homes. Multi-family housing is located in high-density urban areas. Rural towns have some multi-family housing units and manufactured home parks as well. As indicated in Table 33 below, 49% of the owner-occupied single family homes and 44% of the renter-occupied homes were built after 1980. Only 12% of the owner-occupied homes and 9% of the renter-occupied homes were built before 1950. Very few private homes are vacant and the rental vacancy rate is less than 2%.

A search of the state of Oregon Oregon's Dwelling Park Directory list in February 2017 found 101 MFH Parks with MFH 6,287 units in Clackamas County with few vacancies. The MFH Parks listed were generally for families or limited to Seniors (55 yrs+) with no children.

Definitions

Clackamas County administers a Housing Rehabilitation Program. The program manual includes a definition of Substandard. A substandard dwelling unit is one that does not meet the HUD Housing Quality Standards at CFR 882.109 or other criteria for an acceptable standard of living. The substandard conditions may be due to the age of unit, neglect, inadequate plumbing facilities, crowded conditions or other code violations.

Substandard but Suitable for Rehabilitation: dwelling unit is considered suitable for rehabilitation if it is structurally sound and can be brought up to standard condition within the cost limits of the Housing Rehabilitation Program.

Substandard not Suitable for Rehabilitation: dwelling unit is considered unsuitable for rehabilitation if it is deteriorated to the extent that rehabilitation is not economically feasible within the cost limits of the Housing Rehabilitation Program and the financial means of the owner.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	32,648	32%	20,864	45%
With two selected Conditions	820	1%	2,239	5%
With three selected Conditions	98	0%	99	0%
With four selected Conditions	0	0%	13	0%
No selected Conditions	67,858	67%	23,157	50%
Total	***101,424***	***100%***	***46,372***	***100%***

Table 34 - Condition of Units

Data Source: 2008-2012 ACS

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	16,717	16%	6,466	14%
1980-1999	32,961	33%	18,686	40%
1950-1979	39,960	39%	16,840	36%
Before 1950	11,786	12%	4,380	9%
Total	***101,424***	***100%***	***46,372***	***99%***

Table 35 – Year Unit Built

Data Source: 2008-2012 CHAS

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	51,746	51%	21,220	46%
Housing Units build before 1980 with children present	12,335	12%	7,601	16%

Table 36 – Risk of Lead-Based Paint

Data Source: 2008-2012 ACS (Total Units) 2008-2012 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	0	0	0
Abandoned Vacant Units	0	0	0
REO Properties	0	0	0
Abandoned REO Properties	0	0	0

Table 37 - Vacant Units

Data Source: 2005-2009 CHAS

Need for Owner and Rental Rehabilitation

The Clackamas County Housing Rehabilitation Program assists 35 to 40 home owners every year with home repair loans and home access grants. As stated earlier, over 20,000 households in the county are paying more than 50% of their incomes for housing. Low income elderly and low income disabled households will income qualify for housing rehabilitation assistance. 32,648 owner-occupied houisng units have been identified as having at least one problem/condition representing 32% of all owner occupied housing units. 20,864 renter occupied units have been identified as having at least one condition/problem representing 45% of all renter occupied units.

As indicated in Table 7, the most common housing problems for both renters and owners is the cost burden of greater than 30% of household income and greater than 50%. Of all low income owners with housing problems, 54% of these owner households (11,025 of 20,368) are spending more than 50% of household income for housing and 39% (7,868 of 20,368) are paying more than 30% of their incomes for housing related costs. The combined total of low income home owners that are burdened by housing expenses is 93% (18,893 of 20,368) of all owner households reporting housing problems.

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

HUD established estimates for the likelihood of lead-based paint based on the age of units: 90% of units built prior to 1940, 80% for units built between 1940 and 1959 and 62% of units built between 1960 and 1979. However, the presence of lead-based paint (LBP) alone is not a direct indication of lead-based paint hazard. Hazard is a function of several factors, including age and condition.

Recent surveys have attempted to provide a more accurate estimate of lead-based paint hazards. A 1999 national survey found declining chances of hazards with new buildings: 67% for housing build before 1940, 51% for houses built between 1940 and 1959, 10% for houses built between 1960 and 1977, and 1% for houses built after that.

Source: Clickner, R. et. al. (2001). *National Survey of Lead and Allergens in Housing, Final Report, Volume 1: Analysis of Lead Hazards.* Report to Office of Lead Hazard Control, US Department of Housing and Urban Development.

Table 34 Risk of Lead-Based Paint (LBP) Hazard indicates that 12% of the owner-occupied units have children present, a total of 12,335 housing units and 16% of the renter-occupied units have children present for a total of 7,601 units. The combined number of housing units built before 1980 with children present would be 19,936 units that could be at risk of LBP hazard.

The number of households in the county listed in Table 6 with incomes below 100% of Household Area Median Family Income (HAMFI) is 8,790 households. If we use an assumption that 75% of these households are in LBP hazard units then the number would be 6,593 low-income households at risk.

Discussion

A review of single and multi-family new housing building permits from January 2006 to June 2016 reveals that 3,435 permits were issued for single family homes throughout the jurisdiction while 220 permits were issued for multi-family homes of duplexes, 3 or 4 family unit developments and developments with 5 or more units. 47.7% of the multi-family permits (105 permits) were issued in the Clackamas zip code which is an area South of Happy Valley, east of Hwy 205 and north of the Clackamas

River. 11.4% of multi-family permits (25 permits) were issued in Molalla and another 11.4% (25 permits) were issued in Milwaukie.

Of the 3,435 single family permits issued in ten years, 16.51% were issued in the Clackamas zip code (567 permits). 408 permits were issued in Oak Grove/Jennings lodge zip code (11.9% of single family permits). Oregon City had 298 permits issued or 8.68% of the total, Canby had 282 permits issued 8.21% of the total and, Molalla had 246 permits issued 7.16% of all single family permits. The communities with over 100 single family permits each included: Sandy (187), Estacada (167), Boring (146), Happy Valley (125), West Linn (109), and Damascus (110). The housing permits data provided by the county transportation and planning department.

MA-25 Public and Assisted Housing – 91.210(b)

Introduction

The Housing Authority of Clackamas County (HACC) manages 560 units of public housing. This housing portfolio is organized and managed in five separate projects as noted in the table below. All public units are leased to qualified households earning less than 80% of the area median income. Rents are income based where a household pays only 30% of its adjusted monthly income. Public housing is restricted to families, single parent households, elderly and disabled persons. Based on a waiting list of about 5,000 households, the demand for public housing is about five times the supply of qualified units.

Totals Number of Units

Program Type									
	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project -based	Tenant -based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available			560	1,486			0	0	663
# of accessible units									
***includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition**									

Table 38 – Total Number of Units by Program Type

Data Source: PIC (PIH Information Center)

Describe the supply of public housing developments:

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

There are 544 units of public housing and scattered sites owned by the housing authority that are part of the public housing agency plan. Chronic under funding of the capital improvement grants from HUD has made maintaining these units extremely difficult. The housing authority applied for a HOPE VI grant from HUD to re-develop many of these units however that grant request was not funded.

The Housing Authority of Clackamas County (HACC) manages 560 units of public housing. This housing portfolio is organized and managed in five separate projects as noted in the table below. All public units are leased to qualified households earning less than 80% of the area median income. Rents are income based where a household pays only 30% of its adjusted monthly income. Public housing is restricted to families, single parent households, elderly and disabled persons.

Based on a waiting list of about 5,000 households, the demand for public housing is about five times the supply of qualified units.

Public Housing Condition

Public Housing Development	Average Inspection Score
Clackamas Heights	38
Scattered Sites	38
Hillside Park	38
Oregon City View Manor	38
Hillside Manor	38

Table 39 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

A comprehensive third party capital assessment completed in February of 2106 by EMG, Inc., indicated that the long term capital needs for all projects exceed the annual funding stream by three to four times the amount of available funding. For example, the long term capital needs for Clackamas Heights are about $121,441 per unit but funding through HUD's capital grant program is only projected be approximately $31,250 per unit.

To provide a context for the capital needs identified above, projects 1000 & 3000 were constructed in 1943 and have been rehabilitated several times. The construction type although adequate to meet or exceed minimum HUD condition standards these projects have far exceeded their useful life.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

Based on the capital needs of the public housing inventory described above, the Housing Authority of Clackamas County (HACC) is in the process of studying the feasibility of redevelopment of all projects except for the Scattered Sites. The Scattered Sites are in good condition and have the potential for long term viability. HACC is considering the redevelopment of all its public housing sites other than the Scattered Sites. HACC expects to complete a strategic plan for redevelopment sometime during 2017.

The PHA goals for 2017 to 2022 detail the following goals as the immediate needs of PHA residents:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Improve access & housing choice for everyone, with a focus on protected classes and single parent households.

3. Enforce Fair Housing laws and increase public understanding of Fair Housing laws.
4. Improve the quality of Housing Authority assisted housing and customer service.
5. Improve the community quality of life and economic vitality.
6. Promote self-sufficiency and asset development of families and individuals.

Discussion:

No additional discussion

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

The County jurisdiction is also one Continuum of Care region (OR-507). The 2016 total inventory of year-round beds for homeless persons includes 162 beds for households without children, 316 beds for households with children for a total of 478 beds. The 348 permanent supportive housing beds in the chart below include 76 rapid re-housing beds. CoC 2016 Housing Inventory Chart provided these homeless facility numbers.

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	40	0	73	203	0
Households with Only Adults	4	0	13	145	0
Chronically Homeless Households	0	0	0	0	0
Veterans	0	0	0	0	0
Unaccompanied Youth	0	0	0	0	0

Table 40 - Facilities and Housing Targeted to Homeless Households

Data Source Comments: 2016 Continuum of Care Housing Inventory Chart (HIC).

Describe mainstream services, such as health, mental health, and employment services to the extent those services are use to complement services targeted to homeless persons

Oregon is a Medicaid Expansion state. The county homeless services providers in the Continuum of Care (CoC) collaborate extensively with partners County Health Centers, Oregon Health Plan (OHP), Cover Oregon, Oregon Health Authority, Volunteers in Medicine, VA Medical, and employers to ensure that homeless participants are enrolled in both Medicaid (OHP) and private-pay insurance at affordable rates. Between 10/1/2014 and 9/30/2015, 90% of adult participants who exited CoC programs or remained in programs (stayers) had health insurance. This rate has held at 90% for 2 years. CoC programs also assist participants with referrals to Medicaid/Medicare related programs such as SHIBA for Medicare Part D enrollment, filling out Medicare extra help forms and securing in home care. One outcome resulting from partnership with VA Medical is that the VASH Social worker stationed at Clackamas County Veterans Service Office helped 30 homeless veterans in FY 15-16 become vested and enroll in VA health care and/or co-enroll in OHP for dental coverage.

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

Seasonal Facilities: The County works with several faith-based agencies and non-profit agencies to provide services to homeless persons. In the winter months when the temperature drops below freezing, 5 Severe Weather Warming Shelters provided 107 beds mostly for adults and 25 beds for homeless women and children.

Emergency Shelters: 2 church based shelters provide 3 beds for homeless families and The Annie Ross House provides 10 beds for 5 homeless families.

Clackamas Women's Services provides 29 beds for people in danger of domestic violence.

Transitional Housing Services: 5 facilities provide 33 total units of transitional housing: 8 units for homeless families, 3 units for people fleeing domestic violence, 6 units for single adults or households without children, 9 units for pregnant or parenting youth ages 16 to 21 and, 7 units for homeless youth ages 18-23.

Rapid Re-Housing (permanent supportive housing): 2 agencies provide 23 units for families and 12 units for homeless veterans. 10 units are under development to start in October 2017.

Permanent Supportive Housing: 185 units

Bridges to Housing provides homeless families with 25 units of housing per year.

Clackamas Women's Services PSH provides people fleeing domestic and sexual violence with 4 units of housing.

Chez Ami provides clean and sober homeless adults with mental health needs 40 units of housing.

HOPE Programs provide chronically homeless adults and families, some veterans with 19 units of housing.

Shelter + Care provides 43 households with chronically homeless adults and families

Avalon provides 6 units of clean and sober women, some with children, justice involved.

Housing our Heroes provides chronically homeless veteran households with 18 units of housing.

Veterans Rental Assistance Program provides homeless or high risk veterans with serious mental health issues 30 units of housing.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

Special needs services and facilites including housing are provided by non-profit service agencies, faith-based organizations and county agencies including the Social Services Division, the Behavioral Health Division, the Housing Authority (HACC) and the homeless Continuum of Care providers.

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

The needs of low income families, elders and persons with disabilities far outweighs the housing availability.

Only 6.3% of the 2,678 persons in Clackamas County with chronic mental illness identified in the State of Oregon (OHCS) study in 2013 had housing available to them leaving a gap of 2,509 units.

Only 5.5% of the 1,554 persons with developmental disabilities had housing available leaving a gap of 1,469 units.

Only 15.9% of the frail elderly had housing available leaving a gap of 1,316 units.

In the three years since 2013 these needs have not been met by development of assisted housing units.

The Behavioral Health Division staff coordinate special needs housing and services for a total of 391 persons. 35 persons living in 7 Adult Foster Homes are funded by Medicaid. Behavioral Health also works with 11 homes that provide 72 person with care in Residential Treatment Homes/Facilities also funded by Medicaid. Behavioral Health Division staff also coordinate services for 284 persons living in supportive housing units funded by a combination of Continuum of Care, HUD 811 , Section 8 and state mental health funding.

Social Services Division staff provide services to 2,167 youth and adults living independantly or in group homes for persons with developmental disabilities.

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

Foster Care Discharge Policy: The Oregon Department of Human Services (DHS), dictates the Foster Care Discharge Policy in Clackamas County. DHS refers willing children to a CoC homeless services provider for a Life Skills/Transition Readiness Assessment.

The assessment provides: 1. Identification of resources and linkages needed to assist the child in transitioning to independent living, including life skills training, housing subsidies, college tuition, and health insurance; and 2. Preparation of an individualized Comprehensive Transition Plan which must be approved by a Family Court Judge every 6 months until the child is successfully transitioned to independent living. Youth can access Chafee rental subsidies to help them secure an apartment as well as tuition-free access to a state college along with Chafee grants to assist with room and board. Youth with developmental disabilities and/or mental illness exiting the foster care system continue to receive an array of services including options such as adult foster care and supported housing that are based on unique client needs.

Health Care: Discharge planning for low income and disabled people is dictated by the State of Oregon through the Medicaid program. The Affordable Care Act (ACA) and the expansion of Oregon's Medicaid program has shifted discharge planning to Coordinated Care Organizations (CCOs) covering Clackamas County. The CCOs integrate physical, mental and dental health services. The ACA Medicaid expansion aligns the financial incentives with clinical outcomes/housing status of patients.

Upon discharge, homeless persons could go to a variety of housing situations: 1. Medical foster home, a family or friend's home with wrap-around in-home services, a licensed residential care, an assisted living facility or a nursing home, depending on level of medical need; 2. Substance abuse treatment; 3. Mental health housing; 4. Shelter or rapid rehousing program.

Mental Health: The Discharge Policy for persons being discharged from a mental health facility is ensured by Clackamas County Behavioral Health Department (CCBH). As part of Health Share, the area's Medicaid Coordinated Care Organization, CCBH has both financial and clinical incentives to ensure that no county residents are discharged from a psychiatric hospital without housing and services.

Corrections: Successful community re-entry for inmates is a local mandate spearheaded by the Clackamas County Sheriff's Office (CCSO) which participates on the homeless CoC governing board. CCSO promotes post-discharge services with housing to reduce recidivism. The Clackamas County Behavioral Health (CCBH) is a provider in the local Medicaid program, Health Share. CCBH understands that successful re-entry will reduce incidence and cost of ER visits and hospitalization. Two full time mental health professionals on-site at the jail identify and treat inmates with behavioral health issues. Mental Health and Drug Courts provide diversion options for inmates with psychiatric and/or addictions problems. Housing, treatment and close supervision are offered through these Court programs. Newly funded by the State's Reentry Reinvestment Fund, services for persons with mental illness and/or addictions who are exiting jail are being augmented with: 2 case managers, one bilingual addictions counselor, peer counselors, a nurse practitioner and short term transitional housing.

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

In the 2017 program year, Clackamas County will fund the following housing projects and supportive services for non-homeless persons:

- WeBuild - a project to design and build a roadway to a multi-family housing development for adults with disabilities.
- Housing Rehabilitation program will fund housing improvements for renters and owners with disabilites
- Pleasant Avenue Veterans Housing - a project to build 22 units of housing for formerly homeless veterans and their families.
- Employment investment program employment training for persons with disabilities and persons in public housing.
- HOME Multifamily Housing project will provide some housing units to persons with disabilities.

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

See previous answer.

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

The majority of resident feedback during Assessment of Fair Housing community meetings was that most people liked where they lived, however, many people including persons with disabilities felt that is was very difficult to find another affordable unit should they want to move. Current state law provides a mechanism to ensure that a certain percentage of new development is reserved for low-income tenants (known as “inclusionary housing” or “inclusionary zoning”). Clackamas will be evaluating the feasibility and the various options for implementing inclusionary zoning within the county.

The Low Income Housing Tax Credit (LIHTC) market has come to a screeching halt due to potential tax policy changes at the federal level. Clackmas County relies on the State of Oregon LIHTC Program which recently provided this guidance to all proposed affordable housing projects: State of Oregon OHCS decision….letter dated 2/10/2017…

“anticipated federal corporate tax reform has negatively impacted the LIHTC equity market creating real-time consequences for the 33 multifamily affordable housing projects in the OHCS "pipeline". These projects have received funding reservations based on tax credit pricing that is no longer available. Among projects facing probable gaps are a large number of 4% LIHTC projects, as well as the 9% LIHTC projects that the Housing Stability Council approved in November 2016.”

“Do not issue a 2017 LIHTC and HOME NOFA and instead fund additional 2016 applications, reserving some credits for gaps in 9% LIHTC pipeline projects and use flexible gap funding resources to help fill funding gaps on as many pipeline projects as possible”

Zoning Issues: Multi-family housing developments are typically restricted to areas that are zoned as high or medium density residential in each community and throughout the jurisdiction. Communities have many requirements for multifamily housing including: amenities such as onsite parking, fire access, buildings that “match” the character of the neighborhood and traffic impact studies, etc. All these requirements of multifamily housing projects increase the initial cost and result in affordable housing that is expensive to build and maintain. The State of Oregon has a land use plan (Goal 10) that requires all communities to allocate land for multifamily developments however some communities are more compliant than others. State and regional housing advocates are beginning to challenge communities to meet the Goal 10 requirements to provide land for multi-family housing developments. In 2015 Housing Land Advocates joined the Coalition for Affordable and Safe Housing to repeal Oregon’s ban on inclusionary zoning, and allow Oregon communities access to this important tool for creating affordable housing in areas of opportunity. The ban was lifted in 2016 with the passage of HB1533 which became effective June 2, 2016.

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

The unemployment rate has dropped from 10.9% in 2012 to the current rate of 3.6 in the third quarter of 2016 based on a HUD PD&R 3Q 2016 report. 58% of the Labor force commutes for less than 30 minutes to get work. Major business activity and employment sectors include; Education and Health Care Services, Retail Trade and Manufacturing. The labor force of over 200,000 persons is well educated with over 110,000 people with some college or a Bachelor's degree or higher.

Economic Development Market Analysis Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	3,327	3,520	2	3	1
Arts, Entertainment, Accommodations	16,468	14,363	11	11	0
Construction	11,514	10,470	8	8	0
Education and Health Care Services	24,787	21,741	17	17	0
Finance, Insurance, and Real Estate	9,659	7,372	7	6	-1
Information	3,555	1,963	2	2	0
Manufacturing	17,803	18,214	12	14	2
Other Services	6,791	6,321	5	5	0
Professional, Scientific, Management Services	15,824	11,113	11	9	-2
Public Administration	0	0	0	0	0
Retail Trade	19,902	19,256	14	15	1
Transportation and Warehousing	5,529	4,241	4	3	-1
Wholesale Trade	10,448	11,568	7	9	2
Total	145,607	130,142	--	--	--

Table 41 - Business Activity

Data Source: 2008-2012 ACS (Workers), 2011 Longitudinal Employer-Household Dynamics (Jobs)

Labor Force

Total Population in the Civilian Labor Force	200,174
Civilian Employed Population 16 years and over	179,584
Unemployment Rate	10.29
Unemployment Rate for Ages 16-24	26.97
Unemployment Rate for Ages 25-65	6.82

Table 42 - Labor Force

Data Source: 2008-2012 ACS

Occupations by Sector	Number of People
Management, business and financial	47,882
Farming, fisheries and forestry occupations	7,225
Service	17,125
Sales and office	49,200
Construction, extraction, maintenance and repair	15,922
Production, transportation and material moving	9,169

Table 43 – Occupations by Sector

Data Source: 2008-2012 ACS

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	94,560	58%
30-59 Minutes	56,600	35%
60 or More Minutes	10,625	7%
Total	***161,785***	***100%***

Table 44 - Travel Time

Data Source: 2008-2012 ACS

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
Less than high school graduate	8,853	1,404	4,556

Educational Attainment	In Labor Force		
	Civilian Employed	Unemployed	Not in Labor Force
High school graduate (includes equivalency)	31,552	3,658	10,950
Some college or Associate's degree	57,372	5,807	16,642
Bachelor's degree or higher	53,991	3,446	11,583

Table 45 - Educational Attainment by Employment Status

Data Source: 2008-2012 ACS

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	406	991	1,599	1,990	1,747
9th to 12th grade, no diploma	3,743	3,267	2,416	4,550	3,487
High school graduate, GED, or alternative	10,654	10,463	10,420	25,277	16,537
Some college, no degree	11,188	13,478	13,792	33,694	14,881
Associate's degree	1,526	4,026	4,356	10,491	2,607
Bachelor's degree	2,642	8,897	12,202	25,218	9,086
Graduate or professional degree	267	2,946	5,765	14,028	6,645

Table 46 - Educational Attainment by Age

Data Source: 2008-2012 ACS

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	24,789
High school graduate (includes equivalency)	32,132
Some college or Associate's degree	36,766
Bachelor's degree	54,244
Graduate or professional degree	64,779

Table 47 – Median Earnings in the Past 12 Months

Data Source: 2008-2012 ACS

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

Major employment sectors in Clackamas County as indicated in Table 39 include; Education and Health Care Services with 21,741 jobs/24,787 workers, Retail Trade with 19,256 jobs/19,902 workers, Manufacturing with 18,214 jobs/17,803 workers, Arts, Entertainment and Accommodations with 14,363

jobs/16,468 workers. The next three business activities have between 10,000 and 12,000 jobs which are Wholesale Trade, Professional, Scientific, Management Services and Construction.

The employment rate for Clackamas County listed in the Labor Force Table above has dropped to 3.6% in the third quarter of 2016 based on a HUD PD&R 3Q 2016 report.

Describe the workforce and infrastructure needs of the business community:

The Clackamas Workforce Partnership 2016 annual report detailed that 7,245 adults searched for employment opportunities through the Worksource Clackamas System. 85% of participants were able to secure employmnet with an average wage of $15.20 per hour. 87% were able to maintain the employment for at least 9 months after being hired. 10% of the adult workers had no high school diploma or GED. 9% had a criminal history. 8% were veterans and 5% had a disability.

The business community workforce needs include: a larger pool of trained, flexible and motivated workers.

Infrastructure needs for the business community includes industrial land to locate businesses and manufacturing as well as roads and bridges to transport goods.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

As the Portland metropolitan area increases its population over the next 5 years, housing and transportation challenges will impact how the economy and the business community grows. The state of Oregon continues to debate how best to improve public transportation and the federal highways, particularly the Interstate Highway 5 bridge crossing between Oregon and Washington.

Clackamas County government has asked that voters approve a gasoline tax to raise revenue for road maintenance.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

Clackamas Community College offers degree and certificate programs in 3 locations including Wilsonville, Milwaukie and oregon City as well as online. These training programs seem to be addressing the needs of the workforce and employers. Degree and certificate programs include

accounting, business, nursing, gerontology, construction trades, manufacturing, welding, electronic enginnering, web desdign and welding.

Clackamas Community College website: http://www.clackamas.edu/Catalog/

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

Community Solutions for Clackamas County (CSCC) provides workforce development and business productivity services to the Clackamas County community. We serve employers, as well as people seeking employment. CSCC also oversees an innovative program that assists low-income homeowners and renters in weatherizing their homes. CSCC is a Division of the Health, Housing, and Human Services (H3S) Department. Services for Businesses are a range of services to assist large and small businesses in Clackamas County in need of great employees. Employment and Workforce Training programs are intended to increase the employability and wage potential of special populations. Learn more about our programs here, and see if you may qualify for employment assistance.

See Community Solutions Website: http://www.clackamas.us/communitysolutions/

The Consolidated Plan has employment training identified as a high need in public services. Employment training and support for persons with disabilities and for persons living in public housing is provided by Community Solutions. In FY CDBG funds in program year 2017, 2018 and 2019 will support Employment Connections, an employment training program.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

No

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

Not applicable to Clackamas County.

Economic Development activities were not identified as a high need during the community survey and community meetings process.

Discussion

Since Economic Development activities were not identified as a high need during the community survey and community meetings process, no specific economic development activities will be funding during the 2017-2021 Consolidated Plan cycle.

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

At this time the jurisdiction has no data on concentrations of households with multiple housing problems. The jurisdiction has identified several areas of concentrations of low-income and ethnicity however. A recent article in the Oregonian newspaper on March 13, 2017, identified one neighborhood along High 224 between Milwaukie and Happy Valley (census tract 0215 block group 001) as "severely rent burdened". The article stated that 57% of renters in this neighborhood were paying more than 50% of their incomes for housing costs.

Definition of Multiple Housing Problems Concentration: Any area that has been identified as an urban renewal area by the county is considered an area of high concentration with multiple housing problems.

The North Clackamas Renewal Area (NCRA) formed in 2006 has established neighborhoods that are among the most affordable in the jurisdiction howerever, there are long term infrastructure problems that need to be addressed such as a lack of sidewalks and sewer connections. This area contains several census tracts that have been identified as having concentrations of low income and ethnicity. The Clackamas Town Center Area was formed in 1980 contains one area considered a high concentration of low-income households and ethnicity (Hispanic). The Clackamas Town Center area is the region's fastest growing business center with a large cluster of affordable multi-family housing.

The County is considering a housing inspection program and will explore ways to gather data on housing problem concentrations. The Assessment of Fair Housing process identified a goal of Ensuring that all housing in Clackamas County is healthy and habitable.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

Clackamas County Housing and Community Development Division reviewed both race and ethnic information from the 2010 Census Bureau to determine minority ranking. The 22 block groups with the highest minority ranking represent 10 percent of all the block groups in Clackamas County. A total of 37,379 persons were living in these high concentrations of minority areas.

Five (5) of the high concentration (HC) block groups are located in the North Clackamas Area. One (1) of the HC block groups is in Milwaukie and two (2) of the HC block groups is in Canby. A total of 13, 855 people live in these areas of concentrated minority and poverty.

Clackamas County Minority Concentration Definition: Any census tract or area that has double (2x) the percentage of the average percentatge for that particular ethnicity in the county. In 2015, for Hispanic concentrations any area that had more than 15.4% (double of 7.7% averge) was considered a high concentration of Hispanic ethnicity.

Eight percent (7.7%) of Clackamas County residents identified their ethnicity (considered separate from race) as Hispanic or Latino in the 2010 census.

2010 Census data on ethnicity of County residents indicates that of the more populated cities, Canby and Molalla had the highest percentages of Hispanic/Latino residents (21% and 14% respectively). Among the cities with populations above 10,000 people, Canby, Happy Valley and Wilsonville had greater than 20% minority populations.

Clackamas County Low-Income Concentration Definition: Any census tract block group that has a population that is more than 56% low income. Clackamas County has 218 Census Tract Block Groups. 22 of those 218 block groups (10%) have a population that is more than 56% low and moderate income.

Maps showing these areas of high concentrations of both low-income and minority are attached as an appendix to this Consolidated Plan. The definitions listed above were used to determine the low-income and ethnicity concentrations areas on these maps. Areas of both minority and low-income concentrations are in deliniated with cross hatch lines and a pink color. Additional maps that focus on the northwest county and th ewest county are available upon request.

What are the characteristics of the market in these areas/neighborhoods?

The communities of North Clackamas and Milwaukie that include the areas of high concentrations are located in urbanized areas with mostly apartment units and rental houses. The City of Canby is a small town in a rural area that has a concentration in a larger census tract of mostly rental units in the north east corner of the city. Molalla is a small town with modest homes and trailer parks. The town is surrounded by huge tracts of forest land, tree farms and agricultual areas to the west and south.

Are there any community assets in these areas/neighborhoods?

Each community that has a high concentration of enthnicity and low income persons has community assets including public transportation systems, good schools, services and employment opportunities. The one asset that does not seem to be abundant is affordable housing.

Are there other strategic opportunities in any of these areas?

Yes, each community that has a high concentration of ethnicity and low income persons has good schools, good transportation, employment options and access to services via public transportation. Persons in Canby when interviewed regarding fair housing stated that they had moved to Canby to secure employment, good schools for their children and safe housing for their families.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The key points of this Strategic Plan:

1. There is a current housing affordability and availability crisis in the Portland metro area that includes Clackamas County.

2. Strategic Plan Priorities

1. Affordable Housing
2. Homelessness
3. Non-housing Community Development

3. Strategic Plan Goals

1. Affordable Housing
2. Housing Rehabilitation
3. Public Services
4. Homeless assistance
5. Public Facilities
6. Community Infrastructure

4. Assessment of Fair Housing Goals in Priority Order:

1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing.
2. Increase accessibility to affordable housing for persons with disabilities and single parent familial status households. (households with children under 18 yrs.).
3. Improve access to housing and services for all protected classes.
4. Enforce Fair Housing laws and Increase public understanding of Fair Housing laws.
5. Coordinate Fair Housing Advocacy and Enforcement Efforts among regional partners
6. Ensure that all housing in Clackamas County is healthy and habitable.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Table 48 - Geographic Priority Areas

1	**Area Name:**	Countywide
	Area Type:	Local Target area
	Other Target Area Description:	
	HUD Approval Date:	
	% of Low/ Mod:	
	Revital Type:	Comprehensive
	Other Revital Description:	
	Identify the neighborhood boundaries for this target area.	The target area is the entire county in both urban and rural areas.
	Include specific housing and commercial characteristics of this target area.	Clackamas County is considered an urban county by HUD. Most of the population lives in urban areas. Housing in the county is mostly single family residential. There are 15 incorporated cities within Clackamas County and a large un-incorporated urban area mostly in the northwest corner of the county.
	How did your consultation and citizen participation process help you to identify this neighborhood as a target area?	We selected the entire county because our consultation and citizen participation process did not identify any specific target areas within the county.
	Identify the needs in this target area.	The community participation process resulted in affordable housing and homeless prevention as needs throughout the county.
	What are the opportunities for improvement in this target area?	We hope to direct more funding to affordable housing developments in high opportunity areas throughout the county.

	Are there barriers to improvement in this target area?	The barriers are the same barriers to affordable housing: lack of available land, lack of funding and in some cases community opposition to affordable housing, special needs housing or multi-family housing projects.

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

Clackamas County Housing and Community Development Division (HCD) does not target investment areas. HCD seeks to allocate funding throughout the county in both rural and urban areas.

There are areas identified as "high concentrations" of low-income and ethnicity however these areas are not targeted for investment by the Housing and Community Development Division.

The County also contains 3 Urban Renewal Areas that have been identified by the County's Development Agency. These Renewal Areas use property tax revenues to complete infrastructure projects..

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 49 – Priority Needs Summary

1	**Priority Need Name**	Affordable Housing
	Priority Level	High
	Population	Extremely Low Low Families with Children Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Victims of Domestic Violence Persons with Mental Disabilities Persons with Physical Disabilities
	Geographic Areas Affected	Countywide
	Associated Goals	Public Services Housing Rehabilitation Affordable Housing AFH Goal: Increase accessibility to housing
	Description	HOME funds and CDBG funds will be allocated during the 2017, 2018 ad 2019 program years for TBRA Rental Assistance, production of new multi-family housing units, Rehabilitation of existing units and Acquisition of existing affordable housing units if possible.
	Basis for Relative Priority	Through the community needs assessment process conducted in October and November of 2016, respondents consistently placed affordable housing as a top priority.
2	**Priority Need Name**	Homelessness
	Priority Level	High

	Population	Extremely Low Low Families with Children Chronic Homelessness Individuals Families with Children Mentally Ill Chronic Substance Abuse veterans Victims of Domestic Violence
	Geographic Areas Affected	Countywide
	Associated Goals	Homeless Assistance
	Description	The current housing crisis has caused homelessness to be recognised as a brutal problem effecting low-income persons particulrly families with children, veterans, victims of domestic violence and persons with mental illness and substance abuse issues. ESG funds will be allocated for homeless shelters and rapid-rehousing programs in the 2017, 2018 and 2019 program years.
	Basis for Relative Priority	The Housing and Community Development Division has coordinated homeless housing efforts over the last 10 years through the Continuum of Care annual funding application process. The Continuum of Care annual funding level is now over $2 million per year for services, reporting (HMIS) and rental assistance.
3	**Priority Need Name**	Non-housing Community Development
	Priority Level	High
	Population	Low
	Geographic Areas Affected	Countywide
	Associated Goals	Community Infrastructure Improvements Public Facilities Improvements Public Services

	Description	Public Facilities and Public Improvements were identified as high needs by cities during the community needs assessment process. Public facilities needed include: Homeless facilities, domestic violence services facilities, mental health services facilities, senior centers and abuse/neglected children facilities. Public Improvements needed include: water/sewer improvements, street/alley improvements, curbs and sidewalks, bike and pedestrian paths and street drainage improvements.
	Basis for Relative Priority	Community Infrastructure Improvements, Public Facilities and Public Improvements were identified as high needs by cities during the community needs assessment process conducted in October and November of 2016.
4	**Priority Need Name**	AFH: 1. Lack of affordable, accessible housing in
	Priority Level	High
	Population	Extremely Low Low Moderate Other
	Geographic Areas Affected	Countywide
	Associated Goals	Affordable Housing AFH Goal: Develop new housing units AFH Goal: Increase accessibility to housing AFH Goal: Housing access for protected classes AFH Goal: Healthy and Habitable Housing

	Description	AFH:**1. Lack of affordable, accessible housing in a range of unit sizes**. The Portland metropolitan region which includes Clackamas County is experiencing a period of rapid population growth after the recent economic recession. The rapid population growth is bringing an estimated 100,000 people per year to the region, which is increasing the demand for housing units to own or rent. Low income households and protected classes are directly impacted by the increased housing demand. The waiting list for public housing in the jurisdiction was more than 6000 households in 2014. A 2015 regional Housing Equity Report found that the region has a shortage of 80,000 units of affordable housing. The majority of resident feedback during community meetings was that most people liked where they lived, however, many people including persons with disabilities felt that is was very difficult to find another affordable unit should they want to move. Current state law provides a mechanism to ensure that a certain percentage of new development is reserved for low-income tenants (known as "inclusionary housing" or "inclusionary zoning"). Clackamas will be evaluating the feasibility and the various options for implementing inclusionary zoning within the county. Habitable housing is healthy housing free of leaks, mold and pests. Unhealthy rental housing is poorly maintained and generally occupied by low-income vulnerable populations. The critical shortage of affordable rental housing units in the jurisdiction compounded with the threat of lawful no-cause evictions, makes tenants fearful of requesting repairs due to risk losing their housing from retaliation and eviction. Housing survey respondents and comments during community meetings revealed that vulnerable populations including protected groups such as people of color, families with children and persons with disability are forced to live in unhealthy conditions because no other housing is available to them.
	Basis for Relative Priority	AFH Contributing Factor 1.
5	**Priority Need Name**	AFH: 2. Availability of affordable units
	Priority Level	High
	Population	Other
	Geographic Areas Affected	Countywide

	Associated Goals	Affordable Housing AFH Goal: Fair Housing laws and Increase public AFH Goal: Healthy and Habitable Housing
	Description	**2. Availability of affordable units in a ranges of sizes:** The The wait list for public housing assistance was more than 6,000 households in 2014. The 2016 public housing wait list was more than 4,000 households requesting assistance. The current housing market has a vacancy rate of less than 2% which is causing rents to increase monthly in some cases. Apartment buildings are being purchased and remodeled to increase rent revenue, resulting in many tenants being given “no cause” evictions. The largest city in the region, Portland, Oregon has proposed enacting a 3-month eviction/rent increase moratorium to provide renters time to find new units or adjust to the rent increase.
	Basis for Relative Priority	AFH Contributing Factor 2.
6	**Priority Need Name**	AFH: 3. Displacement of residents due to economic
	Priority Level	Low
	Population	Extremely Low Low Moderate Other
	Geographic Areas Affected	Countywide
	Associated Goals	Affordable Housing Homeless Assistance

	Description	**Displacement of residents due to economic pressures:** The city of Portland declared a homeless housing emergency in October 2015 to increase efforts to find solutions to homelessness and the housing shortage crisis. The high demand for private market housing has increased rent levels by 300% in some cases. Under current law, private landlords can evict residents without a reason ("no-cause eviction") and this type of eviction frequently masks unlawful eviction that is retaliatory or discriminatory. There is no legal mechanism for stabilization of rents in Oregon. Evicted residents in urban areas close to jobs, schools and services are being pushed out to suburban areas to find affordable rental units. However, with a vacancy rate of less than 2%, very few units are available to rent. The end result is a concentration of poverty and minority households outside areas of high public investments. In some instances, lower-income minority households are being displaced out of one jurisdiction and into specific areas of adjacent jurisdictions that lack the social and physical amenities of their prior homes.
	Basis for Relative Priority	AFH Contributing Factor 3.
7	**Priority Need Name**	AFH: 4. Community Opposition
	Priority Level	Low
	Population	Extremely Low Low Large Families Families with Children Elderly Public Housing Residents Other
	Geographic Areas Affected	Countywide
	Associated Goals	Affordable Housing

	Description	Affordable housing projects when proposed often face community opposition to affordable “housing projects” that bring “poor people” into a neighborhood. Many homeowners are concerned that “Section 8” housing and other affordable housing units will degrade property values in expensive neighborhoods. Low-income and protected classes that currently live in these communities would directly benefit from new affordable housing units. Often, multi-family units may only be constructed where the land has been zoned as high or medium density residential. Community opposition is institutionalized by smaller communities with city councils and land use planning boards that write zoning and land use ordinances which prohibit or allow new multi-family and affordable housing projects. These zoning and land use ordinances may further concentrate poverty or segregate low-income people out of communities.
	Basis for Relative Priority	AFH Contributing Factor 4.
8	**Priority Need Name**	AFH: 5. Site selection policies, practices decisio
	Priority Level	Low
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Other
	Geographic Areas Affected	Countywide
	Associated Goals	Affordable Housing

	Description	**5. Site selection policies, practices and decisions for publicly supported housing,** including discretionary aspects of Qualified Allocation Plans and other programs. Oregon's Housing and Community Services administers the low Income Housing Tax Credit (LIHTC) program. In Clackamas County, there is only one census tract that is considered either a Qualified Census Tract (QCT) or a Difficult Development Area (DDA). The QCT and the DDA designations allow for more tax credits to be included (up to 30% more) in the project, which increases the financial viability of those housing projects. Without more qualified census tracts for LIHTC credits the jurisdiction will continue to struggle with financing options for affordable housing projects and perpetuate concentrations of poverty. Additional concern is the lack of reliable data on the minority households within the LIHTC housing. HUD provided data (Table 8) is 5 years out of date at the time of this report. As a result, it is very difficult to track whether or not minority households that qualify for LIHTC are actually adequately represented in the tenant population or if there are additional barriers in the housing application and screening process that may violate fair housing laws. Lastly, because of community opposition to "subsidized" housing, the majority of LIHTC that are built restrict the tenant population to seniors. This type of housing is found most often in the higher income, predominantly white communities with the most social and physical amenities (transportation, access to good schools/grocery stores) while "subsidized" housing for minority families are often located outside of such areas of high opportunity.
	Basis for Relative Priority	AFH Contributing Factor 5.
9	**Priority Need Name**	AFH: 6. Housing accessibility modifications
	Priority Level	Low
	Population	Extremely Low Low Elderly Other
	Geographic Areas Affected	Countywide

	Associated Goals	Housing Rehabilitation
	Description	**6. Lack of assistance for housing accessibility modifications:** The Clackamas County jurisdiction operates one program with limited funding to assist low-income households with accessibility modifications to their homes. The Housing Access Grant provides small grants to approximately 20 households per year. This program could be expanded to serve more low-income families. Persons with disabilities surveyed and interviewed during community participation meetings expressed their need for more units of affordable and accessible units to increase housing choice.
	Basis for Relative Priority	AFH Contributing Factor 6.
10	**Priority Need Name**	AFH: 7. Private discrimination
	Priority Level	Low
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Other
	Geographic Areas Affected	Countywide
	Associated Goals	Affordable Housing AFH Goal: Housing access for protected classes AFH Goal: Fair Housing laws and Increase public

	Description	**7. Private discrimination:** Private discrimination in the housing rental market continues to affect housing choice for vulnerable populations and protected classes in the region and the jurisdiction. The Fair Housing Council complaint data for the jurisdiction from July 1, 2014 to June 30, 2015 had 92 complaints. The Housing Rights and Resources (HRR) program assisted over 800 households to understand their rights and responsibilities as tenants. 80 households had potential discrimination cases. Private discrimination also occurs frequently with persons who have a criminal history which is a barrier to accessing housing. Private discrimination for a criminal history is one of the collateral "downstream" impacts of the racial and ethnic disparities in our local criminal justice system. A recently released report of data from Multnomah County found African-Americans were four times more likely to be stopped, arrested, charged and sentenced more harshly than their white counterparts despite their relatively low presence in our communities. This discrimination is having a disparate impact on African American and Hispanic men and their families. HUD has begun providing training to fair housing organizations and housing providers to consider additional screening criteria to prevent a disparate impact in these populations seeking access to housing in the region and the jurisdiction.
	Basis for Relative Priority	AFH Contributing Factor 7. Private discrimination may also occur when requests for repairs are ignored by property managers. Habitable housing is healthy housing free of leaks, mold and pests. Unhealthy rental housing is poorly maintained and generally occupied by low-income vulnerable populations. The critical shortage of affordable rental housing units in the jurisdiction makes tenants fearful of requesting repairs due to risk losing their housing from retaliation and eviction. Private discrimination may also occur when tenants are evicted for "no cause" which is legal in the region and the jurisdiction although a few cities in the jurisdiction have or are considering enacting 90-day notice requirements for large rent increases or eviction notices. The increase in the number of "no cause" evictions may also be a result of the economic pressures faced by investors and property owners in a high demand housing market such as the current Portland metro area housing market.
11	**Priority Need Name**	AFH: 8. Lack of public fair housing enforcement
	Priority Level	Low

	Population	Extremely Low Low Moderate Large Families Families with Children Elderly Public Housing Residents Other
	Geographic Areas Affected	Countywide
	Associated Goals	Public Services AFH Goal: Coordinate Fair Housing efforts
	Description	**8. Lack of public fair housing enforcement:** The jurisdiction has no public agency to enforce fair housing. In the region and the state, there are only two enforcement agencies: HUD and the Oregon Bureau of Labor and Industry (BOLI). Recently, HUD withdrew federal funds from BOLI because of a recent change in state law that eliminated BOLI's legal capacity to enforce federal fair housing laws. Although BOLI technically has the authority to enforce the state fair housing laws, BOLI has reduced the number of cases the agency is willing to enforce due to funding limitations.
	Basis for Relative Priority	**AFH Contributing Factor 8. Lack of public fair housing enforcement:** In 2012, budget cuts within Legal Aid Services of Oregon (LASO) and Oregon Law Center (OLC) lead to the closure of an office in Clackamas County and to a 20% reduction in staff positions statewide. In the five county region that LASO Portland Regional Office serves, which now includes Clackamas County, over 200,000 people meet LASO income guidelines. Approximately 36,000 people are living in poverty in Clackamas County and are eligible for legal help. Additionally, there is a higher and increasing rate of poverty among the Latino population in Oregon. In Clackamas County, according to the 2011-13 American Community Survey, the number of Latino residents living in poverty was at 18%, a number double that of whites in Clackamas County.
12	**Priority Need Name**	AFH: 9. Lack resources for fair housing agencies
	Priority Level	Low

	Population	Extremely Low Low Large Families Families with Children Elderly Other
	Geographic Areas Affected	Countywide
	Associated Goals	Public Services AFH Goal: Fair Housing laws and Increase public AFH Goal: Coordinate Fair Housing efforts
	Description	**Lack of resources for fair housing agencies and organizations:** The jurisdiction has one program to assist low-income persons with housing information and referral. Potential housing discrimination complaints are directed to the Legal Aid Services of Oregon, the Fair Housing Council of Oregon and/or the Oregon Bureau of Labor and Industry for investigation and possible legal action. The Fair Housing Council of Oregon has no office in the jurisdiction. The Legal Aid Services of Oregon recently closed an office in the jurisdiction due to lack of funding. The Oregon Bureau of Labor and Industry is no longer conducting housing discrimination legal actions and is no longer recognized by HUD as equivalent to HUD for enforcement actions.
	Basis for Relative Priority	AFH Contributing Factor 9. **Lack of resources for fair housing agencies and organizations:** The jurisdiction has one program to assist low-income persons with housing information and referral. Potential housing discrimination complaints are directed to the Legal Aid Services of Oregon, the Fair Housing Council of Oregon and/or the Oregon Bureau of Labor and Industry for investigation and possible legal action. The Fair Housing Council of Oregon has no office in the jurisdiction. The Legal Aid Services of Oregon recently closed an office in the jurisdiction due to lack of funding. The Oregon Bureau of Labor and Industry is no longer conducting housing discrimination legal actions and is no longer recognized by HUD as equivalent to HUD for enforcement actions.
13	**Priority Need Name**	AFH: 10. Land Use and Zoning Laws
	Priority Level	Low

	Population	Extremely Low Low Large Families Families with Children Elderly Public Housing Residents Other
	Geographic Areas Affected	Countywide
	Associated Goals	Affordable Housing
	Description	**Land Use and Zoning Laws:** Multi-family housing developments are typically restricted to areas that are zoned as high or medium density residential in each community and throughout the jurisdiction. Communities have many requirements for multifamily housing including: amenities such as onsite parking, fire access, buildings that "match" the character of the neighborhood and traffic impact studies, etc. All these requirements of multifamily housing projects increase the initial cost and result in affordable housing that is expensive to build and maintain. The State of Oregon has a land use plan (Goal 10) that requires all communities to allocate land for multifamily developments however some communities are more compliant than others. State and regional housing advocates are beginning to challenge communities to meet the Goal 10 requirements to provide land for multi-family housing developments. In 2015 Housing Land Advocates joined the Coalition for Affordable and Safe Housing to repeal Oregon's ban on inclusionary zoning, and allow Oregon communities access to this important tool for creating affordable housing in areas of opportunity. The ban was lifted in 2016 with the passage of HB1533 which became effective June 2, 2016.
	Basis for Relative Priority	AFH Contributing Factor 10. **Land Use and Zoning Laws:** Multi-family housing developments are typically restricted to areas that are zoned as high or medium density residential in each community and throughout the jurisdiction. Communities have many requirements for multifamily housing including: amenities such as onsite parking, fire access, buildings that "match" the character of the neighborhood and traffic impact studies, etc. All these requirements of multifamily housing projects increase the initial cost and result in affordable housing that is expensive to build and maintain.
14	**Priority Need Name**	AFH 11. Inaccessible sidewalks, pedestrian crossin

	Priority Level	Low
	Population	Extremely Low Low Elderly Persons with Physical Disabilities Other
	Geographic Areas Affected	Countywide
	Associated Goals	Community Infrastructure Improvements Public Facilities Improvements
	Description	**Inaccessible sidewalks, pedestrian crossings, or other infrastructure:** Persons with mobility disabilities continue to face barriers in their communities. Rural communities and low-income urban areas lack resources to build sidewalks, pedestrian crossings and other accessible infrastructure for persons with disabilities. The jurisdiction does fund some infrastructure projects including installation of accessible sidewalks in low-income rural areas in the jurisdiction on a limited basis. Cities in urban areas of the jurisdiction are also re-building streets and sidewalks to include accessible sidewalks and crosswalks.
	Basis for Relative Priority	**Inaccessible sidewalks, pedestrian crossings, or other infrastructure:** Persons with mobility disabilities continue to face barriers in their communities. Rural communities and low-income urban areas lack resources to build sidewalks, pedestrian crossings and other accessible infrastructure for persons with disabilities. The jurisdiction does fund some infrastructure projects including installation of accessible sidewalks in low-income rural areas in the jurisdiction on a limited basis. Cities in urban areas of the jurisdiction are also re-building streets and sidewalks to include accessible sidewalks and crosswalks.

Narrative (Optional)

Clackamas County is a large and diverse county, covering 1,879 square miles with 15 incorporated cities and towns, as well numerous unincorporated communities. The more urbanized northern and western sections of the county contrast sharply with the rural and frontier nature of the southern and eastern portions of the county.

The Priority Needs that have been identified are not for allocating investment of available resources among different needs.

Public Facilities: These were identified as High Needs for Clackamas County: Homeless Facilities, Domestic Violence (services) Facilities, Mental Health Facilities, Senior Centers and Abused/Neglected Children Facilities.

Public Improvements: These were identified as High Public Improvements Needs for Clackamas County: Water/Sewer Improvements, Street/Alley Improvements, Curbs and Sidewalks, Bike and Pedestrian Paths and, Drainage (street) Improvements.

Public Services: Fair Housing Activities, Homeless Services, Youth Services, Neglected/Abused Children Services, Renter/foreclosure training and Employment/Training Services were identified as High Needs.

The 11 Assessment of Fair Housng (AFH) Contributing Factors have been added here in accordance with HUD guidance for incorporating AFH goals into Consolidated Plans.

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	The current housing crisis in the Portland metropolitan area is affecting low and extremely low income households that are living in older rental units. These older rental units are being sold and or renovated to increase the rental income for investors and property owners. Low income families that are forced to move when a property is sold or renovated are having difficulty locating and affording a new rental unit. HOME funds will be allocated in the 2017, 2018 and 2019 program years for this activity.
TBRA for Non-Homeless Special Needs	Although the current housing crisis in the Portland metropolitan area is affecting low and extremely low income households that are at risk of homelessness, this type of program will not likely be funded between July 1, 2017 and June 30, 2021.
New Unit Production	The current housing crisis in the Portland metropolitan area is affecting low and extremely low income households that are trying to move to a more affordable home. Clackamas County has identified a gap of over 30,000 units of affordable housing needed for low-income residents in 2016. The private housing market has responded to the housing demand by increasing production of luxury homes and apartments that are not affordable for households with low-incomes.
Rehabilitation	Low income and disabled residents who own their homes may not be able to maintain the homes or afford to repair the homes to improve accessibility or energy efficiency. The Housing and Community Development Division administers a Housing Rehabilitation Program to assist over 35 households per year.
Acquisition, including preservation	The current housing crisis in the Portland metropolitan area is affecting low and extremely low income households that are living in older rental units and affordable housing projects. These older rental units are being sold and or renovated to increase the rental income for investors and property owners. Six properties with Section 8 assistance have been identified as potentially being lost to low income residents when the Section 8 contract expires sometime between July 1, 2017 and June 30 2022.

Table 50 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

Clackamas County Housing and Community Development Division works closely with the Housing Authority of Clackamas County, the County Behavioral Health Program, the Continuum of Care, non-profit agencies and the local County Social Service agencies to secure and administer many sources of funding for services, programs and rent assistance to benefit low-income residents of Clackamas County.

These expected resources are estimates based on historical funding trends, amounts to be matched and leveraged.

HOME Project-Related Soft Costs

When HOME funds are allocated to an affordable housing project (as opposed to TBRA or CHDO operating), Clackamas County will have the option of charging reasonable and necessary staff and overhead support to the project as project-related soft costs. These may include:

- Processing of applications for HOME funds
- Appraisals required by HOME regulations
- Preparation of work write-ups, specifications, and cost estimates or review of these items if an owner has had them independently prepared
- Project underwriting
- Construction inspections and oversight
- Project documentation preparation
- Costs associated with a project-specific environmental review
- Relocation and associated costs
- Costs to provide information services such as affirmative marketing and fair housing information to prospective tenants
- Staff and overhead costs related any of the above actions

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	1,991,474	478,879	0	2,470,353	6,406,826	The FY 2017 program year is the beginning of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 2-5% each year. program income includes $18,881 of CDBG program income and $459,998 of NSP program income that was converted to CDBG program income.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	741,738	361,778	0	1,103,516	2,511,178	The FY 2017 program year is the beginning of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 2-5% each year. The HOME match requirement of 25% will be met either by eligible contributions, computing the value of annual property tax exemptions, or by drawing down the required match amounts from the county's excess HOME match reserve of approximately $1.3 million.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
ESG	public - federal	Conversion and rehab for transitional housing Financial Assistance Overnight shelter Rapid re-housing (rental assistance) Rental Assistance Services Transitional housing	181,841	0	0	181,841	602,526	The FY 2017 program year is the beginning of the 5-year Consolidated Plan. The expected amount available is based on the assumption that funds will be cut by 2-5% each year

Table 51 - Anticipated Resources

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG Program: Resources reasonably expected to be made available to supplement CDBG funds include local matching to be contributed by project sponsors. Matching contributions (cash or in-kind) equivalent in value to a minimum of 20% of the project cost are required by County policies. It is anticipated that funding available to finance community development activities from local matching sources will total at least

$2,000,000. CDBG anticipates approximately $50,000 of program income per year from the Housing Rehabilitation program loan repayments and $25,000 of prior year funds will support annual projects. For FY 2017, CDBG program income is $18,881 and $459,998 of NSP program income that was converted to CDBG program income for a total of $478,879.

The **Continuum of Care application** process will renew at least $1,700,000 of funding annually for homeless services, programs and rent assistance for homeless individuals and families. In 2016 CoC was eligible to apply for an additional $251,421 of funds as a bonus project. In 2016 HUD awarded the Clackamas Continuum a total of $2,087,390 which includes additional funding due to increased Fair Market Rent (FMR) rates and additional funds for the Housing Our Heros homeless veterans and families housing assistance program.

HOME Program Income

HOME Program Income (PI) is generated from the repayment of HOME loans that the county has made to affordable housing projects. As provided for in the 2016 HOME Interim Rule, Clackamas County will retain HOME PI that is receives during the program year, and allocate it to a specific project or projects in the subsequent program year. For the program year ending June 30, 2017, the county anticipates that it will retain approximately $361,778 of HOME PI, and will allocate the PI to a HOME multi-family housing project in the upcoming program year.

HOME Match Funds: The HOME match requirement of 25% will be met either by eligible contributions, computing the value of annual property tax exemptions, or by drawing down the required match amounts from the county's excess HOME match reserve of approximately $1.3 million

ESG funds will be matched using private donations, local and state homeless prevention funds (EHA).

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

No publically owned land is available for this purpose.

Discussion

The Housing and Community Development Division will continue to partner with the Housing Authority of Clackamas County, the County Behavioral Health Program, the County Health Centers, the Continuum of Care, non-profit agencies, for profit housing developers and the local County Social Service agencies to explore new programs, services and financial resources for programs and services that benefit our low-income and special needs residents.

Anticipated Resources amounts are based on anticipated funding levels, anticipated program income, prior year funds carried forward and expected matching funds on individual community projects.

HOME Program Income

For the program year ending June 30, 2017, the county anticipates that it will retain approximately $361,778 of HOME PI, and will allocate the PI to a HOME multi-family housing project in the upcoming program year.

For FY 2017, $459,998 of NSP program income funds have been converted to CDBG program income.

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
CLACKAMAS COUNTY	Government	Homelessness Non-homeless special needs Ownership Planning Rental neighborhood improvements public facilities public services	Jurisdiction
Housing Authority of Clackamas County	PHA	Homelessness Ownership Planning Public Housing Rental	Jurisdiction
NORTHWEST HOUSING ALTERNATIVES	Non-profit organizations	Homelessness Rental public facilities public services	Jurisdiction
CLACKAMAS WOMEN'S SERVICES	Non-profit organizations	Homelessness Rental public facilities public services	Jurisdiction
Cascade AIDS Project	Non-profit organizations	Non-homeless special needs	Region
INN HOME	Non-profit organizations	Homelessness Non-homeless special needs public facilities	Jurisdiction

Table 52 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

Clackamas County has a Department of Health, Housing and Human Services (H3S) that is the primary instituional delivery system for services for low-income persons and families, homeless persons and persons with disabilities. H3S provides and contracts with providers to offer a number

services including: energy assistance, veteran outreach, aging and disability services, community primary care and dental care clinics, homeless housing, public housing, behavioral health services, tenant rights training, employment training, behavioral health crisis walk-in clinic, alcohol and drug addictions counseling, homeless Continuum of Care funding and services coordination, rental assistance programs and program planning services.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X		
Legal Assistance	X		
Mortgage Assistance			
Rental Assistance	X		
Utilities Assistance	X		
Street Outreach Services			
Law Enforcement	X		
Mobile Clinics	X	X	
Other Street Outreach Services	X		
Supportive Services			
Alcohol & Drug Abuse	X		
Child Care	X		
Education	X	X	
Employment and Employment Training	X	X	
Healthcare	X		
HIV/AIDS			
Life Skills	X	X	
Mental Health Counseling	X	X	
Transportation	X		
Other			

Table 53 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

Persons with HIV/AIDS are referred to the Cascade Aids Project as the provider of HIV/AIDs specific services in the region. Services targeted to homeless person are provided through the Continuum of Care providers including the Housing Authority of Clackamas County, Social Services Division and non-

profit providers including 2 providers of services to survivors of domestic violence, one provider of services to homeless youth, public school homeless youth liaisons. The Social Services Division also coordinates homeless services with several faith based agencies that provide meals, seasonal warming shelters and emergency shelter for homeless families. The Homeless Continuum of Care has designed and implemented a coordinated Housing Access system to better track the number of persons requesting homeless assistance as well as which persons were able to receive services.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

The strength of the H3S service delivery system is that the county can coordinate many services to make the best use of any available funding to provide services. Since the county is the major provider there is very little un-necessary competition for limited federal and state resources. There are also few non-profit organizations that are capable of providing those services without a partnership with the county. The Continuum of Care has been able to effectively re-allocate funds to provide more rapid re-housing services and veteran housing program to respond to annual renewal application requirements. New Continuum of Care projects and funding have been awarded to provide rental asssitance for homeless veterans and their families.

The gaps in services continues to be a lack of transitional and permanent supportive housing facilities to house homeless persons and their families. The lack of facilities is due to several factors including community resistance to facilities, lack of funding to build and operate facilities and lack of ongoing financial support of facilites and services for low-income, disabled and homeless persons. The current housing crisis has increased rents thereby reducing the number of persons that can be housed with th esame levels of funding.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

One strategy is to develop a county Strategic Housing Plan to direct limited respources to the most effective housing solutions for homeless persons, their families and affordable housing funding options.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing	2017	2021	Affordable Housing	Countywide	Affordable Housing AFH: 1. Lack of affordable, accessible housing in AFH: 2. Availability of affordable units AFH: 3. Displacement of residents due to economic AFH: 4. Community Opposition AFH: 5. Site selection policies, practices decisio AFH: 7. Private discrimination AFH: 10. Land Use and Zoning Laws	CDBG: $0 HOME: $2,500,000 ESG: $0	Rental units constructed: 300 Household Housing Unit Rental units rehabilitated: 100 Household Housing Unit Direct Financial Assistance to Homebuyers: 25 Households Assisted Tenant-based rental assistance / Rapid Rehousing: 100 Households Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Housing Rehabilitation	2017	2021	Affordable Housing	Countywide	Affordable Housing AFH: 6. Housing accessibility modifications	CDBG: $1,500,000 HOME: $0 ESG: $0	Rental units rehabilitated: 30 Household Housing Unit Homeowner Housing Rehabilitated: 120 Household Housing Unit
3	Public Services	2017	2021	Non-Homeless Special Needs	Countywide	Affordable Housing Non-housing Community Development AFH: 8. Lack of public fair housing enforcement AFH: 9. Lack resources for fair housing agencies	CDBG: $1,000,000 HOME: $0 ESG: $0	Public service activities other than Low/Moderate Income Housing Benefit: 10000 Persons Assisted
4	Homeless Assistance	2017	2021	Homeless	Countywide	Homelessness AFH: 3. Displacement of residents due to economic	CDBG: $0 HOME: $0 ESG: $750,000	Tenant-based rental assistance / Rapid Rehousing: 150 Households Assisted Homeless Person Overnight Shelter: 4000 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Public Facilities Improvements	2017	2021	Non-Housing Community Development	Countywide	Non-housing Community Development AFH 11. Inaccessible sidewalks, pedestrian crossin	CDBG: $2,000,000 HOME: $0 ESG: $0	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 7500 Persons Assisted
6	Community Infrastructure Improvements	2017	2021	Non-Housing Community Development	Countywide	Non-housing Community Development AFH 11. Inaccessible sidewalks, pedestrian crossin	CDBG: $3,000,000 HOME: $0 ESG: $0	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 10000 Persons Assisted
7	AFH Goal: Develop new housing units	2017	2021	AFH Goal 1	Countywide	AFH: 1. Lack of affordable, accessible housing in	CDBG: $0	Other: 500 Other
8	AFH Goal: Increase accessibility to housing	2017	2021	AFH Goal 2	Countywide	Affordable Housing AFH: 1. Lack of affordable, accessible housing in	CDBG: $0	Other: 1 Other
9	AFH Goal: Housing access for protected classes	2017	2021	AFH Goal 3	Countywide	AFH: 1. Lack of affordable, accessible housing in AFH: 7. Private discrimination	CDBG: $0	Other: 1 Other

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
10	AFH Goal: Fair Housing laws and Increase public	2017	2021	AFH Goal 4	Countywide	AFH: 2. Availability of affordable units AFH: 7. Private discrimination AFH: 9. Lack resources for fair housing agencies	CDBG: $100,000	Public service activities other than Low/Moderate Income Housing Benefit: 400 Persons Assisted Other: 1 Other
11	AFH Goal: Coordinate Fair Housing efforts	2017	2021	AFH Goal 5	Countywide	AFH: 8. Lack of public fair housing enforcement AFH: 9. Lack resources for fair housing agencies	CDBG: $0	Other: 1 Other
12	AFH Goal: Healthy and Habitable Housing	2017	2021	AFH Goal 6	Countywide	AFH: 1. Lack of affordable, accessible housing in AFH: 2. Availability of affordable units	CDBG: $0	Other: 1 Other

Table 54 – Goals Summary

Goal Descriptions

1	**Goal Name**	Affordable Housing
	Goal Description	HOME funds will assist in the development of new affordable housing units, preservation of existing affordable housing and Tenant Base Rental Assistance.HOME funds allocated to Clackamas County have been reduced each year due to federal budget cuts. These goal estimates are based on the assumption that HOME funds will not be reduced any further. An estimated 300 new units (60 per year) of affordable housing will be assisted with HOME funds between July 1, 2017 and June 30, 2022. An estimated 100 units of affordable housing (20 per year) will be preserved with HOME funds between July 1, 2017 and June 30, 2022. An estimated 100 households (20 per year) will be assisted with Tenannt Base Rental Assistance HOME funds between July 1, 2017 and June 30, 2022. An estimate 25 households (5 per year) will recieve down payment assistance to purchase homes.
2	**Goal Name**	Housing Rehabilitation
	Goal Description	New affordable housing and maintaining affordable housing were both identified as high priorities during th ecommunity needs assessment process in September and october of 2016. The Housing Rehabilitation Program assists low-income homeowners and low-income renters with grants and low cost loans to improve accessiblity to their homes, reduce energy consumption and maintain long term affordability of their homes. An estimated 150 households (30 per year) will benefit from housing rehabilitation services between July 1, 2017 and June 30, 2022.

3	**Goal Name**	Public Services
	Goal Description	An estimated 10,000 persons (2,000) per year) will benefit from public services between July 1, 2017 and June 30, 2022. A community survey of the general public and a city staff survey was conducted in September and October of 2016. Public services needs were identified through community surveys, public housing resident surveys and public meetings with community groups. Fair Housing Activities, Homeless Services, Youth Services, Neglected/Abused Children Services, Renter/foreclosure training and Employment/Training Services were identified as High Needs
4	**Goal Name**	Homeless Assistance
	Goal Description	Homeless assistance is provided through Emergency Solutions Grants and Continuum of Care funding and services. The estimated goals are based on the assumption that annual funding will remain at current year levels. An estimated 1750 homeless low income households (350 households/875 persons per year) will be assisted with emergency shelter, transitional housing or rapid re-housing to stabilize their households to secure additional resources, permanent housing or permanent supportive housing between July 1, 2017 and June 30, 2022.
5	**Goal Name**	Public Facilities Improvements
	Goal Description	An estimated 7500 persons (1500 per year) will benefit from public facilities improvements between July 1, 2017 to June 30, 2022 (5 program years). A community survey was conducted in September and October of 2016. Public Facilities Needs were identified through community surveys, surveys of public housing residents and in meetings with community groups. These were identified as High Needs for Clackamas County: Homeless Facilities, Domestic Violence (services) Facilities, Mental Health Facilities, Senior Centers and Abused/Neglected Children Facilities.

6	**Goal Name**	Community Infrastructure Improvements
	Goal Description	An estimated 10000 persons (2000 per year) will benefit from public facilities improvements between July 1, 2017 to June 30, 2022 (5 program years). A community survey of cities and the general public was conducted in September and october of 2016. Public Services Needs were identified through community surveys, surveys of public housing residents and in public meetings with community groups. These needs were identified as High Public Improvements Needs in Clackamas County: Water/Sewer Improvements, Street/Alley Improvements, Curbs and Sidewalks, Bike and Pedestrian Improvements and Drainage (street) Improvements.
7	**Goal Name**	AFH Goal: Develop new housing units
	Goal Description	AFH Goal 1. Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing. Construct 500 new units of affordable (rent restricted units) housing over the next 5 years in areas of high opportunity.

8	**Goal Name**	AFH Goal: Increase accessibility to housing
	Goal Description	**Increase accessibility to affordable housing for persons with disabilities and single parent households.** By 2018 begin collecting data on persons with disabilities access to home ownership and rental units in the jurisdiction. Beginning in 2017 promote the availability of any new affordable housing units directly to persons with disabilities and female headed households. Persons with disabilities have limited housing choices, can't find affordable accessible units and, are facing increasing rents due to the demands of the private housing market. Complaint data indicates that 46% of fair housing complaints in the jurisdiction are regarding reasonable accommodation requests for physical and mental illnesses. Persons with Disparate Housing Needs will be assisted with the increase in availability of affordable housing units through marketing of any new affordable housing units directly to persons with disabilities and advocacy organizations. The jurisdiction will direct efforts to familial status households with the greatest need for housing and services. Single parent familial status households struggle to find affordable 2 and 3 bedroom units. Female-headed households with children (single mothers) are far more likely to live in poverty than other household types. 25.4% of female head of household families have income at or below poverty according to a County 2014 Poverty Report.

9	**Goal Name**	AFH Goal: Housing access for protected classes
	Goal Description	Race and National orgin are both protected classes. Both the Hispanic population and the LEP population (a subset of the National Origin protected class) is growing in the region and the jurisdiction. The jurisdiction plans to provide more information about housing programs directly to LEP populations in additional languages including Russian and Chinese. By 2018 provide information to housing programs in 2 additional languages for the Housing Rehabilitation program. By 2019 establish written policy on assisting persons with sensory impairments to access H3S housing programs and services. (hearing and vision) By 2020 the County will include a standard for the use of translation and interpretation services in the Title VI plan. By 2019 revise all public housing admissions criteria with respect to tenants with criminal records to align with HUD Guidance issued in April 2016. By 2018, provide jurisdictional support for state legislative policy changes to enact “banning the box” for all housing in Oregon.
10	**Goal Name**	AFH Goal: Fair Housing laws and Increase public
	Goal Description	**Enforce Fair Housing laws and Increase public understanding.** The number of potential discrimination referrals to Legal Aid and Fair Housing Council by Housing Rights and Resources program will be compiled and reported to HUD in CAPER.
11	**Goal Name**	AFH Goal: Coordinate Fair Housing efforts
	Goal Description	**Coordinate Fair Housing Advocacy and Enforcement Efforts among regional partners.**

12	**Goal Name**	AFH Goal: Healthy and Habitable Housing
	Goal Description	

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

HOME funds will assist in the development of new affordable housing units, preservation of existing affordable housing and Tenant Base Rental Assistance. HOME funds allocated to Clackamas County have been reduced each year due to federal budget cuts. These goal estimates are based on the assumption that HOME funds will not be reduced any further.

525 households will be provided with affordable housing between July 1, 2017 and June 30, 2022. Of the projected 300 new construction affordable rental units to be developed, it is estimated that 60 extremely low income families, 180 low income families and 60 moderate income families will be served. No homeless families are expected to be served.

Of the 100 preserved affordable rental units, it is estimated that 20 extremely low income families, 60 low income families and 20 moderate income families will be served. No homeless families are expected to be served. Of the 100 TBRA units, it is estimated that 50 extremely low income families and 50 homeless families will be served. Of the 25 homebuyer units, it is estimated that 25 moderate income families will be served. No homeless families are expected to be served.

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

There is no need to increase the number of accessible units at the Housing Authority of Clackamas County public housing units. There is no Section 504 Voluntary Compliance Agreement.

Activities to Increase Resident Involvements

HACC encourages Public Housing residents to engage in management through a Resident Advisory Board (RAB). RAB membership is comprised of public housing and Section 8 Housing Choice Voucher (HCV) leaders that represent residents served by HACC. The RAB convenes not fewer than two times per year to develop, approve, review and evaluate HACC's Annual Plan. The RAB is also consulted for input and approval of any significant amendment or modification to the Annual Plan. A member of the RAB has a permanent seat on the County's Housing Advisory Board.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the 'troubled' designation

Not Applicable to Clackamas County.

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

The majority of resident feedback during Assessment of Fair Housing community meetings was that most people liked where they lived, however, many people including persons with disabilities felt that is was very difficult to find another affordable unit should they want to move. Current state law provides a mechanism to ensure that a certain percentage of new development is reserved for low-income tenants (known as “inclusionary housing” or “inclusionary zoning”). Clackamas will be evaluating the feasibility and the various options for implementing inclusionary zoning within the county.

The Low Income Housing Tax Credit (LIHTC) market has come to a screeching halt due to potential tax policy changes at the federal level. Clackmas County relies on the State of Oregon LIHTC Program which recently provided this guidance to all proposed affordable housing projects: State of Oregon OHCS decision….letter dated 2/10/2017…

“anticipated federal corporate tax reform has negatively impacted the LIHTC equity market creating real-time consequences for the 33 multifamily affordable housing projects in the OHCS "pipeline". These projects have received funding reservations based on tax credit pricing that is no longer available. Among projects facing probable gaps are a large number of 4% LIHTC projects, as well as the 9% LIHTC projects that the Housing Stability Council approved in November 2016.”

“Do not issue a 2017 LIHTC and HOME NOFA and instead fund additional 2016 applications, reserving some credits for gaps in 9% LIHTC pipeline projects and use flexible gap funding resources to help fill funding gaps on as many pipeline projects as possible”

Zoning Issues: Multi-family housing developments are typically restricted to areas that are zoned as high or medium density residential in each community and throughout the jurisdiction. Communities have many requirements for multifamily housing including: amenities such as onsite parking, fire access, buildings that “match” the character of the neighborhood and traffic impact studies, etc. All these requirements of multifamily housing projects increase the initial cost and result in affordable housing that is expensive to build and maintain. The State of Oregon has a land use plan (Goal 10) that requires all communities to allocate land for multifamily developments however some communities are more compliant than others. State and regional housing advocates are beginning to challenge communities to meet the Goal 10 requirements to provide land for multi-family housing developments. In 2015 Housing Land Advocates joined the Coalition for Affordable and Safe Housing to repeal Oregon’s ban on inclusionary zoning, and allow Oregon communities access to this important tool for creating affordable housing in areas of opportunity. The ban was lifted in 2016 with the passage of HB1533 which became effective June 2, 2016.

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

Clackamas County has formed a Housing Advisory Board to provide affordable housing policy guidance to the Housing Authority and the Board of County Commissioners. The Housing Advisory Board (HAB) is an eight member body that convenes once each month to discuss topics and issues pertaining to the development, preservation and promotion of affordable housing of all types in Clackamas County. Currently, the HAB has been working on developing an Affordable Housing Toolkit that may help mitigate some of the impediments to affordable housing development. The toolkit will describe available policies and resources that the county may utilize to address the growing need for affordable housing in the County. Tools that promote both new development and preservation of affordable housing are being considered.

SP-60 Homelessness Strategy – 91.215(d)

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Households with dependent children: Locally funded HomeBase (RRH and homelessness prevention) expanded last year, reaching 459 people & plans to increase capacity next year. The locally funded Bridges to Housing Program stabilizes housing for high need homeless families serving 38 families & 63 children last year. Through the Rent Well-RRH project 25 families from the streets/emergency shelter will be assisted. Clackamas Womens Services and a network of churches and faith-based organizations in North Clackamas are working to address family homelessness in their community.

Survivors/Victims of domestic violence: The CoC includes a TH and a PSH project focused on domestic violence survivors and their families. This provider operates an ESG funded DV emergency shelter which recently doubled its beds, a homelessness prevention program, Beyond Shelter, and the newly opened Family Justice Center. The projects involve a wide range of on-site services from over 12 public safety and services agencies, funded by more than 24 public and private entities. Victims in Clackamas County can now access an advocate, plan for their safety, talk to a police officer, meet with a prosecutor, receive medical assistance, file a protective order in a video court, receive information on shelter and get help with transportation—all in one location on a drop-in basis.

Unaccompanied youth: Springwater is a CoC TH for youth 16- 21 funded with CoC, ESG, local government & private funds. HomeSafe is a CoC TH for pregnant and parenting youth 6 – 21 funded with CoC, local and state grants. Host Homes is funded with local, state and private grants. The program is for 16- 18 year olds attending school houses up to six unaccompanied youth with families. The Outside In program funded with local government grants links with school Homeless Liaisons to provide health services to unaccompanied youth 16-17 in the school & community.

Persons who routinely sleep on the streets or in other places not meant for human habitation: Clackamas County has a range of services for persons sleeping on the streets or in other places not meant for human habitation. Two major service centers (Clackamas Services Center and Father's Heart) provide hot meals, clothing, medical services, and severe weather shelter, and are close to where many unsheltered homeless reside. Several smaller agencies also provide basic needs and outreach to homeless on the streets and places not meant for habitation.

Compassion events, similar to Project Homeless Connect, are held throughout the year to provide a "one stop" for basic services, such as food, clothing, medical care, veterans' services and housing options. A new severe weather winter shelter opened in 2013 in a rural area with a significant homeless camping population.

Homelessness among veterans: Housing Authority of Clackamas County has housed 25 homeless veterans using VASH vouchers. The Veterans Services Office conducts veteran outreach with free medical screenings, warm clothing, information on compensation and other veterans' benefits,

employment, housing, counseling and other services. Clackamas County is part of a new SSVF grant and is providing office space and supplemental rental assistance using state funds for a nonprofit provider of outreach, homeless placement and homeless prevention for veterans. This grant has streamlined access to the regional Grant Per Diem program for vets who are working on permanent housing placement either through VASH, SSVF or other programs.

Addressing the emergency and transitional housing needs of homeless persons

The activities to address emergency shelter needs within the County will be funded through the Emergency Solutions Grants (ESG) program. Primary emphasis will continue to be on payment of emergency shelter operations expenses including utilities, maintenance, insurance, and staff salary costs. The purpose of emphasizing payment of operations expenses is to provide some predictability and stability to the operation of the shelters by assuring that their most basic expenses are met. This assures the continued operation of the facilities in times of scarce and fluctuating resources, and it compliments specific fundraising efforts for special projects.

Northwest Housing Alternatives' Annie Ross House and Clackamas Women's Services' Evergreen House, provide emergency shelter to homeless families with children and survivors of domestic violence, respectively. Independent living services are provided through The Inn's Springwater program, which targets assistance to the homeless youth population. Los Ninos Cuenten's Casa Hogar provides emergency shelter services to Hispanic/Latino homeless families and individuals who have survived domestic violence. Case management at each program improves vocational and coping skills to make the transition from homelessness to independent living. Continuum of Care funds Also provide 49 beds of transitional housing for homeless households, including families, singles, and youth.

Clackamas County's Coordinated Housing Access system provides a one-stop option for homeless individuals and families to be assessed and matched with all homeless programs in the County for which they are eligible.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

Chronically homeless individuals and families: The Continuum of Care increased the number of beds for chronically homeless persons in Clackamas County in 2014 by leveraging Housing Authority Housing

Choice Vouchers, converting Permanent Supportive Housing (PSH) beds to chronically homeless beds, reaching out to PSH providers to prioritize beds for chronically homeless persons and using Medicaid to provide enhanced services for chronically homeless persons in PSH beds.

Families with children: The CoC increased capacity and worked on outreach goals to end homelessness among households with dependent children. The HomeBase program utilized multiple funding sources to expand and become the largest RRH and homelessness prevention program in the County. Through the reallocated Rent Well RRH project, the CoC will be able to stabilize housing for 15 families from the streets/emergency shelter. The locally-funded Bridges to Housing (B2H) Program stabilizes housing for high-need homeless families and assisted 136 persons last year. Outreach plan includes referrals from different geographic parts of the county. An outreach strategy adopted by the HPC educates landlords on housing choice vouchers.

B2H serves high-needs homeless families with children, with a capacity of 30 families at a time. These homeless families have multiple complex needs which often include but are not limited to housing barriers, domestic violence, addictions, mental health issues and disabling conditions. B2H families receive longer term housing subsidies and intensive services designed to support their income self-sufficiency and permanent housing stability as well as the children's and adult's educational success.

Veterans and their families: Housing Authority of Clackamas County has housed 45 homeless veterans using VASH vouchers. The Veterans Services Office coordinates with Social Services to conduct veteran outreach with free medical screenings, warm clothing, information on compensation and other veterans' benefits, employment, housing, counseling and other services. Clackamas County is part of an SSVF grant and provides office space for a nonprofit provider of outreach, homeless placement and homeless prevention for veteran families. This grant has streamlined access to the regional Grant Per Diem program for vets who are working on permanent housing placement either through VASH, SSVF or other programs.

Unaccompanied youth: Springwater Transitional Housing for youth 18-23 is funded with CoC, ESG, local government, and private funds. Case management, vocational education services, physical and mental health support, supervision and shelter are provided to youth.

HomeSafe Transitional Housing for pregnant and parenting youth 16 – 21 is funded with CoC, local and state grants. Youth have access to rent assistance in scattered apts., case management, referral and linkages to mainstream services.

Independent Living Plans (ILPs) are funded with state and local govt. funds for independent living services to youth transitioning from foster care. Case management is provided for youth discharged from Child Welfare at 18 or 19 years old without permanent housing. Case managers refer and link ex-foster youth to programs and services.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

These discharge plans have been confirmed through the Continuum of Care application and planning process.

Foster Care: The Oregon Department of Human Services (DHS), dictates the Foster Care Discharge Policy in which the County actively participates. DHS refers willing children to a Continuum of Care provider for a Life Skills/Transition Readiness Assessment. This results in: 1. Identification of resources and linkages needed to assist the child in transitioning to independent living, including life skills training, housing subsidies, college tuition, and health insurance and 2. Preparation of an individualized Comprehensive Transition Plan which must be approved by a Family Court Judge every 6 months until the child is successfully transitioned to independent living.

Youth can access Chafee rental subsidies to help them secure an apartment. They can secure tuition-free access to a state college along with Chafee grants to assist with room and board. Youth with developmental disabilities and/or mental illness exiting the foster care system continue to receive an array of services including options such as adult foster care and supported housing that are based on unique client needs. Each option is designed to ensure that youth exiting the foster care system are not routinely discharged into homelessness.

Health Care: The discharge planning for low-income and disabled people has historically resided with the State through the Medicaid program. With the advent of the Affordable Care Act (ACA) and the expansion of Oregon's Medicaid program, discharge planning is shifting to local control. All Medicaid providers are joined in Coordinated Care Organizations (CCOs) covering specific geographic areas. The CCOs integrate physical, mental and dental health services. The ACA Medicaid expansion has been structured to align the financial incentives with clinical outcomes/housing status of patients. This has begun to persuade hospital systems and health care providers to plan and act outside their silo, to begin discussions with CoCs about effective liaison and resource sharing.

Mental Health: The Discharge Policy in place for persons being discharged from a mental health facility is ensured by Clackamas County Behavioral Health Department (CCBH). As part of Health Share, the area's Medicaid Coordinated Care Organization, CCBH has both financial and clinical incentives to ensure that no county residents are discharged from a psychiatric hospital without housing and services. In addition, Oregon is under an U. S. Dept. of Justice 4 year plan to provide better community outcomes for people with mental illness. Specific mandates are subcontracted by the State to CCBH. The local Discharge Policy, which is monitored and enforced by the State, requires all adults leaving a psychiatric hospital be housed consistent with their level of care needs and personal wishes.

Corrections: The purposeful effort to structure successful community re-entry for inmates is a local mandate spearheaded by the Clackamas County Sheriff's Office (CCSO) which participates on the CoC governing board. Because community safety is its #1 priority, CCSO promotes post-discharge services with housing to reduce recidivism. Likewise, the Clackamas County Behavioral Health (CCBH) is a provider in the local Medicaid program, Health Share. CCBH understands that successful re-entry will reduce incidence and cost of ER visits and hospitalization.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

These actions are coordinated through the Housing Rehabilitation Program.

Clackamas County contracts with a professional firm to provide lead hazard evaluation services at no cost to the owners and buyers participating in its housing rehabilitation and homebuyer programs. When such hazards are discovered, they are addressed in a manner consistent with procedures approved by HUD, the State Health Division and the Department of Environmental Quality. However, the County does not anticipate using HOME funds for its housing rehabilitation and homebuyer programs in the next year. The HOME-funded project will be new construction and will not involve lead-paint hazards.

How are the actions listed above related to the extent of lead poisoning and hazards?

The extent of the lead poisoning and hazards will not have any affect on the plan of action. The county's Housing Rehabilitation program will continue to test homes that are identified as having a high probability of containing lead hazards. The Housing Rehabilitation Program is more likely to provide services to older homes than newer homes with no lead hazards.

How are the actions listed above integrated into housing policies and procedures?

The actions listed above are included in the Housing Rehabilitation program manual. The Housing Authority of Clackamas County also has a lead-based paint policy which is part of all public housing Housing Quality Standards (HQS) inspections and Section Choice Voucher program rental unit inspections.

The Housing Rehabilitation Program has an internal *lead-based paint hazards specialist* that participates in a number of activities aimed at educating the public and addressing lead based paint hazards. Activities of the lead paint hazard reduction specialist may include:

- Participating in the Oregon Childhood Lead Poisoning Elimination Plan.
- Promoting “Lead Safe Work Practices” training for contractors.
- Educating homeowners in lead-based paint hazards.
- Offering lead hazard evaluations of properties for applicants of the Clackamas County Housing Rehabilitation Program.
- Offering lead hazard reduction through our partnership with the regional Portland Lead Hazard Control Program Grant.
- Offering blood lead testing through the Portland Lead Hazard Control Program.

SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The Housing and Community Development Division (HCD) coordinates efforts with the Social Services Division (SSD) to reduce the number of households below the poverty line. SSDs activities include:

- Participation in and staffing of the Continuum of Care in Clackamas County as well as the Continuum of Care Steering Committee (Governing Board) and the Homeless Policy Council.

- Coordination and maintenance of liaison relationships with McKinney Vento funded homeless liaisons that support the educational success of homeless children. These include each of the School Districts in the county, all Clackamas Educational Service District offices, and the State of Oregon Department of Higher Education.

- Contracting with a community based organization for a Homeless Student Success Project that enhances the capacity of the homeless liaison at the highest poverty school district in Clackamas County.

- Participation as one of the four lead agencies on the regional steering committee for the Rent Well tenant education program.

- Participation in the operations of the Janssen Transitional Housing Project (JTHP). SSD currently provides case management for the families living at Janssen. This HUD funded project, sponsored by the Housing Authority of Clackamas County, has been in operation for more than 20 years. JTHP provides seven (7) transitional housing units, intensive and comprehensive case management, flexible assistance to support residents increasing their income and housing stability, and other supportive services for homeless families with children.

- Maintain the Housing Rights and Resources Program which responds to the general public regarding emergency housing, housing discrimination, landlord-tenant concerns, low-cost housing, rent assistance and a variety of other housing-related issues.

- Maintain a contractual relationship with Legal Aid Services of Oregon and the Fair Housing Council of Oregon to support the delivery of Fair Housing services to Clackamas County residents. This contractual relationship hastens service delivery for people experiencing potential discrimination and/or fair housing violations.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

Clackamas County Housing and Community Development Division (HCD) works in conjunction with the Housing Authority of Clackamas County, the Social Services Division, the Behavioral Health Division, Community Health Centers and community non-profit housing providers and private non-profit social services providers to address obstacles to meeting underserved needs, foster and maintain affordable housing, develop institutional structure, encourage public housing residents to become more involved in management and encourage public housing residents to attain home ownership.

In 2017 through 2019 HCD plans to fund several affordable housing projects, an employment training program, a fair housing rights and information program, homeless prevention and rapid rehousing services, and a youth mentoring program for youth in public housing.

The overall number of people living below the poverty line is slightly higher in 2016 than it was in the 2010 census, as is the number of people aged 60 and older living in poverty, which has increased from 4,139 to 5,603. This means that 6.6 percent of the people 60 and older in Clackamas County live below the poverty level.

The number of people with a disability has declined since the last Area Plan in all age groups except for those aged 65 and older, which increased from 18, 717 to 19,692.

SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The following standards and procedures will assure long-term compliance with federal program requirements:

1.Citizen participation mailing list is maintained to encourage involvement of citizen participation in public meetings and community surveys for the Consolidated Planning process.

2.Project proposals are evaluated to ensure compliance with a National Objective before award. Project Agreements reference 24 CFR 570.505 specifying requirements for maintaining eligible use for the life of the project.

3.Agreements for public facilities in excess of $25,000 include a provision for continued service primarily to low and moderate persons until 5 years after closeout of the Community Development Block Grant.

4.Solicitations for contractors indicate the County's intent to promote Equal Employment opportunities in all program activities. Contractors for all construction work exceeding $10,000 must submit documentation of equal employment opportunities afforded to subcontractors.

5.Construction contracts are awarded and managed directly by Clackamas County to assure HUD Labor Standards compliance.

6.Fair Housing Information & Referral program is funded to promote equal housing opportunity and complaints regarding housing discrimination. AFH Goals to be monitored in CAPER.

7.All project budgets, transactions, reimbursements through HUD's IDIS and project status are recorded in a project tracking data base.

HCD staff monitor HOME-assisted Rental Housing to ensure that owners are managing projects in compliance with the HOME regulations. Monitoring activities include both desk and on-site monitoring specifically: 1. Affordable rental housing requirements at 24 CFR 92.252, 92.253, 92.351; 2. Specific provisions of the HOME rental project agreement; and, 3 Inspection and record-keeping requirements at 24 CFR 92.504 and 92.508.

During on-site inspections at least 25 percent of HOME-assisted rental units are inspected. Checklists used include: 1. Facility must be maintained in compliance with the property standards at 24 CFR 92.251. An inspection form is used for this purpose. 2. Policies and procedures must comply with the HOME regulations and the provisions of the HOME Rental Housing Agreement; and 3. Tenant files

including leases, tenant incomes, rents and utility allowances must be current, complete, accurate and in compliance with the HOME regulations. Frequency of on-site inspections of HOME-assisted rental housing projects is not less than; every 3 years for projects of one to four units, every 2 years for projects with five to 25 units, and annually for projects with 26 or more units. Homebuyer monitoring ensures beneficiaries of direct homebuyer assistance continue to occupy the home as their primary residence as required by 24CFR 92.254.

ESG Sub-recipient agreements include: an annual budget, including proposed match; an annual audit; certification of homeless or formerly homeless person(s) participation in policymaking; and retention of non-financial records for 4 years.

Sub-recipient monitoring has 3 stages: Stage 1 involves monthly review of invoices to ensure expenditures do not exceed funding cap limitations, and that each invoice is billed to the correct eligibility category, Stage 2 involves quarterly review of performance and, Stage 3 involves on-site monitoring. Monitoring is conducted on a 3-year cycle with one sub-recipient reviewed each year.

AFH Goals: HCD staff will assess progress on all AFH Goals at least 3 times per year and report annually in CAPER performance report.

Citizen Participation Comments

Clackamas County Community Development
Public Meeting Summary

6:00p.m. Wednesday, October 26, 2016
150 Beavercreek Road, Rm 118
Oregon City, Oregon

In Attendance:
Brianna Williamson, Clackamas County Social Services Division
Erika Silver, Clackamas County Social Services Division
Emily Reiman, NEDCO (Neighborhood Economic Development Corporation)
Amy Hamilton, NEDCO (Neighborhood Economic Development Corporation)
Shelly Mead, Bridges to Change
Martha McLennan, Northwest Housing Alternatives (NHA)
Kevin Ko, Housing and Community Development (HCD) Manager
Mark Sirois, Project Coordinator, Community Development Program

Kevin Ko, Community Development Division, opened the meeting at 6:00p.m. by thanking everyone for attending. Kevin explained that the public meeting was a chance for community members to learn about the Community Development Program and the funding that HUD provides. The meeting also provides an opportunity to get information from citizens on the specific community needs and discuss any proposal ideas for housing and community development projects in the County.

Mark Sirois continued by discussing the anticipated federal funding levels of approximately $1.2 million dollars for projects in each coming year. Mark explained that this next 3-year funding cycle will be using an online application system. Mark handed out a Helpful Hints document and a ZoomGrants document to provide guidance on completing a CDBG or ESG project application using the online application. The application process will open on November 9 and close on December 21, 2016 for projects beginning July 1, 2017. Applicants should be awarded funds sometime in late February or early March 2017 after review and approval by the CDBG Program Policy Advisory Board. HCD will get notification from HUD in April about the actual allocations from HUD.

Mark opened the floor for people to introduce themselves and discuss the needs they see in the community and their particular project ideas.

Public Comments:

Brianna Williamson provided a description of the Housing Rights and Resources program that is funded by CDBG. Brianna stated that the program helps residents avoid being evicted. Last year the program process over 2500 called from people seeking help with housing problems. The program is unique in that program staff help people describe the specifics of their particular housing issues as well as properly screen persons before referring them to legal Aid Services of Oregon if needed. The Housing Rights and

Resources program also helps landlords get accurate information regarding their rights as landlords in addressing any concerns about difficult tenants.

Erika Silver added that this service is much needed in Clackamas County to prevent people from becoming homeless and to help the County maintain good relationships with landlords.

Martha McLennan, executive director of NHA, thanked Clackamas County for supporting the Annie Ross House and the HomeBase housing stabilization and homeless prevention program. The NHA campus in Milwaukie, Oregon is preparing for re-building the Annie Ross Shelter and other buildings to increase the number of housing units at the site. NHA is working with SIN network to provide additional shelter services if needed while Annie Ross Housing is being re-constructed. NHA has secured a site on Pleasant Street and will be applying for funding to build up to 20 units of homeless veterans family housing.

Shelly Mead with Bridges to Change (B2C) explained that they provide transitional housing for persons exiting correctional facilities. B2C housing has services for homeless persons, persons who need alcohol and drug additions counseling and housing for sex offenders. B2C will be looking for additional funding for permanent affordable housing for persons leaving transitional housing services.

Emily and Amy with NEDCO explained that they were at the meeting to learn more about the Clackamas County funding and application process. NEDCO has provided foreclosure counseling, business incubation for food and beverage entrepreneurs, home ownership assistance as well as apartment deposit assistance for families with Section 8 vouchers. NEDCO is exploring options to assist youth who are aging out of foster care and into independent living. NEDCO would like to develop cottage housing to provide first time home owner options.

Mark thanked everyone for attending the meeting and providing information about needs in the county. Mark asked everyone to make sure they had signed in so that they could be added to the Citizen Participation list. The public meeting concluded at 7:15p.m.

Clackamas County Community Development
Public Meeting Summary

6:00p.m. Tuesday, November 15, 2016
150 Beavercreek Road, Rm 115
Oregon City, Oregon

In Attendance:
Lori Mack, Community Solutions
Jim Whynot, Public Works Director, City of Gladstone
Mellani Calvin, Assist program
Katie Ullrich, Proud Ground
Tina Kennedy, Fort Kennedy
Mark Sirois, Project Coordinator, Community Development Program

Mark Sirois, Community Development Division, opened the meeting at 6:00p.m. by thanking everyone for attending. Mark explained that the public meeting was a chance for community members to learn about the Community Development Program and the funding that HUD provides. The meeting also provides an opportunity to get information from citizens on the specific community needs and discuss any proposal ideas for housing and community development projects in the County.

Mark Sirois continued by discussing the anticipated federal funding levels of approximately $1.2 million dollars for projects in each coming year. Mark explained that this next 3-year funding cycle will be using an online application system. Mark handed out a Helpful Hints document and a ZoomGrants document to provide guidance on completing a CDBG or ESG project application using the online application. The application process opened on November 9 and will close on December 21, 2016. Funding will be awarded for 3 years of projects which is the first of 2 application funding cycles to complete a 5 year Consolidated Plan. Applicants should be awarded funds sometime in late February or early March 2017 after review and approval by the CDBG Program Policy Advisory Board. HCD will get notification from HUD in April about the actual allocations from HUD.

Mark opened the floor for people to introduce themselves and discuss the needs in the community and their particular project ideas.

Public Comments:
Lori Mack talked about the need for working with individuals living in poverty and providing job readiness training, intensive employment and career case management, access to employment skill building, customized job placement, and job retention. The Community Solutions employment program target populations are: residents of HACC, individuals served through Clackamas Women's Services, individuals successfully managing a mental illness, referrals

from the Oregon Youth Authority, Clackamas County Social Services, and the long term unemployed.

Katie Ullrich discussed Proud Ground's various programs including a home ownership program for low income families. Proud Ground maintains ownership of the land only. Families purchase the house, gain equity and may sell the house to another low income family.

Mellani Calvin, asked about possible funding for the Assist Program to help individuals with disabilities apply for social security benefits. The program would include home visits in Clackamas County to meet with individuals and families to complete the application process.

Jim Whynot with the City of Gladstone confirmed that he was working with his engineer to review potential street improvement projects and that the city would be submitting an application for CDBG funding.

Tina Kennedy asked about the funding for services for veterans in emergency and transitional housing. Funding can cover a 3 year period. Tina's group is working with the County Social Services Division to provide housing to homeless veterans.

Mark thanked everyone for attending the meeting and providing information about needs in the county. Mark asked everyone to make sure they had signed in so that they could be added to the Citizen Participation list. The public meeting concluded at 7:15p.m.

PUBLIC HEARING MEETING SUMMARY
Board of County Commissioners
Public Services Building, Hearings Room - 4th Floor, Room 409
2051 Kaen Road, Oregon City, Oregon
Thursday, April 6, 2017

Commissioner Martha Schrader opened the public hearing at 10:56 a.m. Chuck Robbins, Housing and Community Development (HCD) Division Director, introduced himself to the Board of County Commissioners and the audience. Chuck explained the purpose of the meeting was to get public comments on the community development program, the Consolidated Plan and the annual 2017 Action Plan. Chuck stated that the Consolidated Plan and the Action Plan were currently out for a 30-day public comment period ending on April 17. The plan would come back to the Board of County Commissioners for final approval after HUD announced the final funding allocations for FY 2017.

Chuck informed the Board that the 2017 Action Plan is the first year of the 5-year Consolidated Plan for program years 2017 to 2021. The Action Plan is an annual application for funding from the U.S. Housing and Urban Development (HUD). The amount of CDBG, HOME and ESG funds coming to the County is based on population, poverty and the agreements that the County has with each city in the County. At this time HCD is expecting a 5% cut however the federal budget approval process is unclear as to the amounts of funding for CDBG and HOME. The HOME grant has been reduced by over 50% in the last 10 years.

Chuck highlighted a few 2016 accomplishments including the recently completed Town Center Courtyard affordable housing project funded with HOME funds and private funds. Some 2017 projects will include a veteran housing project in Oregon City and a waterline improvement project in rural Colton. HCD continues to work with the board, the Housing Authority and others to complete affordable housing projects such as the PEDCOR Rosewood Terrace project in Clackamas.

The public hearing was then opened for public comment.

Yesika Arevalo, Outreach Coordinator for Proud Ground, provided written testimony and asked that the board prioritize home ownership opportunities for low income residents. The current housing crisis is directly impacting low-income residents who want to buy a home and is preventing them from home ownership. Proud Ground home ownership programs provide a permanent investment in the community.

Jane Turville with Ecumenical Ministries of Oregon stated that their proposal for HomeShare had not been awarded funds for the program in Clackamas County. Jane

wanted to attend the meeting to give the board information about HomeShare services. The primary goal of HomeShare is to connect low-income individuals seeking housing with cost burdened home providers to create sustainable rental matches. The program's peripheral benefits include establishing meaningful relationships among individuals that might not otherwise meet and maintaining strong neighborhoods and a sense of community for program participants. Program participants are provided with a week of training and participants are allowed to self-match between owners and renters.

Martha McLennan of Northwest Housing Alternatives (NHA), thanked the board for their continuing support of affordable housing projects. Martha reminded the board that 35 years ago the first 2 projects that were supported by the board became Northwest Housing Alternatives. NHA has completed 550 affordable housing units to date and is currently re-developing an office and housing campus in Milwaukie. Martha thanked the board for approving funds for the 2017 veteran housing project. Martha responded to board member questions about 2 affordable housing projects in Lake Oswego. 1 of the projects was a new project and the other was a preservation project involving a purchase and remodel of an existing housing project.

Angela Trimble of Northwest Housing Alternatives thanked the board for funding to support homeless persons in Clackamas County. The Annie Ross House and the HomeBase program have provided services for 678 persons in 235 households in the last calendar year which is an increase of 15% since the previous year. The HomeBase program provides up to 24 months of assistance to families stabilize and move back to permanent housing. As the Annie Ross House is re-constructed on the NHA campus, HomeBase staff will conduct outreach to homeless persons in the community.

Amy Hamiliton, the asset building coordinator with NEDCO, explained that NEDCO was relatively new to Clackamas County. Amy thanked the board for funding the project to buy land and build cottages for sale to low-income residents. This project will use a land trust model where the land ownership remains with NEDCO but the small homes will be owned by low-income households.

Additional written testimony was provided by Kira Meyrick of Clackamas Womens Services. Kira thanked the board for their commitment to homeless services and requested additional services for survivors of domestic violence programs and services.

The public hearing was concluded at 11:45 a.m.

Sirois, Mark

From:	Katie Ullrich <katie@proudground.org>
Sent:	Wednesday, April 05, 2017 5:21 PM
To:	Sirois, Mark
Subject:	Written testimony for consideration in the consalidated planning process

Hi Mark,

Yesika plans to attend tomorrow to testify, but I also wanted to provide written testimony for the consolidated planning process. Thank you!

Testimony to the Clackamas County Board of Directors in consideration of their 2017 Action Plan and the 2017-2021 Consolidated Plan

Proud Ground is the region's community land trust committed to creating homeownership opportunities for working families so that they can live or remain in the community of their choice. On behalf of the entire board and staff of Proud Ground, we ask you to prioritize the need for critical and effective homeownership investments in Clackamas County in future funding cycles. As you know, the need facing our communities is urgent and growing.

- As of February of 2017, the median sales price for a home in Clackamas County (from RMLS) is $355,000, which is an increase of 11% from the previous year.

- 106 households on Proud Ground's waiting list either currently live in OR want to live in Clackamas County

- Of those households on the waiting list, the median household income is $36,000/year, which equates to 58% median MFI. With this amount so close to 60%, it is representative of 60% employees who have earned the new jobs created in Oregon

- With the housing crisis creating aggressive market forces, it is essential that Proud Ground helps create truly affordable options for these families, which do not currently exist.

- With the rental market migrating more and more out of reach for average working families and causing instability for families renting in the area, homeownership offers an affordable solution, to permanently solve housing needs. Research of our Proud Ground owners shows that when families own their homes, kids do better in school, employment is more stable, health indicators improve, and owners are more engaged in the community.

While Proud Ground did not receive funding in 2017-2019 funding cycle, one of our partner agency's, NEDCO, did received funds for a permanently affordable homeownership project. We support their

1

efforts and due to our expertise have been invited to collaborate with them on the project. At the same time, we also believe that Buyer Initiated Grants/Downpayment Assistance Grant (DPAG's) should be used as a fast and efficient way to get working families into homeownership. Proud Ground has a successful history of deploying Benefits of Downpayment Assistance Grants and have seen the community benefits, which include:

- ***Demonstrated ability to spend all the resources allotted*** – Proud Ground can get the money out the door on the timelines identified.
- ***Cost effectiveness*** – A $60,000 to $80,000 downpayment assistance grant is the least expensive way to create a new homeownership opportunity. To compare, the subsidy in the new construction project Svaboda Court averaged $150,000 per unit--and that was with 2011 construction costs. We understand that new units will need to be built to meet inventory needs, but believe the best solution to be a mix of both.
- ***Time efficient and no risk*** - There is no faster way to gain a new homeownership opportunity than to acquire an existing home with a DPAG. New construction carries risks that cannot be avoided while acquiring existing homes carries virtually no risk of failure.
- ***Serves families historically left out of homeownership*** – Since 2010, 53% of Proud Ground's DPAG/NSP money served families of color. When comparing location, the number of bedrooms, and square footage, the price points for households of color vs. white homebuyers is comparable. Using this tool, we provide neighborhood choice and larger-sized homes to households, making homeownership more possible for families of color.
- ***Quality homes*** – All homes purchased using DPAGs are in solid, sound operating condition, meeting durability, health, safety, and energy efficiency standards.
- ***Serves MFI's for working families*** – The MFI of households of color served through DPAGs/NSP since 2010 is 63% and 65% for white households. Further, 100% of households of color had children at the time of purchase, compared to 50% of white households.
- ***Continued partnership with other homeownership agencies*** - We are committed to continuing our partnership with local housing organizations going forward, as evidenced by our collaborative efforts with statewide homeownership agencies.
- ***Successful homeownership*** - No homes have been lost to foreclosure (even through the recession). Our pre- and post-purchase support, including access to home repair IDAs, helps ensure that Proud Ground homeowners have a successful homeownership experience.
- ***Permanent affordability*** - These homes are permanent community assets, retaining affordability in perpetuity, preventing displacement and promoting the economic and cultural diversity in neighborhoods. Proud Ground has demonstrated the ability to steward the public resources with compliance and security into the future given the administrative and fiscal infrastructure of the organization.

Continuing and growing Downpayment Assistance Grants will significantly contribute to the County achieving its goals of stability for local families. This was proven in the success of families when Clackamas CLT integrated with Proud Ground over 8 years ago. We do hope to address modifications to the mechanisms within the program to make it even more effective, and look forward to working with you to create an even more effective and efficient program.

Thank you for your consideration of our testimony.

--

Katie Ullrich * Homeownership Program Director * Principal Broker, Licensed in Oregon
Proud Ground * 5288 N. Interstate Ave.* Portland, OR 97217
(503) 493-0293 x12 (503) 493-7333 fax * katie@proudground.org * www.proudground.org

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Visit us on Twitter

Please note: Please note I am not in the office on Wednesdays.

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Spam
Not spam
Forget previous vote

clackamas women's services
256 Warner Milne Road, Oregon City, OR 97045
(503) 655 8600 | www.cwsor.org

April 6, 2017

Public Services Building
2051 Kaen Road
Oregon City, OR 97045

Dear Chair Bernard and Clackamas County Board of Commissioners:

My name is Kira Meyrick and I am the Administrative Projects Coordinator at Clackamas Women's Services, a Clackamas County based non-profit agency that has supported survivors of domestic and sexual violence, stalking, and elder abuse on their pathways to safety and stability for over 30 years. I appreciate your scheduling of this Public Hearing on the proposed 2017-2021 Housing and Community Development Consolidated Plan and Proposed 2017 Action Plan. I want to take this opportunity to provide testimony regarding these funding priorities, as well as highlight the critical needs of survivors in our community.

In reviewing the Consolidated Plan and Proposed Action Plan, the care you took in trying to discern and meet the County's most pressing needs is highly evident. I especially appreciate your clear commitment to Homeless Assistance, as well as your continued support of the Emergency Shelter for domestic violence and sexual assault survivors in Clackamas County. Your prioritization of this issue enables CWS and our partners at A Safe Place-Family Justice Center to provide core services to women and children fleeing violence and abuse. These vital supports include emergency shelter, a 24-hour crisis line, assistance filing temporary restraining orders, financial empowerment programming, mental health counseling, and other wrap around services.

The funding the County generously designates for these core services, while greatly appreciated, meets only a portion of the immense need. Nationally, domestic violence is the third leading cause of homelessness among families. Further, survivors of domestic violence often experience unique economic challenges, exacerbated by financial abuse. This tactic keeps the survivor dependent on their abuser, making it difficult to leave the relationship or establish financial independence. When the survivor does leave, she often finds herself jobless, homeless, in debt, and unable to provide for her children.

This problem is especially stark in Oregon, which has one of the highest and deadliest rates of domestic and sexual violence in the nation. From 2003 to 2012, over 225 people were killed in the context of domestic violence in our state. Disturbingly, it seems that these numbers are on the rise. For instance, in January 2017 alone, there were 12 domestic violence-related deaths compared to only four in January 2015, according to the Oregon Coalition Against Domestic and Sexual Violence. These somber statistics highlight the overwhelming need for access to emergency and comprehensive supportive services which — for so many survivors — can literally mean the difference between life and death. However, without adequate funding, the majority of the approximately 1 million Oregon women and girls who will experience domestic violence and/or sexual assault in their lifetime will be without these critical safety supports.

I appreciate your time and consideration of my testimony. On behalf of CWS, I also want to thank you for your continued support of our agency, our partners at ASP-FJC, and, most importantly, the survivors we serve.

Sincerely,

Kira Meyrick, MSW
Administrative Projects Coordinator

Grantee Unique Appendices

Continuum of Care (CoC) and
Emergency Solutions Grant Program (ESG)
2015 Policy Manual

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Attachments

A. HUD Homeless Definitions – 4 pages

B. HUD ESG Quick Reference – 2 pages

C. HUD Habitability Checklist – 5 pages

D. HUD CPD Notice 14-012 – 19 pages

CoC Lead: Abby Ahern _____ Signature

Date: August 22, 2016

See Attachment D for Priority Order for Chronic Homeless Persons

Program Overview

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) consolidated three separate homeless assistance programs administered by the U.S. Department of Housing and Urban Development (HUD) under the McKinney-Vento Homeless Assistance Act into a single grant program. The HEARTH Act revised the Emergency Shelter Grants program and renamed the program the Emergency Solutions Grants (ESG) program. The HEARTH Act also codified in law the Continuum of Care (CoC) planning process that is part of HUD's annual application for funding of programs and services that assist homeless persons.

24 CFR Part 576 Subpart B details the program components and eligible activities of the ESG program. The five components are:

1. Street Outreach
2. Emergency Shelter
3. Homeless Prevention
4. Rapid Re-housing
5. HMIS (Homeless Management Information System)

ESG provider sub-recipients are selected through a Request for Proposals process conducted by Clackamas County Housing and Community Development Division at least every three years.

The Clackamas County Continuum of Care (CoC) is a consortium of individuals and organizations with the common purpose of planning for a housing and services continuum for people who are homeless.
The mission of the Clackamas County CoC is to facilitate the development of a continuum of housing and services that provide sufficient opportunities to significantly mitigate homelessness in Clackamas County, via:

- Full utilization of mainstream resources
- Coordination of service delivery and housing systems
- Systemic agreements and institutional focusing on populations at high risk of homelessness
- Creative cultivation of new resources
- Public awareness to foster a collective sense of responsibility for addressing homelessness

CoC funded providers operate transitional housing, permanent supportive housing and rapid rehousing programs and follow the program rules listed in CoC Interim Rule 24 CFR Part 578.

ESG provider sub-recipient contracts also include many ESG program requirements. Each ESG and CoC provider may decide to set standards for their homeless services that exceed these minimum standards, but will at the very least comply with the following Clackamas County Homeless Services General Standards:

General Standards:

1. COORDINATED ASSESSMENT:

Minimum standards for the coordinated access and assessment system are:

- Once the Continuum of Care has developed and adopted a coordinated assessment system in accordance with HUD's requirements (24 CFR Part 578) all ESG and CoC providers in Clackamas County shall participate in that assessment system.
- Victim services providers are encouraged to provide input in the planning and implementation of the coordinated assessment system, but may choose not to use the Continuum of Care's coordinated assessment system.

2. HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS):

Minimum standards for CoC and ESG data are:

- Providers, except for victim service providers, shall utilize the Homeless Management Information System (HMIS), to enter data on people served and assistance provided under ESG and CoC.
- Victim service providers shall utilize a comparable data system that meets HUD's standards (24 CFR 576.107).
- All providers including victim services providers, shall adhere to the reporting and data quality standards in the current Clackamas County HMIS Policies and Procedures.

3. PERFORMANCE MEASUREMENT

All providers will submit Annual Performance Reports (APRs) to HUD. At least annually all providers will be measured using the following HUD CoC performance measures according to the type of project/service provided:

a. Ending Chronic Homelessness – Have providers met commitments made to HUD or have any new chronic persons been housed? (permanent housing projects)
b. Housing Stability – Have participants stayed in or moved to permanent housing? (transitional housing projects)
c. Jobs and Income Growth – Have participants increased their income? (all projects)
d. Mainstream Benefits – Have participants gotten access to services? (all projects)

e. Rapid Re-Housing – Have families been appropriately housed as quickly as possible? (RRH projects)
f. At least 30% of people exiting shelters go to transitional or permanent housing (shelter providers).

4. EDUCATION OF CHILDREN 24 CFR 578.23 (c) 7

Clackamas County CoC strongly values education, believing that increased educational attainment lowers risk of future homelessness. ESG and CoC programs shall inform parents and unaccompanied youth of their educational rights, take the educational needs of children into account when families are placed in housing and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education. Providers and homeless school liaisons coordinate schooling for each school-age child, reducing school migration and connecting students to services.

5. FAMILY UNITY

The CoC and ESG providers of emergency shelter, transitional housing, rapid rehousing and permanent housing serving families shall ensure that no members of a household with children under 18 are denied admission or separated when entering shelter or housing.

6. DEFINITION OF FAMILY

Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

(1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or,

(2) A group of persons residing together, and such group includes, but is not limited to:

a. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);

b. An elderly family;

c. A near-elderly family;

d. A disabled family;

e. A displaced family; and,

f. The remaining member of a tenant family.

In general, this definition of "family" applies to both the ESG and CoC Program rules. However, the McKinney-Vento Act, as amended by the HEARTH Act, distinguishes individuals from families. Therefore, paragraph (1) of the definition of family under the

Equal Access Rule is considered an individual under the CoC and ESG programs and the definition of family for these programs is defined as follows:

> Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, any group of persons presenting for assistance together with or without children and irrespective of age, relationship, or whether or not a member of the household has a disability. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

7. REASONABLE ACCOMMODATIONS

Clackamas County is committed to the equal treatment of all persons, and believes that no eligible individual with disabilities should, solely on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any CoC programs.

All providers will provide Reasonable Accommodations to applicants and participants of CoC and ESG Programs. A reasonable accommodation is an agency or program modification or change to its policies or procedures that will assist an eligible person with a disability to attain equal participation in programs.

Providers will assist clients in reviewing and understanding the agency or program Reasonable Accommodation Policy and completing any type of Request for Reasonable Accommodation documentation, as needed.

8. TERMINATION OF ASSISTANCE (24 CFR Part 578.91(a))

Minimum standards for termination of assistance are:

- In general – If a program violation occurs and the provider terminates assistance as a result, the termination shall follow an established process that recognizes the rights of the individuals affected. Termination shall only occur in the most severe cases.
- Program participants receiving rental assistance or housing relocation or stabilization services – When terminating rental assistance or housing relocation and stabilization services, the required formal process shall minimally consist of:
    - Written notice clearly stating the reasons for termination;
    - A review of the decision that gives the participant opportunity to present objections to the decision maker; and
    - A prompt written final notice.

- Ability to provide further assistance – Termination will not bar the provider from providing later additional assistance to the same family or individual.

9. GRIEVANCE PROCESS (24 CFR Part 578.91(b))

All providers shall have a Grievance Process that recognizes the rights of individuals to due process when assistance is terminated. Individuals receiving assistance are informed at entry of the grievance process for that particular provider. The process shall consist of an informal process and a formal process.

Providers will assist clients in reviewing and understanding the agency or program Grievance Process and completing any type of Grievance Process documentation. Under no circumstances shall engaging in a grievance process negatively impact the services provided to the person or household.

10. NONDISCRIMINATION/EQUAL OPPORTUNITY/AFFIRMATIVE OUTREACH: CoC and ESG providers must maintain copies of their marketing, outreach, and other materials used to inform eligible persons of the program to document compliance with the requirements in 24 CFR 578.93(c).

ESG providers minimum standards shall comply with the requirements for nondiscrimination, equal opportunity and affirmative outreach identified in 24 CFR 576.407 (a-b).

Service providers must ascertain the preferred language of participants and make every effort to provide services in the preferred language.

CoC Standards - 24 CFR 578.7(a)(9)

1. Eligibility. The CoC standard for evaluating individuals' and families' eligibility for assistance is to use an intake process that includes a coordinated assessment to determine and document participant eligibility. All CoC providers will follow CoC Program guidelines to establish the client's status as homeless and verify household income eligibility, if applicable. 24 CFR 578.103 and 24 CFR 576.500

2. Transitional Housing. The CoC standard for determining and prioritizing which eligible individuals and families will receive transitional housing: CoC providers shall use an intake process with the coordinated assessment to prioritize which persons will receive any available transitional housing on a first come first served basis. The determination will be documented in the client file.

3. Rapid Re-housing (RRH). The CoC standard for determining and prioritizing which eligible individuals and families will receive rapid re-housing assistance: CoC providers shall use an intake process with the coordinated assessment to prioritize which persons will receive any available Rapid re- housing units on a first come first served basis. The determination will be documented in the client file.

4. Participant share of RRH assistance. The CoC standard for determining what percentage or amount of rent each program participant must pay while receiving rapid re-housing assistance: CoC providers shall consider the income information for the last 30 days collected at intake and during the coordinated assessment to determine the percentage or amount each program participant must pay while receiving assistance. The determination will be documented in the client file. Participants will pay no more than 30% of their household income for rent per 24 CFR 578.77 (c).

5. Permanent Supportive Housing. The CoC standard for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance: CoC providers shall use an intake process with the coordinated assessment to determine and prioritize which persons are best served by placement in any available Permanent Supportive Housing unit. Chronically homeless persons are prioritized for PSH beds in accordance with HUD guidance in CPD Notice 14-012 (Attachment D). The determination will be documented in the client file.

ESG Standards - 24 CFR 576.400 (e):

1. Evaluating Eligibility. Standard policies and procedures for evaluating individuals' and families' eligibility for assistance under ESG:

Per 24 CFR 576.401: ESG (sub-recipients) providers must conduct an initial evaluation to determine each individual or family's eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing. All ESG providers will follow federal documentation guidelines to establish the client's status as homeless or at-risk of homeless and their income eligibility. These evaluations must be conducted in accordance with the centralized or coordinated assessment requirements set forth under §576.400(d).

2. Coordination Among Providers. Policies and procedures for coordination among all Clackamas County emergency shelter providers, essential service providers, homelessness prevention and rapid re-housing assistance providers, other homeless assistance providers, and mainstream service and housing providers:

The ESG providers must coordinate and integrate, to the maximum extent practicable, ESG-funded activities with other ending homelessness programs in the area covered by the Continuum of Care or area over which the services are coordinated to provide a strategic, community-wide system to prevent and end homelessness. The list of programs are included in 24 CFR Part 567.400(b)

ESG provider managers and case managers shall participate in Clackamas County Continuum of Care meetings to coordinate services and to discuss ESG policies and procedures. ESG providers receive feedback from other homeless services providers on all services available for low-income and homeless persons including; accessing mainstream services; housing, legal and health care services.

3. Determining and Prioritizing. Policies and procedures for determining and prioritizing which eligible families and individuals will receive homelessness prevention assistance and which eligible families and individuals will receive rapid re-housing assistance:

ESG-funded providers will be responsible for ensuring that potential participants are served, with provisions for serving eligible households who meet prioritization criteria established through the Continuum of Care using coordinated assessment protocols.

Coordinated assessment tools thoroughly explore a family's or individual's situation and pinpoints their unique housing and service needs. Based upon the coordinated assessment, families and individuals should be referred to the type, level and duration of housing and services most appropriate to their situations and need.

Under homelessness prevention, ESG assistance is available to individuals and families below 30% of Area Median Income (AMI), and are homeless or at risk of becoming homeless.

ESG funds can be used to prevent an individual or family from becoming homeless and regain stability in current housing or other permanent housing. Rapid re-housing funds can be used to assist individuals and families who are literally homeless progress toward permanent housing and achieve housing stability.

a. Homeless Prevention Households will be re-certified for continued eligibility every 3 months.

b. Rapid Re-Housing Households will be re-certified annually.

4. Income Determination and Requirements

a) Income Eligibility

There are no income eligibility requirements for receiving street outreach, emergency shelter or transitional housing services and assistance. To qualify for rapid re-housing, an applicant must be at imminent risk of homeless which has no income requirements. However, in order to continue to receive rapid re-housing assistance, clients must have an annual income that does not exceed 30% of AMI at time of re-evaluation. To qualify for homeless prevention assistance, applicants must have an annual income below 30% AMI at time of intake.

b) Calculating Gross Annual Income

Annual Income is the gross amount of income anticipated to be received by a household during the coming year based on the household's circumstances at the time of program intake and assessment. Annual Income determination is consistent with the Housing Choice Voucher definition of annual Income found at 24 CFR 5.609.

When determining the annual income of a household to establish eligibility for ESG assistance, Providers must count the income of all adults in the household, including nonrelated individuals, within the limitations imposed by 24 CFR 5.609. Not everyone living in the unit is considered a member of the household for the purposes of determining a household's income. Excluded persons include: foster children, foster adults, live-in aides, children of live-in aides and an unborn child. A child subject to a shared-custody agreement should be counted as a household member if the child resides with the household at least 50 percent of the time.

Income generated by an asset, such as the interest on a savings or checking account is considered household income even if the household elects not to receive it. For example, though an applicant may elect to reinvest the interest or dividends from an asset, the interest or dividends are still counted as income anticipated to be received during the coming 12 months. Asset income is discussed in 24 CFR 5.609. Income producing assets include: bank accounts; life insurance policies; lump sum additions (legal settlement, refund, etc.); personal property held as investments; retirement/pension funds; trusts; assets disposed of for less than fair market value; and stocks, bonds or mutual funds.

5. STREET OUTREACH STANDARDS

MINIMUM STANDARDS:

Targeting/Engagement:

Providers of Street Outreach services shall focus on unsheltered homeless individuals and families, meaning those with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station airport or camping ground.

Assessment/Service Provision/Referral/Prioritization:

- Individuals and families shall be offered an initial need and eligibility assessment and qualifying program participants, including those meeting special population criteria, will be offered the following Street Outreach services, as needed and appropriate: engagement, case management, emergency health and mental health, transportation services.

- When appropriate based on the individual's needs and wishes, the provision of or referral to rapid rehousing services that can quickly assist individuals to obtain safe, permanent housing shall be prioritized over the provision of or referral to emergency shelter or transitional housing services.

References: 24 CFR 576.101 and 576.400 e (3) (ii)

6. EMERGENCY SHELTER STANDARDS

MINIMUM STANDARDS:
Admission:
Providers of Emergency Shelter services shall admit individuals and families who meet the HUD definition of "homeless," as specified in 24 CFR 576.2 (1, 2, 3 & 4) and agencies' eligibility criteria.

Assessment:
Individuals and families shall be offered an initial need and eligibility assessment and qualifying program participants, including those meeting special population criteria, will be offered Emergency Shelter services, as needed and appropriate.

Prioritization/Diversion/Referral:
When appropriate based on the individual's needs and wishes, the provision of or referral to Homeless Prevention or Rapid Rehousing services that can quickly assist individuals to maintain or obtain safe, permanent housing shall be prioritized over the provision of Emergency Shelter or Transitional Housing services.

Reassessment:
Program participants will be reassessed as case management progresses, based on the participant needs and goals as well as the individual service provider's policies.

Discharge/Length of Stay:

Program participants shall be discharged from Emergency Shelter services when they choose to leave or when they have successfully obtained safe, permanent housing. Any Length of Stay limitations shall be determined by the individual service provider's policies and clearly communicated to program participants.

Safety and Shelter Safeguards for Special Populations:
Safety and Shelter Safeguards shall be determined by the individual Special Population service provider's policies and clearly communicated to program participants.

Reference: 24 CFR 576.102 and 576.400 (e) (iii) and (iv)

7. HOMELESSNESS PREVENTION AND RAPID RE-HOUSING STANDARDS (24 CFR 576.103 and 104)

ELIGIBILITY/PRIORITIZATION:
Minimum standards for determining and prioritizing which eligible families and individuals shall receive homelessness prevention assistance and which eligible families and individuals shall receive rapid rehousing assistance:

Rapid Re-housing (RR) – To be eligible for RR Housing Relocation and Stabilization Services and Short-term and Medium-term Rental Assistance, people must:

- Meet the federal criteria under paragraph (1) of the "homeless" definition in 24 CFR 576.2 OR
- Meet the criteria under paragraph (4) of the "homeless" definition in 24 CFR 576.2 and live in an emergency shelter or other place described in paragraph (1) of the "homeless" definition. (See Attachment A).

Homelessness Prevention (HP) – To be eligible for HP Housing Relocation and Stabilization Services and Short-term and Medium-term Rental Assistance, program participants must:

- require HP services to prevent moving into an emergency shelter or another place described in paragraph (1) of the "homeless" definition in 24 CFR 576.2 (See Attachment A).
- have an annual income below 30% of the median income for the area and:
- meet the federal criteria under the "at risk of homelessness" definition in 24 CFR 576.2 OR
- meet the criteria in paragraph (2), (3) or (4) of the "homeless" definition in 24 CFR 576.2 (See Attachment A).

PARTICIPANT CONTRIBUTION TO RENT:

Minimum standards for determining what percentage or amount of rent and utilities costs each program participant shall pay while receiving homelessness prevention or rapid re-housing assistance:

- Participants shall pay at least 10% but no more than 50% of their adjusted gross income to rent and utilities based on the household income level established upon intake or when re-evaluated. Any additional requirements regarding the percentage or amount of rent and utilities costs each program participant shall pay shall be determined by the individual service provider's policies and clearly communicated to program participants.

- Participant's income shall be verified prior to approval for initial and additional financial assistance. Documentation of the participant's income and expenses, including how the participant is contributing to housing costs, if at all, shall be maintained in participant's file. This file shall also contain a plan to sustain housing following the assistance, including either a plan to increase income or decrease expenses or both. 24 CFR 576.400 (e) (vii)

RENTAL ASSISTANCE DURATION AND ADJUSTMENT (24 CFR 576.105):
Minimum standards for determining how long a particular program participant shall be provided with rental assistance and whether and how the amount of that assistance shall be adjusted over time:

- Participants receive approval for the minimum amount of financial assistance necessary to prevent the current episode homelessness. If short-term (1-3 months) or medium-term (4-12 months) is determined to be needed, documentation of financial need shall be kept in the participant's file for each month of financial assistance received. Participants shall not be approved for more rental assistance than can be justified given their income and expenses at a given time.

- Any additional requirements regarding how long a program participant shall be provided with rental assistance and whether and how the amount of that assistance shall be adjusted over time shall be determined by the individual service provider's policies and clearly communicated to program participants.

SERVICE TYPE, AMOUNT & DURATION:
Per 24 CFR 576.400 e (viii) the minimum standards for determining the type, amount, and duration of housing stabilization and/or relocation services to provide to a program participant:

Financial Assistance:

No Use with other subsidies – Payment for Financial Assistance costs shall not be provided to a participant who is receiving the same type of financial assistance through other public sources or to a participant who has been provided with

replacement housing payments under the URA, during the period of time covered by the URA payments.

Rental application fees – Payment shall only be made for fees charged by the owner to all applicants.

Security deposits – Payment shall not exceed two (2) month's rent.

Last month's rent – Payment shall not exceed one (1) month's rent and shall be included in calculating the participant's total rental assistance.

Utility deposits – Payment shall only be made for gas, electric, water and sewage deposits.

Utility payments:

- Payment shall not exceed 24 months per participant, including no more than 6 months of utility payments in arrears, per service.
- A partial payment counts as 1 month.
- Payment shall only be made if the utility account is in the name of the participant or a member of the same household.
- Payment shall only be made for gas, electric, water and sewage costs.
- Participants shall not receive more than 24 months of utility assistance within any 3-year period.

Moving costs – Payment shall only be made for temporary storage fees accrued after the date the participant begins receiving housing relocation and stabilization services and prior to the date the participant moves into permanent housing. Payment shall not be made for storage fees in arrears.

Housing Relocation and Stabilization Services (24 CFR 576.105 and 576.400 e (ix)):

Housing search and placement services – Payment shall only be made for assisting participants to locate, obtain and retain suitable permanent housing through provision of the following services:

- Assessment of housing barriers, needs and preferences
- Development of an action plan for locating housing
- Housing search
- Outreach to and negotiation with owners
- Assistance with submitting rental applications and understanding leases
- Assessment of housing for compliance with ESG requirements for habitability, lead-based paint and rent reasonableness
- Assistance with obtaining utilities and making moving arrangements
- Tenant counseling

Payment for housing search and placement services shall not exceed 24 months during any 3-year period.

Housing stability case management – Payment shall only be made for assessing, arranging, coordinating and monitoring the delivery of individualized services to facilitate housing stability for a participant who resides in permanent housing or to assist a participant in overcoming immediate barriers to obtaining housing through provision of the following services:

- Using the centralized or coordinated assessment system
- Conducting the initial evaluation, including verifying and documenting participant eligibility
- Counseling
- Developing, securing and coordinating services and obtaining Federal, State and local benefits
- Monitoring and evaluating participant progress
- Providing information and referral to other providers
- Developing an individualized housing and service plan
- Conducting re-evaluations

Payment for housing stability case management services provided while the participant is seeking permanent housing shall not exceed 30 days.

Payment for housing stability case management services provided while the participant is living in permanent housing shall not exceed 24 months.

Mediation – Payment shall only be made for the cost of mediation between the participant and the owner or person with whom the participant is living, if it is necessary to prevent the participant from losing the permanent housing where he/she resides. Payment for mediation services shall not exceed 24 months during any 3-year period.

Legal services – Payment shall only be made for the cost of legal services, if they are necessary to resolve a legal problem that prohibits the participant from obtaining permanent housing or will likely result in the participant losing the permanent housing where he/she resides. Payment for legal services shall not exceed 24 months during any 3-year period.

Credit repair – Payment shall only be made for the cost of assisting the participant in obtaining skills related to household budgeting, managing money, accessing a free personal credit report and resolving personal credit problems. Payment will not be made for a debt or modification of a debt. Payment for credit repair services shall not exceed 24 months during any 3-year period.

- Rental Assistance (24 CFR 576.106): Payment shall not exceed 24 months total during a 3-year period in tenant-based or project-based housing.
- Payment for short-term rental assistance shall not exceed 3 months.

- Payment for medium-term rental assistance shall be for more than 3 months, but shall not exceed 24 months.
- Payment for rent arrears shall not exceed 6 months and shall be a one-time payment, including any late fees.
- Except for a one-time payment of rental arrears on the participant's portion, payment shall not be provided to a participant who is receiving tenant-based rental assistance or living in a unit receiving project-based assistance or to a participant who has been provided with replacement housing payments under the URA, during the period of time covered by the URA payments.
- Payment shall not exceed the Fair Market Rent established by HUD per 24 CFR 888 and shall comply with HUD's standard of rent reasonableness detailed in 24 CFR 982.507.
- Calculation of the rental payment amount shall only include monthly rent for the unit, any occupancy fees under the lease (except for pet and late fees) and if the participant pays separately for utilities, the monthly utility allowance established by the public housing authority for the area in which the housing is located.

- Payment for shall only be made when there is a rental assistance agreement between the agency and the owner, which sets forth the terms under which rental assistance will be provided, including the prior requirements; a requirement that the owner provide the subrecipient with a copy of any notice to vacate given to the participant or any complaint used to commence an eviction action; and the same payment due date, grace period and late payment penalty requirement as the participant's lease.
- Payment of any late payment penalties incurred by the agency shall not be claimed for reimbursement by ESG.
- Payment shall only be made when there is a legally binding, written lease for the rental unit between the participant and the owner, except for payment of rental arrears.
- The rental unit must meet minimum habitability standards per 24 CFR 576.403. See Attachment C.

Tenant-Based Rental Assistance
The rental assistance agreement with the unit owner shall be terminated without further payment if:

- The participant moves out of the unit
- The lease terminates and is not renewed
- The participant becomes ineligible to receive ESG rental assistance

Project-Based Rental Assistance
Payment shall only be made under the following conditions:

- The lease has an initial term of one year
- The rental assistance agreement covers one or more permanent housing units in the same building
- Each unit covered by the agreement is only occupied by participants
- Payment of no more than 100% of the first month's rent will be made for that month, if the participant signs a lease and moves into the unit before the end of that first month of occupancy.

Any additional requirements regarding the type, amount, and duration of housing stabilization and/or relocation services that will be provided to a program participant, including any limitations shall be determined by the individual service provider's policies and clearly communicated to program participants.

RE-EVALUATIONS:
Minimum standards for completing eligibility re-evaluations of individuals and families:
Timing:

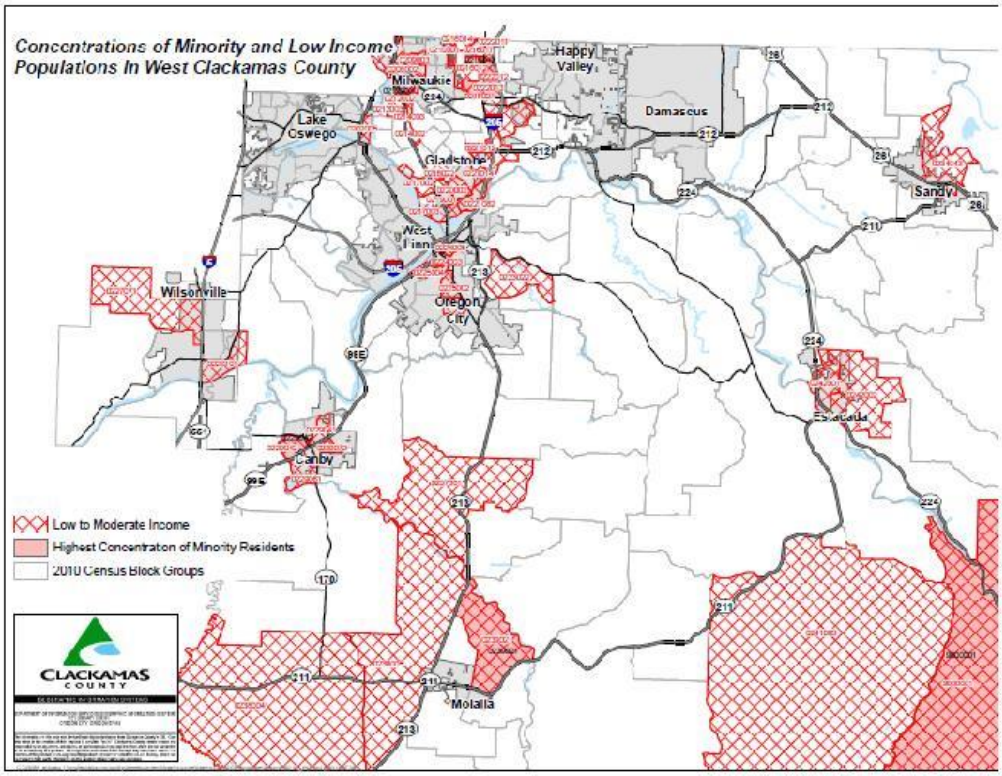
- Homelessness Prevention – participants shall be re-evaluated not less than once every three months
- Rapid Rehousing – participants shall be re-evaluated not less than once annually

Eligibility:

- To remain eligible, the participant shall have an annual income that is 30 percent of median family income for the area or less, as determined by HUD; and
- the participant shall lack sufficient resources and support networks necessary to retain housing without ESG assistance.

End of ESG Standards

MINORITY AND LOW INCOME CONCENTRATIONS MAP



Grantee Specific Appendices: HOME Program

1. Clackamas County intends to use HOME funds for homebuyer assistance, and will use the HOME affordable homeownership limits for the area provided by HUD.

2. Clackamas County has published HOME Program Guidelines. The guidelines include a description of eligible applicants (page 5), its process for soliciting and funding applications (pages 4-12). The HOME Guidelines may be downloaded from the Community Development Division website. The HOME Guidelines are also available as a digital document upon request, and are available in print at the Community Development Division office.

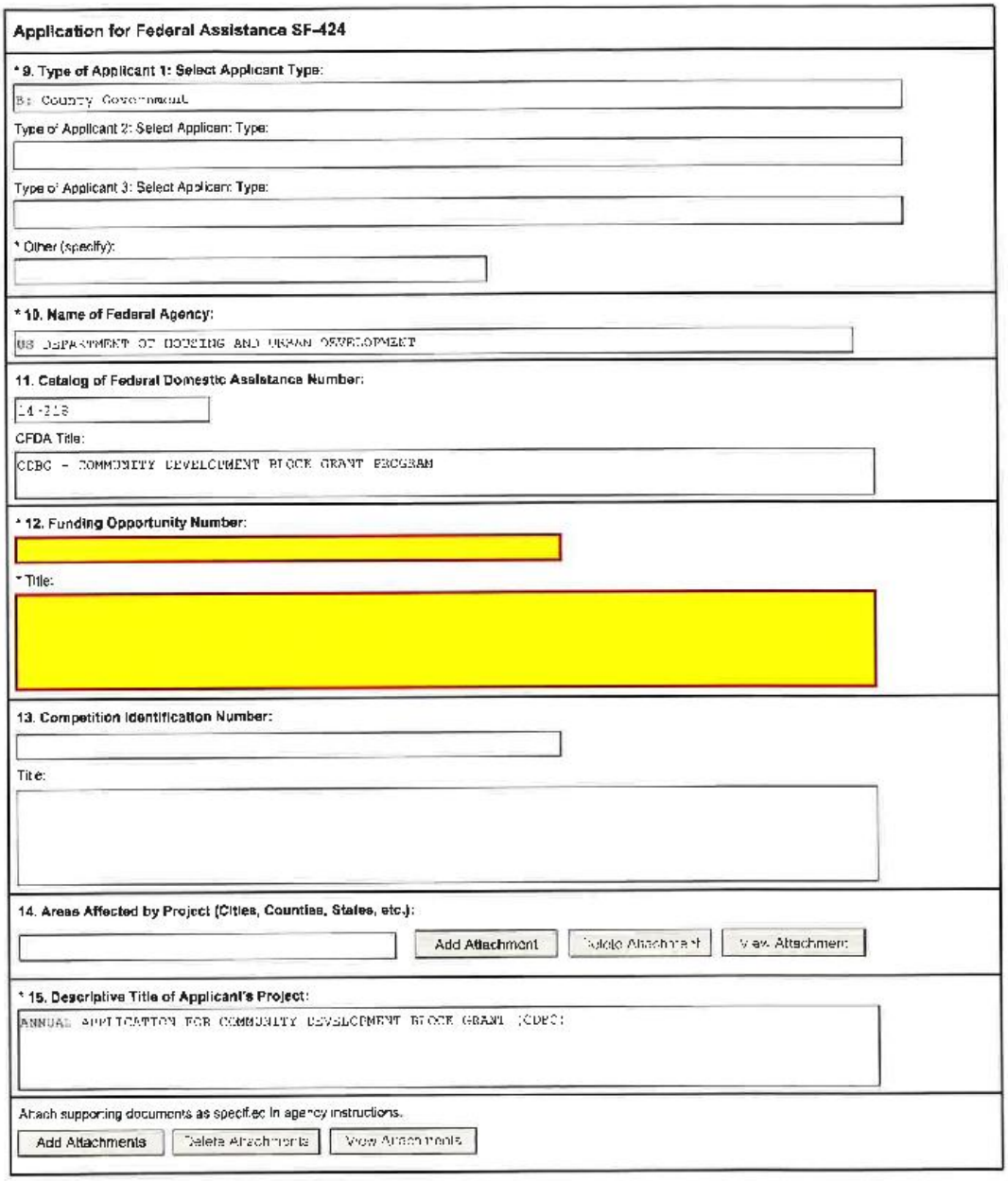
3. Clackamas County does not plan to limit the beneficiaries or give preferences to a particular segment of the low-income population.

Grantee SF-424's and Certification(s)

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424

* 1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application	* 2. Type of Application: ☐ New ☒ Continuation ☐ Revision	* If Revision, select appropriate letter(s): * Other (Specify):
* 3. Date Received:	4. Applicant Identifier: CLACKAMAS COUNTY 20 / CDBG	
5a. Federal Entity Identifier:	5b. Federal Award Identifier: B-17-UC-41-0001	
State Use Only:		
6. Date Received by State:	7. State Application Identifier:	
8. APPLICANT INFORMATION:		
* a. Legal Name: CLACKAMAS COUNTY, OREGON		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93-6002286	* c. Organizational DUNS: 096926569000	
d. Address:		
* Street1: 2051 KAEN ROAD #245		
Street2:		
* City: OREGON CITY		
County/Parish:		
* State: OR: Oregon		
Province:		
* Country: USA: UNITED STATES		
* Zip / Postal Code: 97045 4036		
e. Organizational Unit:		
Department Name: HEALTH, HOUSING & HUMAN SERVICES	Division Name: COMMUNITY DEVELOPMENT DIVISION	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mr.	* First Name: CHUCK	
Middle Name:		
* Last Name: ROBBINS		
Suffix:		
Title: DIRECTOR		
Organizational Affiliation: HOUSING AND COMMUNITY DEVELOPMENT DIVISION		
* Telephone Number: 503-650-5591	Fax Number: 503-655-8503	
* Email: CHUCK@CLACKAMAS.US		



Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

11. Catalog of Federal Domestic Assistance Number:

14-218

CFDA Title:

CDBG - COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

* 12. Funding Opportunity Number:

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

* 15. Descriptive Title of Applicant's Project:

ANNUAL APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: 1,3,5 * b. Program/Project: 1,3,5

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2017 * b. End Date: 06/30/2018

18. Estimated Funding ($):

* a. Federal	1,991,474.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	0.00
* g. TOTAL	1,991,474.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on

☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:	Mr.
* First Name:	RICHARD
Middle Name:	
* Last Name:	SWIFT
Suffix:	
* Title:	DIRECTOR, DEPT OF HEALTH, HOUSING & HUMAN SERV
* Telephone Number:	503-650-5696
Fax Number:	
* Email:	RSWITT@CLACKAMAS.OG
* Signature of Authorized Representative:	
* Date Signed:	6/22/17

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424

* 1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application	* 2. Type of Application: ☐ New ☒ Continuation ☐ Revision	* If Revision, select appropriate letter(s): * Other (Specify):

* 3. Date Received:	4. Applicant Identifier: CLACKAMAS COUNTY 2017 HOME
5a. Federal Entity Identifier:	5b. Federal Award Identifier: M17-UC 41 0201
State Use Only:	
6. Date Received by State:	7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:	CLACKAMAS COUNTY, OREGON
* b. Employer/Taxpayer Identification Number (EIN/TIN):	93-6002286
* c. Organizational DUNS:	0957925560000

d. Address:

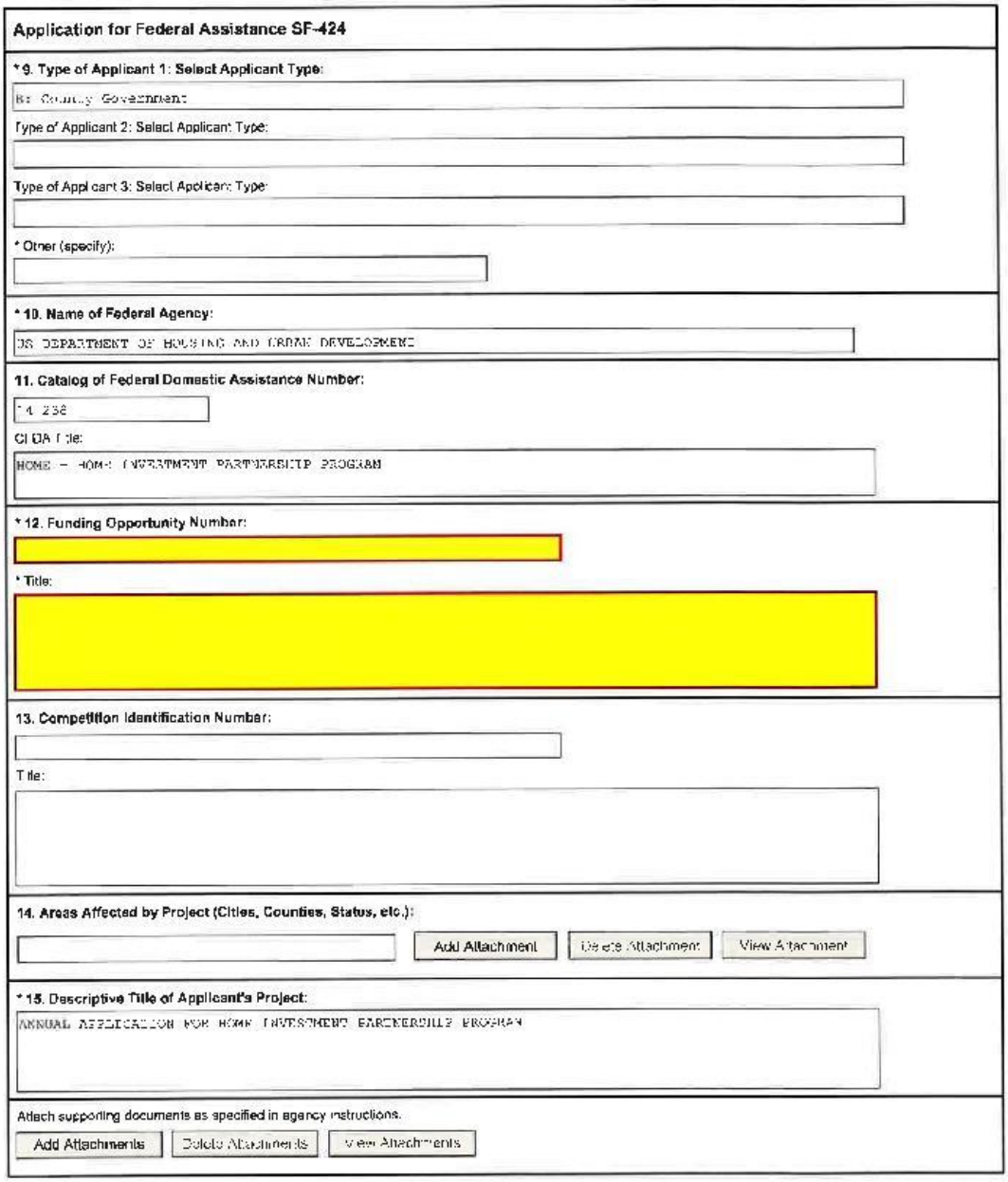
* Street1:	2051 KAEN ROAD #245
Street2:	
* City:	OREGON CITY
County/Parish:	
* State:	OR: Oregon
Province:	
* Country:	USA: UNITED STATES
* Zip / Postal Code:	97045-4033

e. Organizational Unit:

Department Name:	Division Name:
HEALTH, HOUSING &HUMAN SERVICES	COMMUNITY DEVELOPMENT DIVISION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:	MR.	* First Name:	CHUCK
Middle Name:			
* Last Name:	ROBBINS		
Suffix:			
Title:	DIRECTOR		
Organizational Affiliation:	HOUSING AND COMMUNITY DEVELOPMENT DIVISION		
* Telephone Number:	503-650-5691	Fax Number:	503-655-8563
* Email:	CHUCKR@CLACKAMAS.US		



Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

HOME - HOME INVESTMENT PARTNERSHIP PROGRAM

* 12. Funding Opportunity Number:

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

* 15. Descriptive Title of Applicant's Project:

ANNUAL APPLICATION FOR HOME INVESTMENT PARTNERSHIP PROGRAM

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant [illegible] * b. Program/Project [illegible]

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2017 * b. End Date: 06/30/2018

18. Estimated Funding ($):

* a. Federal	741,738.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	741,738.00

* **19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on

☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐ c. Program is not covered by E.O. 12372.

* **20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:	Mr.
* First Name	RICHARD
Middle Name:	
* Last Name:	SWIFT
Suffix:	
* Title:	DIRECTOR, HEALTH, HOUSING & HUMAN SERV. DEPT
* Telephone Number:	503-650-5690
Fax Number:	
* Email:	RSWIFT@CLACKAMAS.US
* Signature of Authorized Representative:	[signature]
* Date Signed:	4/27/17

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424

* 1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application	* 2. Type of Application: ☐ New ☒ Continuation ☐ Revision	* If Revision, select appropriate letter(s): * Other (Specify):
* 3. Date Received:	4. Applicant Identifier: CLACKAMAS COUNTY 2017 [illegible]SG	
5a. Federal Entity Identifier:	5b. Federal Award Identifier: B17-UC-41-0003	
State Use Only:		
6. Date Received by State:	7. State Application Identifier:	
8. APPLICANT INFORMATION:		
* a. Legal Name: CLACKAMAS COUNTY, OREGON		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 93 6002286	* c. Organizational DUNS: 0969928650000	
d. Address:		
* Street1: 2051 KAEN ROAD #240		
Street2:		
* City: OREGON CITY		
County/Parish:		
* State: OR: Oregon		
Province:		
* Country: USA: UNITED STATES		
* Zip / Postal Code: 97045-4035		
e. Organizational Unit:		
Department Name: HEALTH, HOUSING & HUMAN SERVIC	Division Name: COMMUNITY DEVELOPMENT DIVISION	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: MR.	* First Name: CHUCK	
Middle Name:		
* Last Name: ROBBINS		
Suffix:		
Title: DIRECTOR		
Organizational Affiliation: HOUSING AND COMMUNITY DEVELOPMENT DIVISION		
* Telephone Number: 503-655-8591	Fax Number: 503-655-8563	
* Email: CHUCK@CLACKAMAS.US		

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Selec: Applicant Type:

Type of Applicant 3: Selec: Applicant Type:

* Other (specify):

***10. Name of Federal Agency:**

US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

EMERGENCY SOLUTIONS GRANT PROGRAM - HESG

***12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

ANNUAL APPLICATION FOR EMERGENCY SOLUTIONS GRANT PROGRAM - HESG

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

1

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant 1, 3, 5 * b. Program/Project 1, 3, 5

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2017 * b. End Date: 06/30/2018

18. Estimated Funding ($):

* a. Federal	181,841.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	181,841.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:	Mr.
* First Name:	RICHARD
Middle Name:	
* Last Name:	SWIFT
Suffix:	
* Title:	DIRECTOR, DEPT OF HEALTH, HOUSING & HUMAN SERV
* Telephone Number:	503-650-5696
Fax Number:	
* Email:	RSWIFT@CLACKAMAS.US
* Signature of Authorized Representative:	
* Date Signed:	4/27/17

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan – It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan –The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 – It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

7.18.17
Date

H3S Department Director
Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2017 - 2018 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

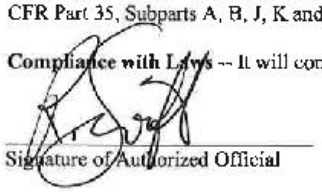
1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws – The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.



Signature of Authorized Official

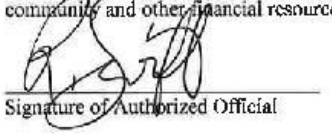
7.18.17
Date

H3S Department Director
Title

OPTIONAL Community Development Block Grant Certification

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.



Signature of Authorized Official

7.18.17
Date

H3S Department Director
Title

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

Eligible Activities and Costs -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

Subsidy layering -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature of Authorized Official

7/18/17
Date

___ H3S Department Director __
Title

Emergency Solutions Grants Certifications

The Emergency Solutions Grants Program recipient certifies that:

Major rehabilitation/conversion/renovation – If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.

If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion.

In all other cases where ESG funds are used for renovation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the recipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the recipient serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The recipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal State, local, and private assistance available for these individuals.

Matching Funds – The recipient will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The recipient has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement - To the maximum extent practicable, the recipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan - All activities the recipient undertakes with assistance under ESG are consistent with its consolidated plan.

Discharge Policy – The recipient will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature of Authorized Official

7.18.17
Date

H3S Department Director
Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification
This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Appendixx - Alternate/Local Data Sources

1	**Data Source Name** Consolidated Plan Table 10
	List the name of the organization or individual who originated the data set. U.S. Census Bureau
	Provide a brief summary of the data set. Data set from Census Bureau CHAS and CON Plan Table 10
	What was the purpose for developing this data set? Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children
	Provide the year (and optionally month, or month and day) for when the data was collected. 2012
	Briefly describe the methodology for the data collection. Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children
	Describe the total population from which the sample was taken. Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children
	Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed. Since no other data is available for low income households with children present, Clackamas County uses the assumption that Small Related Households paying more than 50% of their incomes (Cost Burden >50%) as listed in Table 10 is representative of families with children

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS
Policy Session Worksheet

Presentation Date: 9/4/18 **Approx. Start Time:** 10:30 a.m. **Approx. Length:** one-half hour

Presentation Title: Metro Urban Growth Report and Urban Growth Boundary Decision

Department: Planning and Zoning Division, Department of Transportation and Development

Presenters: Jennifer Hughes, Long Range Land Use Planning Manager and Martha Fritzie, Senior Planner

Other Invitees: Dan Johnson, DTD Director; Cheryl Bell, DTD Deputy Director; Mike McCallister, Planning Director

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

None. This is an informational item only.

EXECUTIVE SUMMARY:

Metro is moving toward a December decision on whether and where to expand the Urban Growth Boundary (UGB). The Metro Chief Operating Officer will release her recommendation on UGB expansion on September 4, and the Metropolitan Planning Advisory Committee (MPAC), on which Commissioner Schrader serves, is scheduled to make a recommendation to the Metro Council on September 12 or, if a second meeting is necessary, September 26.

The draft UGR, attached, assesses the projected population growth in the region through 2038 and the capacity for jobs and housing within the existing UGB and will be used to inform MPAC's recommendation and the Metro Council's decision. The draft UGR concludes that the most likely scenario is that the seven-county Metropolitan Statistical Area (the Oregon counties of Clackamas, Columbia, Multnomah, Washington and Yamhill and the Washington counties of Clark and Skamania) will grow by 524,000 people/279,000 households over the next 20 years with 63 to 72 percent of those expected to locate inside the Metro UGB. This capture rate exceeds the historical average of 61 percent. On the jobs side, the most likely outcome is 209,000 new jobs in the seven-county region by 2038. Historically, the Metro UGB has captured 82 percent of the region's jobs.

It's important to note that the most likely outcomes fall within a forecasted range that concludes with 95-percent certainty that population growth will be between 365,000 and 659,000 and jobs growth between 135,000 and 258,000. Although state law requires a 20-year supply of land inside the UGB, the wide range of possible outcomes in terms of population and jobs growth gives the Metro Council flexibility in determining whether there is a need to expand the UGB this year and, if so, to what degree.

Four cities have submitted UGB expansion requests: Beaverton, Hillsboro, King City and Wilsonville. The requests, totaling approximately 2,200 acres, are focused on supplying land for housing and are expected to result in approximately 9,200 new dwelling units. Each of these cities was required to complete a concept plan for their expansion area and to address six desired outcomes adopted by the Metro Council. The consistent message from Metro staff is

that the UGB expansion decision will be focused on the merits of the city proposals rather than on a math exercise based on a specific estimate of land supply relative to demand.

Although not central to the current urban growth boundary decision-making process, the draft urban growth report highlights concerns and trends relevant to planning projects the County is currently engaged in. First, even at the low end of the population forecast, the region needs to build a significant amount of new housing units over the next 20 years. It seems inevitable that we will continue to grapple with challenges (e.g., infrastructure, governance, density, affordability) in determining where and how this housing development occurs. In this context, the planned countywide housing needs analysis and the ongoing work of the Housing Affordability and Homelessness Task Force are particularly relevant. Second, the UGR identifies a nationwide trend of "businesses relocating from more remote campus settings to downtowns," and states that "[b]usinesses are doing this to attract and retain an educated workforce that wants access to urban amenities." This analysis is supported by the report's finding that the highest rate of job growth in the region from 2007 to 2016 was in central Portland. The relationship between urban design and job growth can inform the County's efforts as we move forward with the Park Avenue Station Area plan and consider whether to expand such planning to the larger McLoughlin Boulevard corridor.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? ☒ YES ☐ NO

What is the cost? Metro land use coordination activities are part of the ongoing responsibilities of the Planning and Zoning Division.

What is the funding source? General Fund

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals?

  This item is directly related to the Long-Range Planning program's goal of providing coordination services to regional partners, in this case Metro, as part of the program's focus on guiding future development based on a coordinated set of goals and policies.

- How does this item align with the County's Performance Clackamas goals?

  A decision on whether to expand the urban growth boundary aligns with the County's goal to grow a vibrant economy because job creation and housing development rely on an adequate urban land supply.

LEGAL/POLICY REQUIREMENTS:

Not applicable

PUBLIC/GOVERNMENTAL PARTICIPATION:

The public and governmental participation process for the finalization of the Urban Growth Report and the decision on whether to expand the urban growth boundary is overseen by Metro. Planning staff and Commissioner Schrader have been involved in the ongoing discussions on

this issue as part of their service on the Metropolitan Technical Advisory and Metropolitan Policy Advisory Committees (MTAC/MPAC). MPAC is scheduled to vote on a recommendation to the Metro Council on this issue on September 12.

The Board submitted a letter in support of Wilsonville's UGB expansion request as part of the city's application to Metro, and the Clackamas County Coordinating Committee approved a letter of support for Wilsonville's proposal on August 2, 2018. The County has not commented on the requests of the three Washington County cities.

OPTIONS:

Not applicable. This item is informational only.

RECOMMENDATION:

Not applicable. This item is informational only.

ATTACHMENTS:

- 2018 Urban Growth Management Decision: Engagement and Process Timeline, dated July 10, 2018
- 2018 Growth Management Decision, City Expansion Proposals, dated June 2018
- Urban Growth Report (Discussion Draft, published 7/3/18)

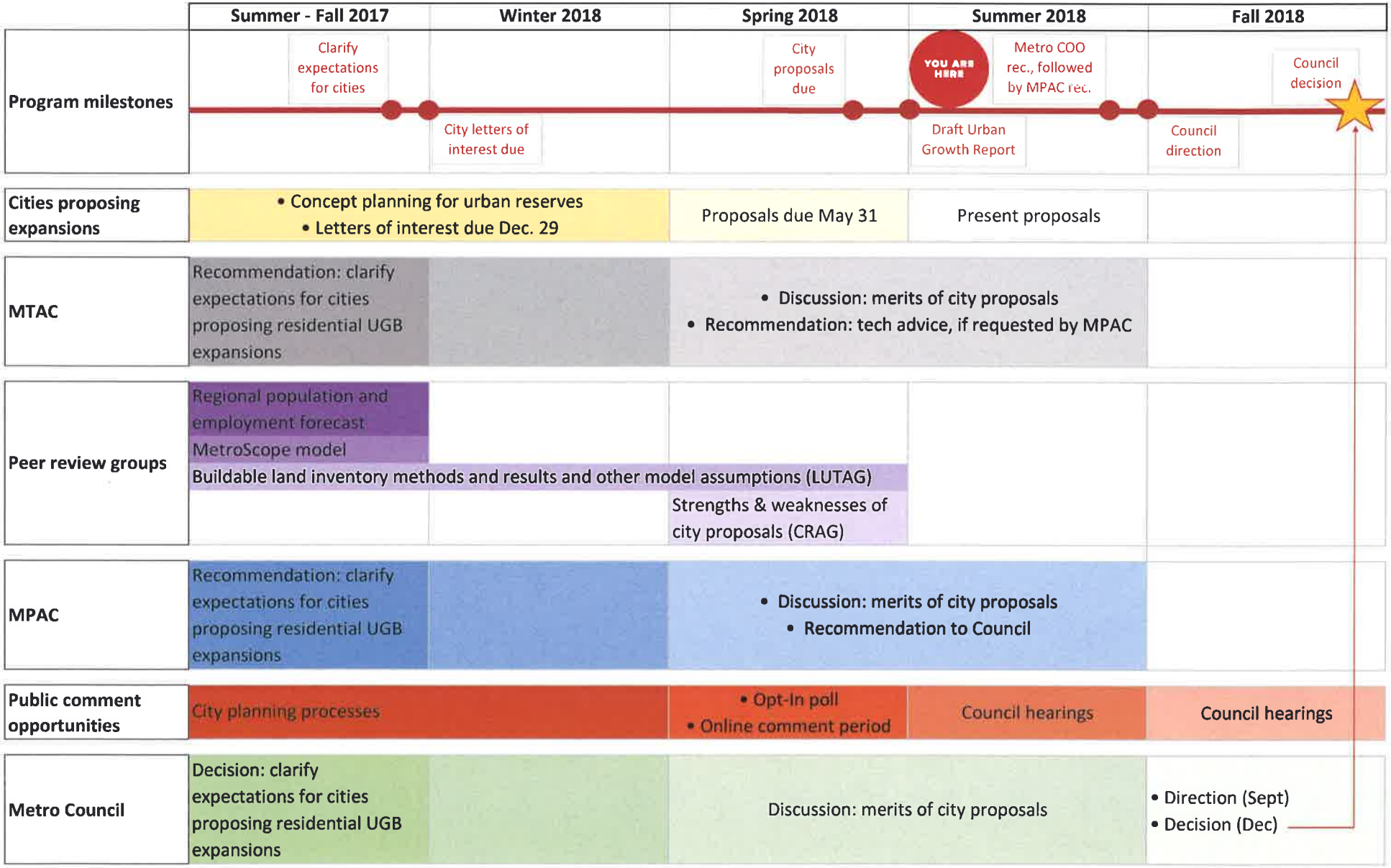
SUBMITTED BY:
Division Director/Head Approval _____
Department Director/Head Approval _____
County Administrator Approval _____

For information on this issue or copies of attachments, please contact Jennifer Hughes @ 503-742-4518

July 10, 2018

2018 urban growth management decision: engagement and process timeline

Per work program endorsed by Metro Council in February 2017



June 2018

2018 growth management decision

City expansion proposals

Metro is working with residents, elected leaders, community groups and researchers to evaluate whether communities and existing land inside the greater Portland area's growth boundary have enough room for the people and jobs over the next 20 years.

Beginning in late June, the Metro Council and its advisory committees will begin to examine the population and jobs forecast for greater Portland to inform weather the urban growth boundary needs to expand. In the meantime, Metro has asked cities to prepare information that will help determine where expansion should happen if it's needed.

If we expand, where should we grow?
To answer this question, Metro asked the cities of the region to submit proposals on where and how their communities would expand into new areas. It takes more than land to encourage new housing, jobs and communities. Generally, cities were asked to show:

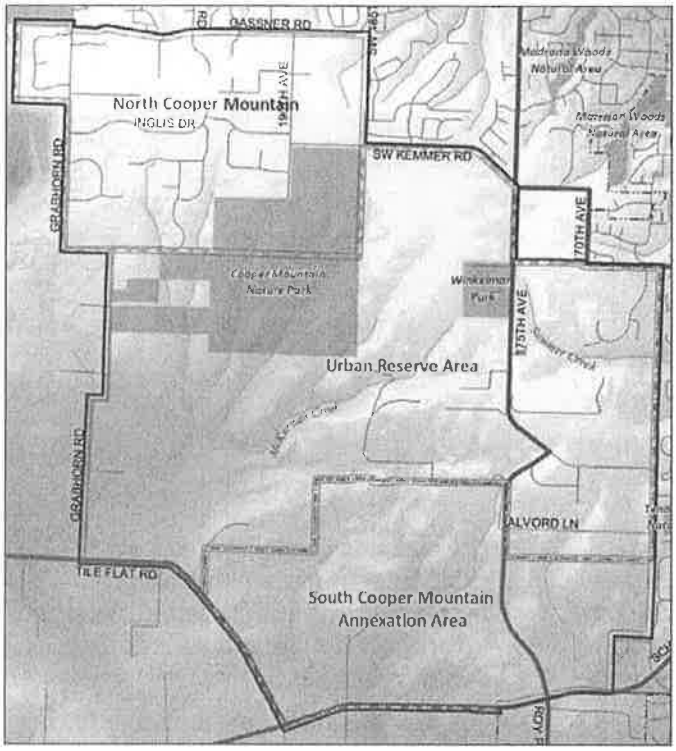
- the housing needs of people in the region, county and city have been considered
- development of the proposed expansion area is feasible and supported by a viable plan to pay for needed pipes, parks, roads and sidewalks
- the city has reduced barriers to mixed-use, walkable development in their downtowns and main streets
- the city has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas
- the city has taken actions to advance other key outcomes, such as social equity and meaningful engagement of communities of color in community planning processes.

Four cities submitted proposals to expand greater Portland's urban footprint by 2,181 acres with hopes for developing about 9,200 homes in these areas. All expansion proposals are in urban reserves.

City	Gross acres proposed
Beaverton	1,242
Hillsboro	150
King City	528
Wilsonville	271

City of Beaverton

Name of urban reserve	Gross acres	Buildable acres	Homes planned
Cooper Mountain	1,242	600	3,760



Beaverton would like to provide an additional 12,300 housing units inside the city limits by 2035. The Cooper Mountain Urban Reserve Area could provide 3,760 units, nearly 31 percent of the projected demand, with a variety of single-family and multi-family homes.

The city will also encourage growth and development in its existing urban areas, specifically in downtown, in the Murray Scholls and Cedar Mill areas, and around transit stations and main streets through improvement programs, street improvements, key attractions and an urban design framework.

The city is also facilitating a diverse supply of affordable housing types through financial assistance, land acquisition, development code and best practices toolkit for preserving multifamily housing.

The City of Beaverton's Diversity, Equity and Inclusion plan is working to eliminate barriers for traditionally underserved populations in the city. Beaverton is also using multi-cultural engagement practices in its planning efforts by meeting these communities in their homes, restaurants and schools to hear their feedback.

City of Hillsboro

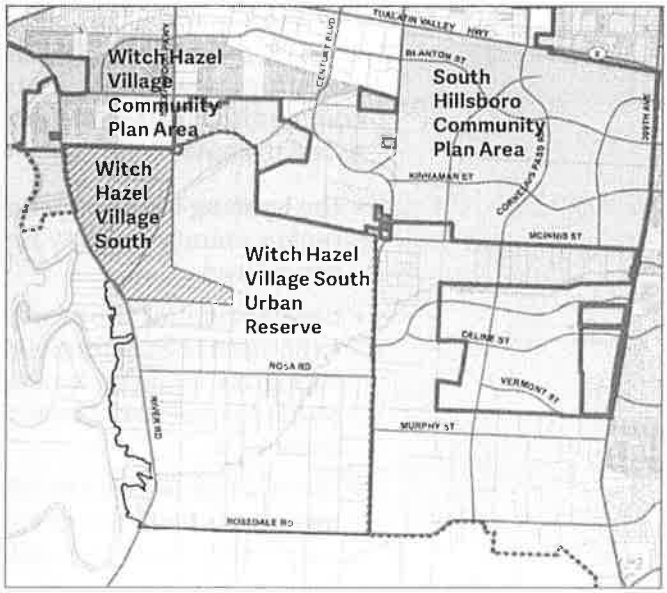
Name of urban reserve	Gross acres	Buildable acres	Homes planned
Witch Hazel Village South	150	75	850

Hillsboro expects to increase its population by 1.5 times to 156,000 people by 2045 and would like to provid an additional 1,300 new single-family detached homes over the next 20 years. The Witch Hazel Village South Urban Reserve Area could provide 850 additional residences.

The city will also encourage growth and development in its existing urban areas, specifically in downtown, the Tanasbourne-AmberGlen area and its North Hillsboro employment district and around transit stations and main streets through urban renewal, public-private partnerships and other strategies.

As of 2017, the city has over 2,100 regulated affordable housing units, making up 6 percent of the city's housing supply. After Portland, the city boasts the region's highest share (14 percent) of regulated affordable units in regional centers and town centers.

The City of Hillsboro has identified cultural inclusion and expanded engagement with diverse community members as a guiding public outreach principle going forward. Hillsboro's Public Engagement Committee will help craft the community involvement outreach strategies that engage a representative range of the community, particularly for communities of color, low-income populations and other underserved or underrepresented groups.



City of King City

Name of urban reserve	Gross acres	Buildable acres	Homes planned
Beef Bend South	528	400	3,300

King City asserts that the city limits are virtually built out, stating that with no realistic path to vertical infill growth, the city will be unable to provide more housing.

The city will also encourage growth and development through its comprehensive plan and zoning code and is discussing redevelopment opportunities with commercial property owners.

King City also allows and encourages a mix of affordable housing types, including single family attached and detached, apartments, condominiums and manufactured homes.

The mayor and city council have led an outreach effort to ensure its residents have had the chance to weigh in on planning the new urban area.

City of Wilsonville

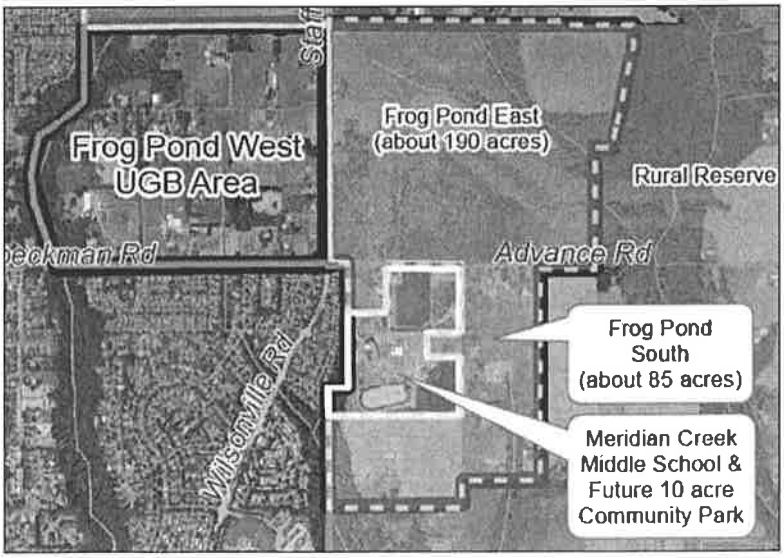
Name of urban reserve	Gross acres	Buildable acres	Homes planned
Advance Road (Frog Pond)	271	192	1,325

Wilsonville has grown at a quick pace, with an average population growth rate of 2.7 percent from 2014 to 2017. While additional single-family housing opportunities are planned for the proposed expansion area, the city is also planning for other housing options to meet various needs in the community.

The city will also encourage growth and development in its existing urban areas, specifically in the town center and other commercial and neighborhood centers such as Village at Main, Wilsonville Old Town Square and Villebois, a mixed-use, pedestrian-friendly and transit-supportive community.

The city is also committed to providing a wide range of housing types, sizes and densities at different prices and rent levels through regulated affordable housing units, property tax exemptions for properties that offer subsidized rent to low-income individuals and families, and implementing an equitable housing strategic plan.

The City of Wilsonville is working to meaningfully engage its residents in its planning processes. With a growing Latinx and Spanish-speaking population, the city is starting to integrate interpretive services and translated materials into its engagement strategies. The city council also recently declared Wilsonville a welcoming and inclusive city.



The 2018 growth management decision

Oregonians believe in a better way to manage growth. As people move here and businesses create jobs, greater Portland's urban growth boundary protects farms and forests, promotes economic development, encourages equitable housing and supports development of new neighborhoods when needed.

Metro is tasked with managing the urban growth boundary by the State of Oregon. Under Oregon law, greater Portland must have enough land inside its urban growth boundary for 20 years of growth. Land inside that boundary is available for construction of homes, employment centers and shopping areas for our region's residents. That means that even if the boundary wasn't expanded for two decades, all of the growth we expect in greater Portland can fit inside the existing boundary.

Metro is working with residents, elected leaders, community groups and researchers to evaluate whether communities and existing land inside the growth boundary have enough room for the people and jobs we expect in 20 years. If we need to expand our urban footprint, we'll work with communities to grow where growth makes sense.

By the end of 2018, the Metro Council will decide whether there is enough land in greater Portland's urban area for 20 years of growth. If not, the council will decide what areas are best suited to handle future growth.

Next steps

- **June 2018** Cities proposing urban growth boundary expansions present those proposals to the Metro Council, the Metro Policy Advisory Committee, and the Metro Technical Advisory Committee
- **June 8 – July 9, 2018** Online public comment period on city expansion proposals.
- **late June 2018** Metro releases draft 2018 Urban Growth Report
- **July 2018** Overview of draft 2018 Urban Growth Report at Council, the Metro Policy Advisory Committee, and the Metro Technical Advisory Committee
- **July 2018** City Readiness Advisory Group provides feedback on the strengths and weaknesses of city proposed expansions to Council and the Metro Policy Advisory Committee
- **Sept. 4, 2018** Metro's Chief Operating Officer recommendation
- **Sept. 12, 2018** Metro Policy Advisory Committee recommendation to the Metro Council
- **Sept. 20 and 27, 2018** Metro Council public hearings and direction to staff on whether and where the UGB will be expanded (and any other policy direction)
- **Dec. 6, 2018** Metro Council public hearing
- **Dec. 13, 2018** Metro Council decision on growth boundary expansion

If you picnic at Blue Lake or take your kids to the Oregon Zoo, enjoy symphonies at the Schnitz or auto shows at the convention center, put out your trash or drive your car – we've already crossed paths.

So, hello. We're Metro – nice to meet you.

In a metropolitan area as big as Portland, we can do a lot of things better together. Join us to help the region prepare for a happy, healthy future.

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DISCUSSION DRAFT

2018 GROWTH MANAGEMENT DECISION

Urban Growth Report

Published July 3, 2018

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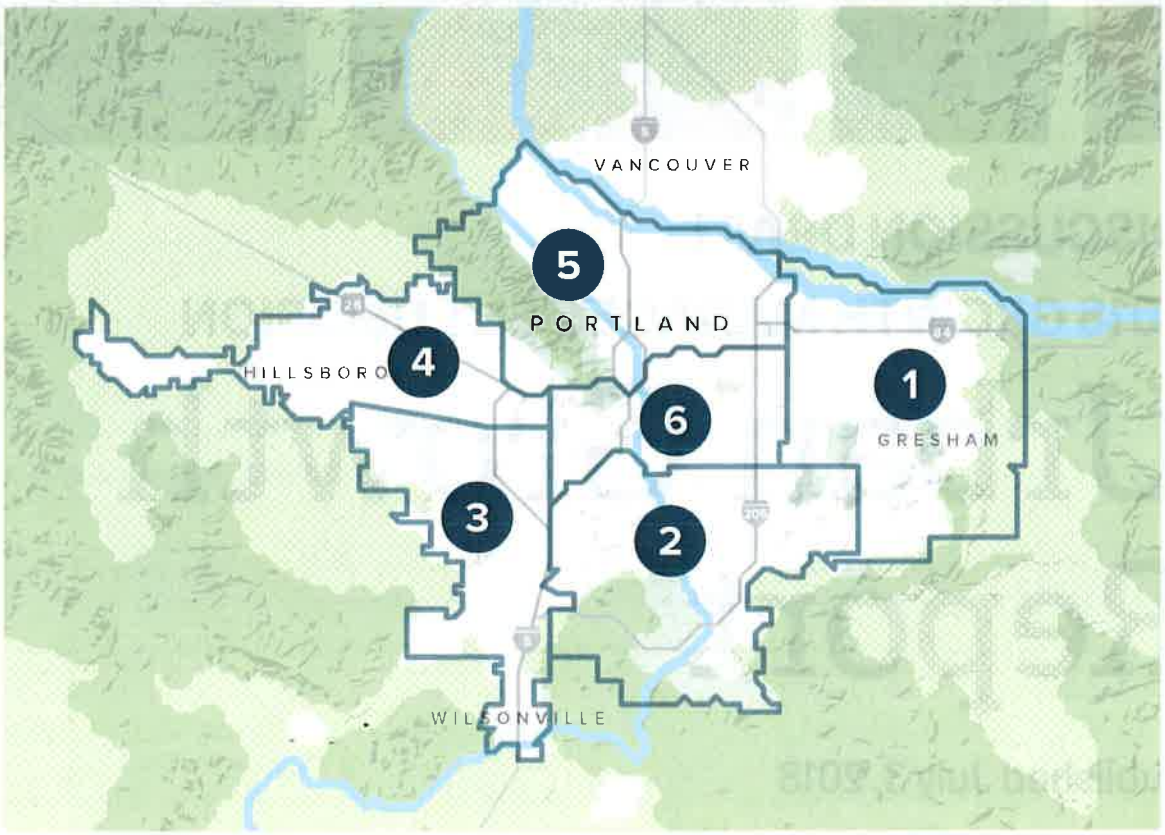

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Executive summary

A tradition of shaping the future to protect the quality of life

As people move here and businesses create jobs, greater Portland's urban growth boundary (UGB) protects farms and forests, promotes economic development, encourages equitable housing and supports development of new neighborhoods when needed.

Metro is working with residents, elected leaders, community groups and researchers to evaluate whether communities and existing land inside the growth boundary have enough room for the people and jobs we expect in 20 years. If we need to expand our urban footprint, we'll work with communities to grow where growth makes sense.

By the end of 2018, the Metro Council will decide whether there is enough land in greater Portland's urban area for 20 years of growth. If not, the council will decide what areas are the best suited to handle future development.

We need more housing and jobs to prepare for population growth

We need more housing, particularly housing that is affordable to people with modest means; we need a greater variety of housing to match our changing demographics; we need more middle-income jobs; and, we need to do a better job of engaging diverse communities in decision making.

Solutions won't be as simple as adding land to the UGB and hoping for the best. Real solutions lie in choices made at the federal, state, regional, county, city, neighborhood, and private sector levels. In that difficulty there's also good news – we each have choices we can make to improve things even when that progress feels incremental.

An outcomes-based approach

Land alone can't address housing needs, particularly for people making lower wages. Seeing this, the Metro Council has reoriented its growth management decisions to find the most viable and desirable ways to produce needed housing and job growth. For growth at the urban edge, it all starts with a strong city proposal for an expansion into an urban reserve.

For the 2018 decision, four cities have submitted proposals for UGB expansions into urban reserves. All four proposals are for housing.

Achieving desired outcomes

To guide its decision-making, the Metro Council, on the advice of the Metro Policy Advisory Committee (MPAC), adopted six desired outcomes, characteristics of a successful region:

- People live, work and play in vibrant communities where their everyday needs are easily accessible.
- Current and future residents benefit from the region's sustained economic competitiveness and prosperity.
- People have safe and reliable transportation choices that enhance their quality of life.
- The region is a leader in minimizing contributions to global warming.
- Current and future generations enjoy clean air, clean water and healthy ecosystems.
- The benefits and burdens of growth and change are distributed equitably.

The merits of these four proposals will be the focus of policy discussions in the summer of 2018. Generally, cities are expected to show that:

- The housing needs of people in the region, county and city have been considered.
- Development of the proposed expansion area is feasible and supported by a viable plan to pay for needed pipes, parks, roads and sidewalks.
- The city has reduced barriers to mixed-use, walkable development in their downtowns and main streets.
- The city has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas.
- The city has taken actions to advance Metro's six desired outcomes, with a particular emphasis on meaningful engagement of communities of color in community planning processes.

Next steps

Through discussions in the summer of 2018, the Metro Council will come to a determination as to whether any of the four proposed expansions are needed to accommodate population growth.

- **July 2018**: Overview of draft 2018 Urban Growth Report at Council, the Metro Policy Advisory Committee, and the Metro Technical Advisory Committee
- **July 2018**: City Readiness Advisory Group provides feedback on the strengths and weaknesses of city-proposed expansions to Council and the Metro Policy Advisory Committee
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Introduction

A tradition of shaping the future to protect quality of life

As people move here and businesses create jobs, greater Portland's urban growth boundary (UGB) protects farms and forests, promotes economic development, encourages equitable housing and supports development of new neighborhoods when needed.

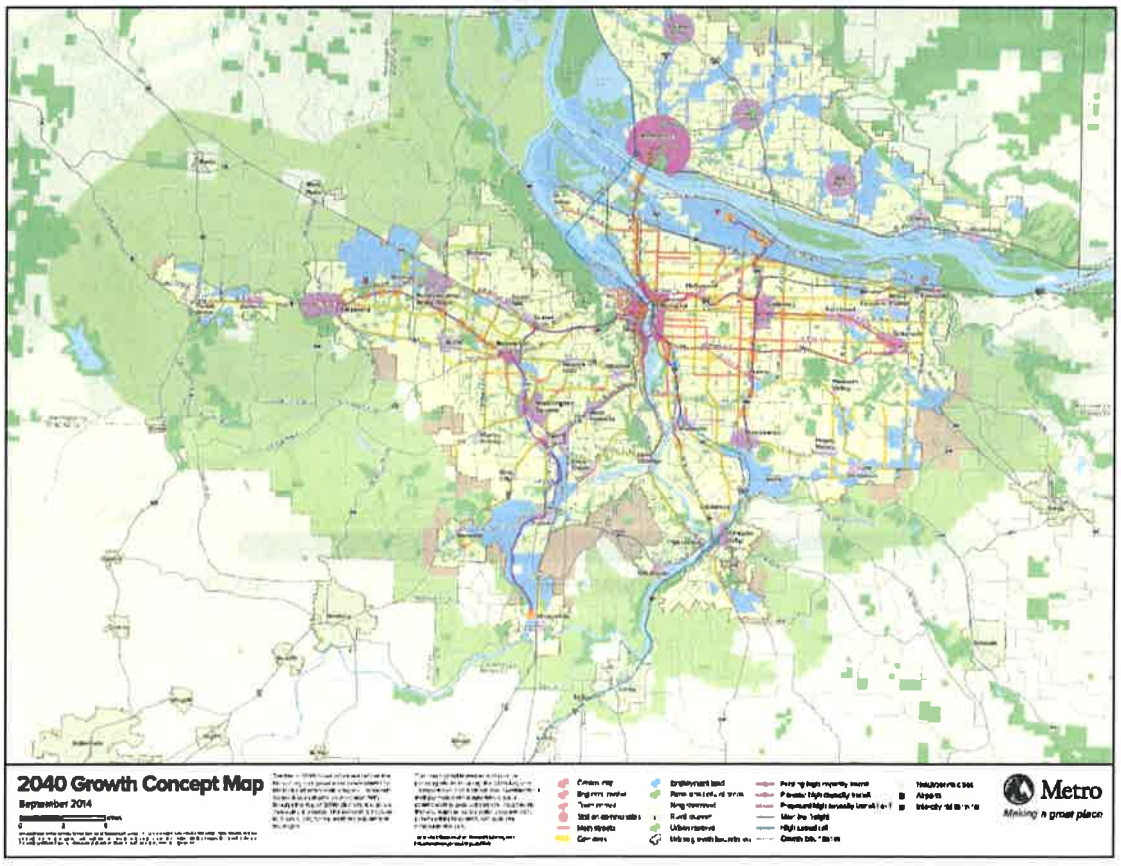
Oregonians have a long history of thinking ahead, trying to shape our destiny rather than simply reacting. This planning tradition demands good information about our past, present and future.

Metro is working with residents, elected leaders, community groups and researchers to evaluate whether communities and existing land inside the growth boundary have enough room for the people and jobs we expect in 20 years. If we need to expand our urban footprint, we'll work with communities to grow where growth makes sense.

By the end of 2018, the Metro Council will decide whether there is enough land in greater Portland's urban area for 20 years of growth. If not, the council will decide what areas are the best suited to handle future development.

These periodic decisions are an opportunity to continue our work on the 2040 Growth Concept, which calls for focusing most growth in existing urban centers and making UGB expansions into urban reserves – areas suitable for future development – after careful consideration of whether those expansions are needed.

Figure 1: The 2040 Growth Concept, the regional plan for focusing growth in existing urban centers and employment areas

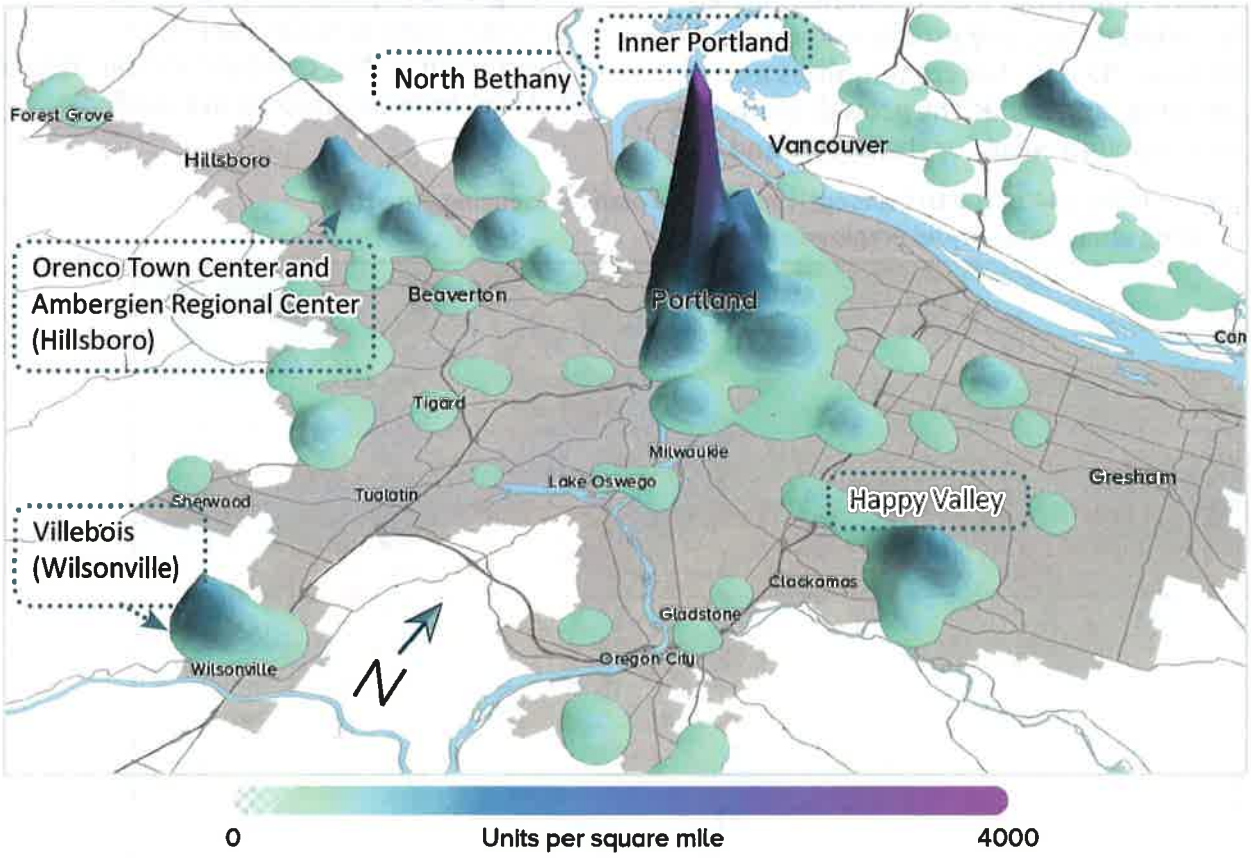


An outcomes-based approach

Learning from experience

In past growth management decisions, the process focused on theoretical projections, leading participants to debate the numbers rather than assessing the viability of development in UGB expansion areas. Discussions of the merits of actual UGB expansion options took a back seat. UGB expansions that lacked city governance and an infrastructure strategy failed to produce housing or jobs. Conversely, those that had those issues sorted out got developed into communities and job centers. At the same time, regional and local plans were being realized – record amounts of housing and job growth happened in existing urban areas, far outpacing previous estimates of redevelopment and infill potential.

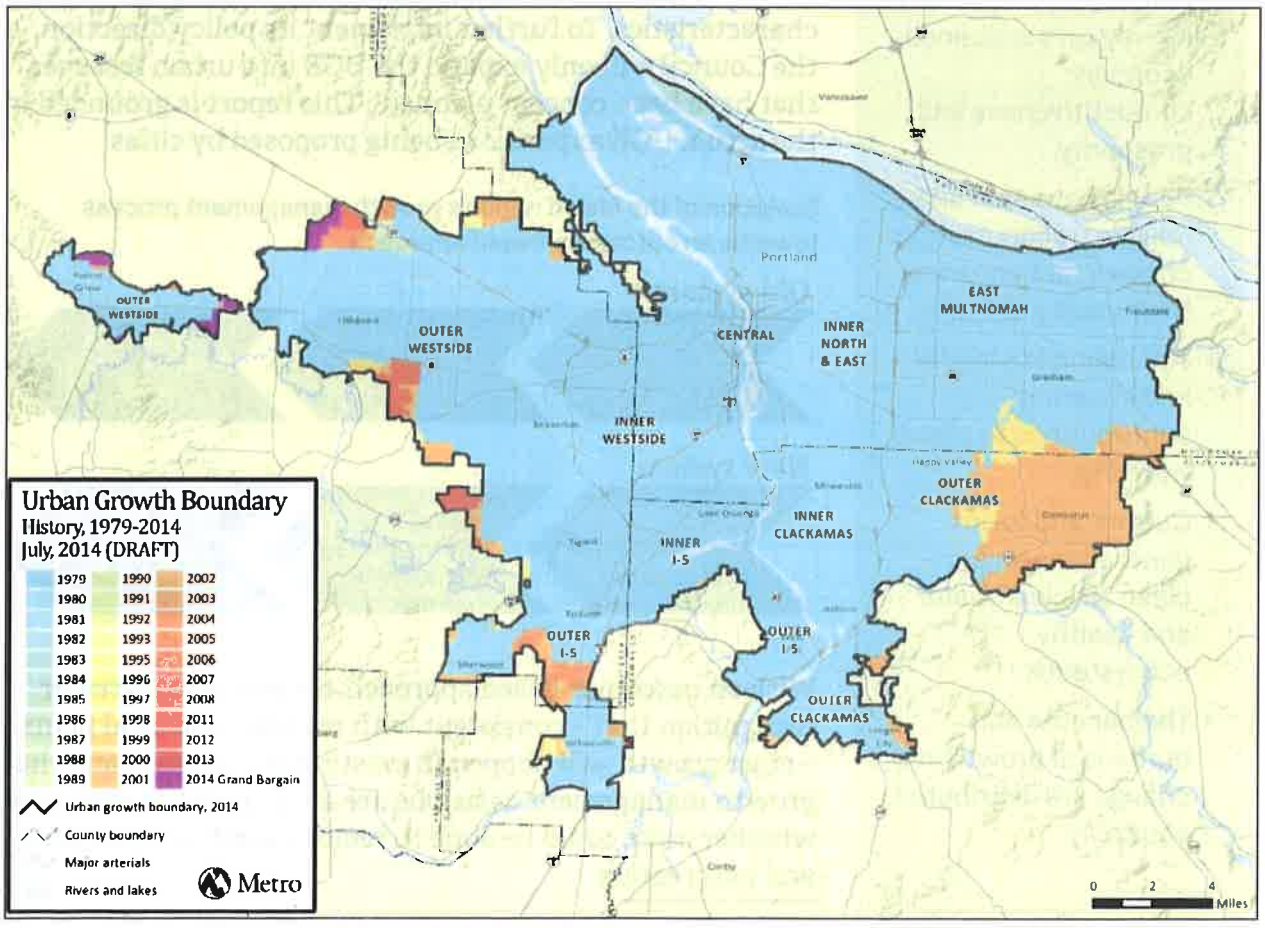
Figure 2: Housing permits in the Portland Metro area, 2009-2017 - units per square mile



The region's UGB was originally put into place in 1979. Since then, about 31,000 acres have been added to the boundary, mostly from 1998 onward. What has happened in those expansions has been informative. Homes and businesses were built in areas that addressed market demand and had governance and a means of paying for pipes, pavement and parks. Without those elements, little or no development happened. In the post-1998 UGB expansion areas, 16 percent of the planned housing has been built. It is clear that land readiness is more important than land supply for producing housing and job growth.

All of this leads to one big lesson that guides this year's growth management decision process: land alone can't address housing needs, particularly for people making lower wages. Seeing this, the Metro Council has reoriented its growth management decision process to implement the most viable ways to produce needed housing and job growth. For growth at the urban edge, it all starts with a strong city proposal for an expansion.

Figure 3: UGB expansions since adoption of the Metro UGB in 1979



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- Current and future generations enjoy clean air, clean water and healthy ecosystems.
- The benefits and burdens of growth and change are distributed equitably.

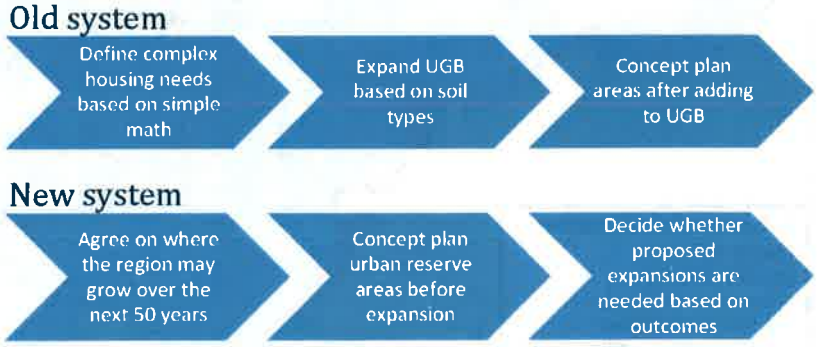
A better approach to making decisions

In 2010, based on those experiences and other factors, the Metro Council adopted a policy of taking an outcomes-based approach to urban growth management decisions. In each subsequent decision, the Council has moved closer to implementing this approach.

A basic conceptual underpinning of this approach is that growth could be accommodated in a number of ways that may or may not involve UGB expansions. Each alternative presents considerations and tradeoffs, but there is not one "correct" answer. For instance, different decisions could lead to somewhat different numbers of households choosing to locate inside the Metro UGB versus neighboring cities such as Vancouver or Newberg. Other decisions could lead to a slightly different housing mix.

An outcomes-based approach acknowledges that development will only occur when there is adequate governance, infrastructure finance, and market demand, and, therefore, any discussion of adding land to the UGB should focus on identifying areas with those characteristics. To further implement its policy direction, the Council will only expand the UGB into urban reserves that have been concept planned[1]. This report is grounded in the actual UGB expansions being proposed by cities.

Evolution of the Metro region's growth management process towards an outcomes-based approach



With an outcomes-based approach, there is also a greater recognition that – consistent with regional and local plans – most growth will happen in existing urban areas and that growth management decisions are an opportunity to gauge whether more could be done to remove barriers to housing and job creation.

1. This policy was adopted by the Metro Council in 2010.

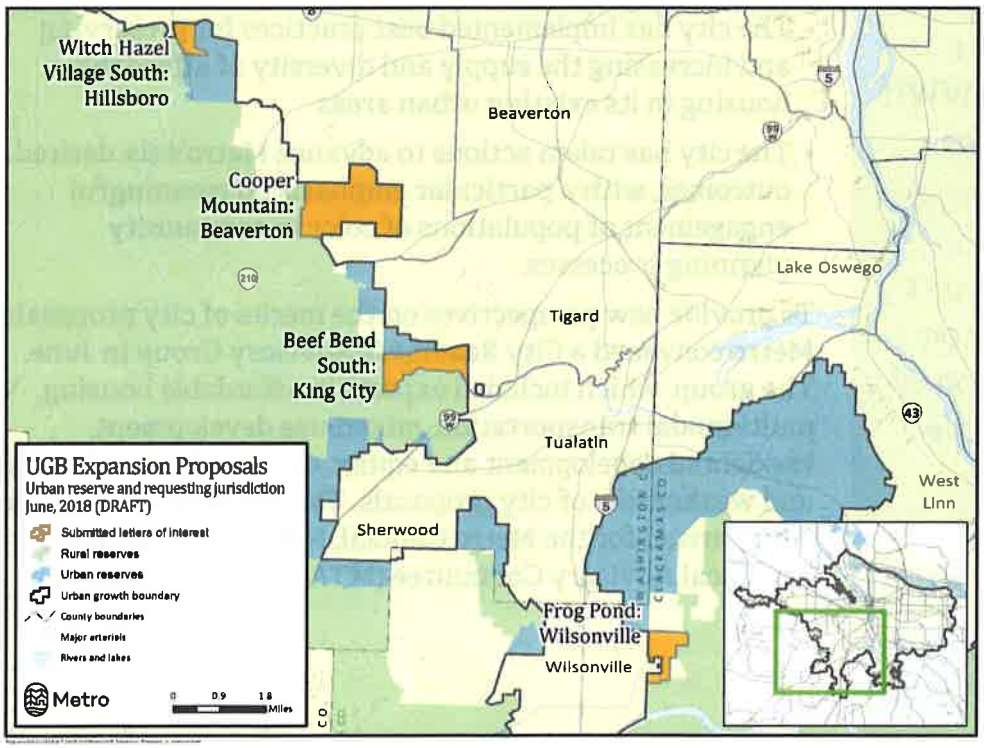
What are cities proposing for UGB expansions?

For the 2018 decision, four cities have submitted proposals for UGB expansions into urban reserves. All four proposals are for housing. Cities' narrative proposals can be found in Appendix 9. The four proposed expansions would total about 2,200 gross acres. After accounting for environmentally-sensitive areas, they include about 1,270 net buildable acres. The four cities' plans include about 9,200 homes at full build-out.

In the past, the region has added, on average, about 10,000 new households per year in the Metro UGB. The 9,200 homes in proposed expansion areas would address about an average year's household growth. Experience shows that adding more land beyond what cities are proposing would not produce more housing. This emphasizes the need to do all we can to encourage more housing production in existing urban areas.

Statewide Planning Goal 14 (Urbanization) lays out several factors that must be considered when determining where to expand the UGB. The Goal 14 "locational factor" analysis can be found in Appendix 7. The four urban reserve areas proposed for expansion by cities all compare favorably according to the factors described in Statewide Planning Goal 14. In light of those factors, it is appropriate for all four to advance for further consideration by the Metro Council.

Figure 4/Table 1: City-proposed UGB expansions for consideration in the 2018 decision



Proposing city	Name of urban reserve	Gross acres	Buildable acres	Homes planned
Beaverton	Cooper Mountain	1,232	600	3,760
Hillsboro	Witch Hazel Village South	150	75	850
King City	Beef Bend South	528	400	3,300
Wilsonville	Advance Rd. (Frog Pond)	271	192	1,325

"The U.S. is no longer a nation of pioneers building log cabins on the Western frontier. Nor is it a post-WWII nation of nuclear families buying tract homes in Levittown. We can't indefinitely rely on new construction of low density, single-family housing to accommodate population growth."

—Brookings Institution, 2018

The merits of these four proposals will be the focus of policy discussions in the summer of 2018. On the advice of the Metro Policy Advisory Committee (MPAC), the Metro Council has adopted code factors that describe expectations for cities proposing residential expansions. Those factors speak to the elements of the proposed expansion and to actions being taken by cities in their existing urban areas. Metro issued administrative guidance to assist cities in preparing proposals that address these code factors[2]. Generally, cities are expected to show that:

- The housing needs of people in the region, county and city have been considered
- Development of the proposed expansion area is feasible and supported by a viable plan to pay for needed pipes, parks, roads, and sidewalks
- The city has reduced barriers to mixed-use, walkable development in their downtowns and main streets
- The city has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas
- The city has taken actions to advance Metro's six desired outcomes, with a particular emphasis on meaningful engagement of populations of color in community planning processes.

To provide new perspectives on the merits of city proposals, Metro convened a City Readiness Advisory Group in June. The group, which included experts in affordable housing, multi-modal transportation, mixed-use development, residential development and equity, discussed the strengths and weaknesses of city proposals. Those discussions will be summarized for the Metro Council, MPAC and the Metro Technical Advisory Committee (MTAC) in July.

2. See Appendix 9 for administrative guidance.

Possible outcomes of different growth options

Over the years, Metro has sought to improve its growth management analyses. In earlier iterations, the calculation of land need was relatively straightforward: land supply minus land demand equals land need. While that simple approach has an appeal, it glosses over a number of policy questions and market factors that deserve greater discussion. Inevitably, that approach led to debates about numbers and ideologies rather than discussions of practical options.

This analysis strives to highlight policy questions and make the practical options – a decision whether to make any of the four proposed UGB expansions – more evident. This approach leads to a conclusion that future growth could be accommodated with or without UGB expansions, but different choices will have different outcomes.

Is there a need for more land to support job growth?

Commercial land demand

Commercial employment is a broad category that includes all non-industrial employment, such as teachers, cooks, doctors, sales clerks, nurses, real estate agents, architects, counselors, coffee shop workers, insurance agents, and bankers. What all of these sectors have in common is that to prosper, they need to locate close to where clusters of people live. From a growth management perspective, this means that the needs of these sectors will be best met in existing urban locations either on vacant land or through increased redevelopment and infill.

For the 2018 decision, no cities have proposed UGB expansions for commercial uses aside from select nodes that would provide neighborhood services in proposed residential expansion areas. There is no indication that adding land to the UGB when it has not been proposed by a city would result in commercial employment. For these reasons, there does not appear to be a need for additional land to be added to the UGB for commercial employment.

Industrial land demand

As our nation's economy has evolved from farming roots through the industrial revolution and into a knowledge-based economy, several dynamics have been at play that influence the nature of industrial land demand:

- As technology has improved over the last century, industrial workers have become more productive. This means that industrial job growth is stagnant and that demand for space is driven less by employment than it was in the past.
- E-commerce has driven demand for close-in warehousing and distribution facilities to enable quick deliveries. This may increase the likelihood of redevelopment of some sites.
- Data centers have emerged as users of industrial land, but they provide relatively few jobs (instead, they pay franchise fees that benefit cities).
- Large industrial firms seeking new locations consider sites all around the country or world, making it impossible to forecast regional land demand for large industrial sites.
- Site requirements for industrial uses can be very specific. For instance, some industrial users require rail access, others require redundant power sources, others require an educated workforce, and others require manual laborers. Forecasting those specific requirements would imply more certainty about the future than is possible.
- Providing raw land is just one step of many for producing industrial jobs. Typically, infrastructure investments and site assembly are also required. Brownfield cleanup and wetland mitigation are also common needs.

These dynamics mean that it is challenging to estimate land needs based on an employment forecast. This difficulty is amplified by the additional uncertainty surrounding employment forecasts since job growth can be influenced – for better or worse – by international relations, monetary policy and many other factors that lie outside the control of cities, counties, the region or state.

For these reasons, determining industrial land needs is best understood as an exercise in economic development goal setting rather than forecasting. This is true at the regional level and even more so at the local level.

The peer-reviewed baseline employment forecast for the seven-county area shows a net decrease of about 9,000 industrial jobs during the 2018 to 2038 time period. While some new industrial firms may emerge and some existing industrial firms may grow, those gains are outweighed by expected employment decreases at other industrial firms. The expected net decrease in regional employment in industrial sectors such as manufacturing, warehousing and distribution means that there is not a regional need for more industrial land to support employment growth. Even under the high growth forecast, industrial employment remains essentially unchanged from 2018 to 2038, again pointing to no need for additional industrial land to support employment growth.

Likewise, for the 2018 decision, no cities have proposed UGB expansions for industrial uses. There is no indication that adding land to the UGB when it has not been proposed by a city would result in industrial employment. For all of these reasons, there is not a regional need for additional land to be added to the UGB for industrial employment, including employment on large industrial sites.

The Metro Council has put into place a process for considering specific non-residential UGB expansion proposals outside of the standard growth management cycle. If cities develop an employment concept plan for an urban reserve area, that "major amendment" process can address needs that aren't anticipated in the 2018 growth management decision.

Is there a need for more land to support household growth?

Urban growth scenarios

To inform the Metro Council's determination of whether there is a need for residential UGB expansions in 2018, Metro staff produced a number of scenarios that tested different permutations of a few assumptions:

- varying levels of population, household and employment growth (using the range forecast for the seven-county metropolitan area)
- different amounts of buildable land in the Metro UGB (varying amounts of redevelopment capacity)
- UGB expansions as proposed by four cities vs. no UGB expansion.

The scenarios are described in more detail in Appendix 3. Several general observations can be made about the scenarios:

The region is on track to continue using land efficiently

- Most capacity for housing production within the existing UGB comes through redevelopment and infill.
- Redevelopment and infill construction thrives when there is strong economic and population growth.

Increased spillover growth to neighboring cities does not appear to be a threat

- The original Metro UGB was adopted in 1979. Since then, about 61 percent of the new households in the larger seven-county metropolitan area have located inside the Metro UGB.
- In all scenarios, the share of the seven-county area's new households that locate in the Metro UGB (the "capture rate") is higher than historic rates, ranging from 63 to 72 percent.

- Barring unanticipated changes in the growth capacity of neighboring jurisdictions, a decision not to expand the UGB will not cause excessive spillover growth into neighboring jurisdictions like Sandy, Newberg, or Clark County, Washington.

More housing production is needed to keep up with household growth

- The region needs more housing production to keep up with population growth, particularly for households earning lower incomes.
- If development of the four proposed UGB expansions is viable, they can modestly increase housing production in the region.
- Regional scale analysis is not sensitive enough to distinguish between the effects of the individual proposed expansions.

Housing affordability will remain a challenge

- As in other regions around the country, housing affordability will remain a challenge.
- Encouraging more redevelopment and infill is the most effective means of keeping housing prices in check for renters.
- If developed, the four proposed UGB expansions would result in modest reductions[11] in housing prices for owner-occupied housing by providing additional housing supply.
- If developed, the four proposed UGB expansions would have little impact on prices for renter-occupied housing given that one-third of the planned housing in those areas would be multifamily.

Most housing will remain single-family housing, but most most growth capacity is for apartments and condominiums

- Currently, about 68 percent of all housing is single-family housing. All scenarios show that share decreasing in the future, with most resulting in about 60 percent single-family housing (still a majority).
- In keeping with regional and local plans, infrastructure funding realities and smaller household sizes, most growth capacity is for apartments and condominiums.
- If developed, the four proposed UGB expansions would result in a modest increase in choices for single-family housing for ownership.
- While demand for owned and single-family housing is strong, households appear willing to substitute rental and multifamily housing to a certain extent.

The region is on track to stay within the urban reserves "budget"

- There are approximately 23,000 gross acres of urban reserves that are candidates – if needed – for UGB expansions through the year 2045 (to address regional land needs to the year 2065).
- If urban reserves were added to the UGB at the average rate of about 850 acres per year, all urban reserves would be used (added to the UGB) by the year 2045.
- The four city-proposed expansions total 2,200 gross acres. At the above-described "budget" of 850 acres per year, this amounts to about 2.5 years of usage.

11. The amount of potential housing price reduction varies depending on other assumptions about redevelopment potential, household growth, and future UGB expansions (beyond the 2018 decision). All other things being equal, however, the proposed expansions could help moderate housing prices somewhat.

Changes in where we live and work
Where we stand today with housing

Greater Portland came roaring out of the Great Recession. In less than 10 years, the region grew its economy and added high-wage jobs at higher rates than almost any other large U.S. metro area. Median incomes went up. The poverty rate went down. Thousands of young, educated workers migrated to the region drawn by the high quality of life and the opportunity of a booming economy.

This influx of new affluence and new people brought both economic growth and new challenges , changing the dynamics of our housing market and shifting the geography of affordability in a short period of time.

But longer-term trends also shaped our housing supply, and those trends continue to challenge our ability to create housing choices that meet the needs of our changing region.

Housing construction came to a halt in the Great Recession, driving up housing costs

All around the country, housing construction came to a halt during the Great Recession. As the population continued to grow, demand intensified and housing prices rose – slowly at first, but gaining momentum with each passing year. Rent and home price increases were among the highest in the nation; vacancy rates, the share of unoccupied rental units, were among the lowest. This was true in greater Portland and dozens of other cities around the country.

Long-term residents living in rental housing found themselves priced out of their neighborhoods, while would-be homebuyers struggled to save for down payments that seemed to double overnight. Renters suffered the most, often facing substantial rent increases with little notice.

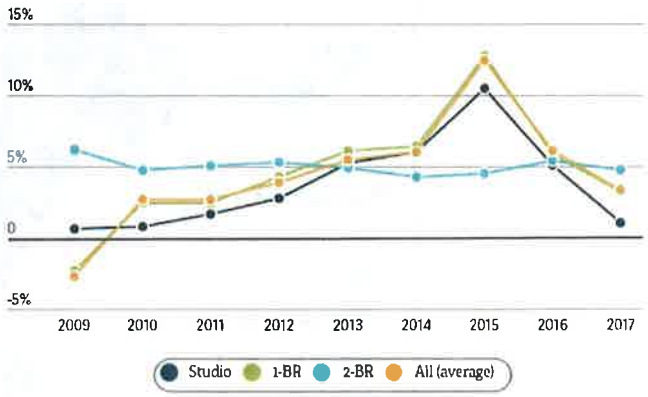
Like most regions, we are playing catch-up with housing construction

Housing construction took off again as the region emerged from the Great Recession. Increased housing supply has begun to temper housing rents and prices, which are still rising, but not as quickly.

Though it's of little consolation to people who work and struggle to keep a roof over their heads, rents here are similar to those in cities around the country. For one-bedroom apartments, the Portland region is in the same rental price range as Atlanta, Minneapolis, Nashville, Denver and Chicago. Rents are more expensive here than a number of other cities, but still represent a value compared to other coastal cities.

When it comes to rents, location matters. To live close to jobs, amenities, and transit, people have to pay a premium that is often out of reach.

Figure 5: Annual percentage change in rental unit costs by size, Portland metro area, 2009-2017.



Sourc: Data courtesy of CoStar commercial real estate company

3. See Appendix 5 for more information on historic residential development trends.

Figure 6: Median rent for a one bedroom apartment in 2009 (source: Rainmaker Insights)

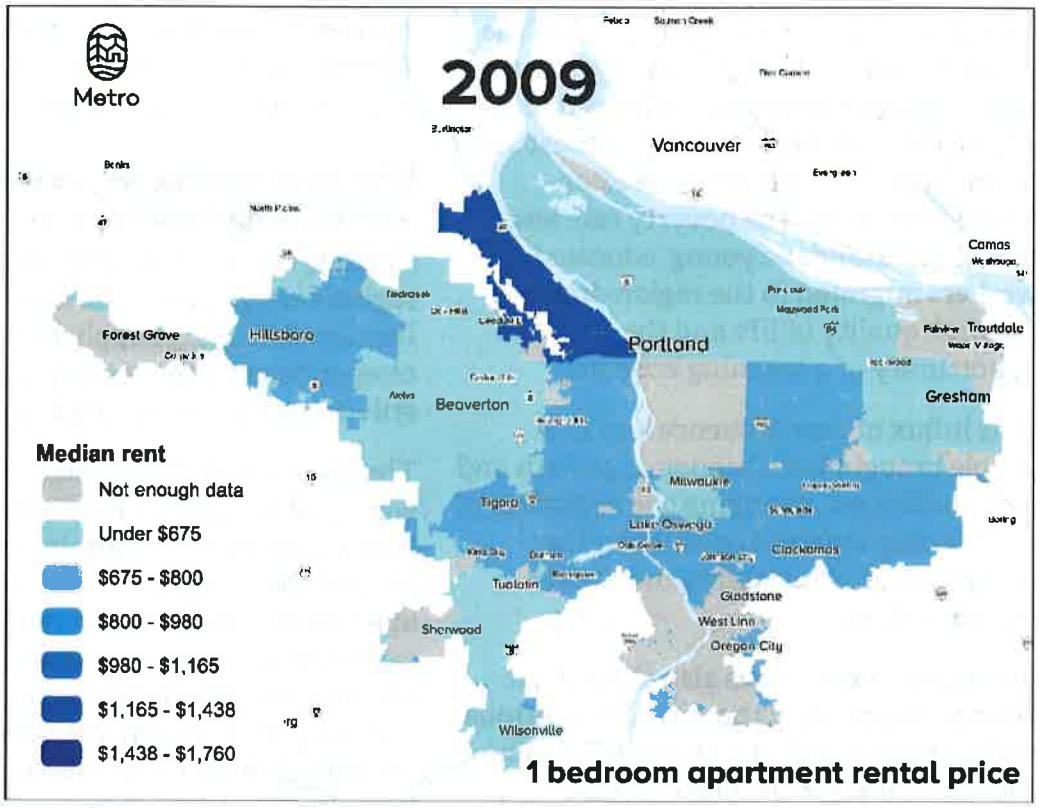
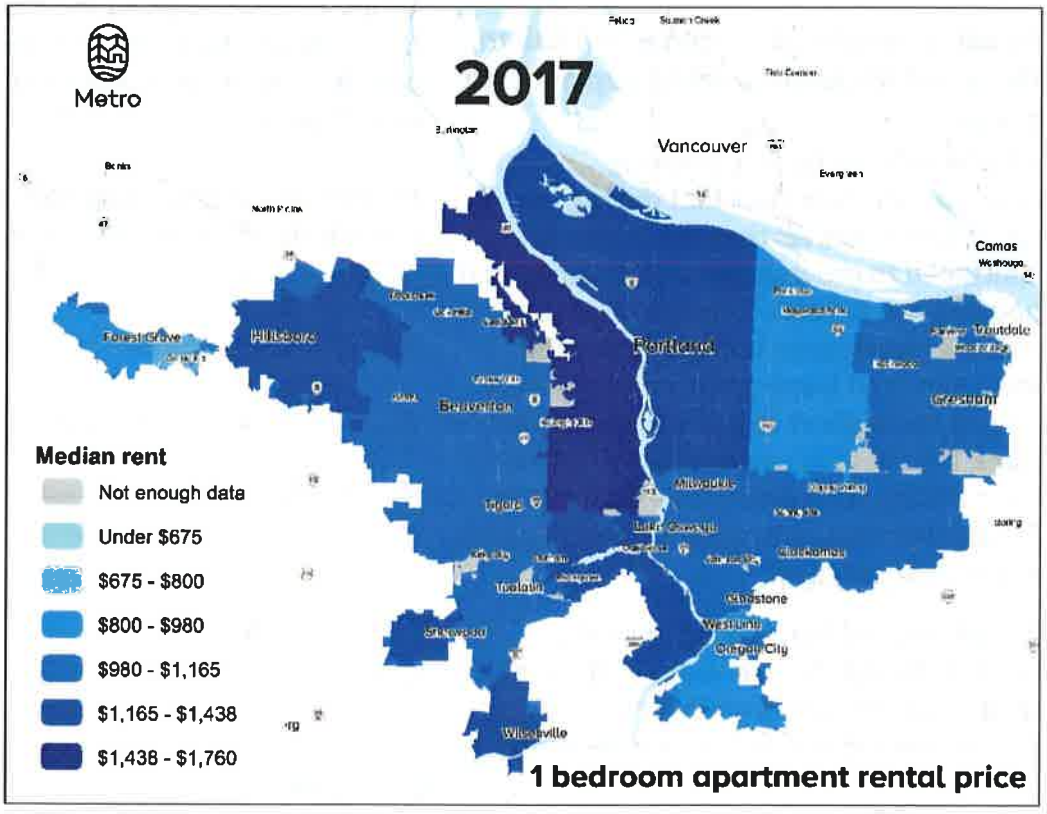


Figure 7: Median rent for a one bedroom apartment in 2017 (source: Rainmaker Insights)



What's helping to keep housing prices under control?

Simply put, the most straightforward way to keep housing prices in check is to build more housing. Without that housing supply, an ever-increasing population competes for a limited pool of housing, driving up prices. This is especially true in central locations with access to jobs, transit, services and amenities.

More than 20,000 new units of multifamily housing have been completed in the Portland metropolitan area since 2010[4]. More than half of those units were built in the past two and a half years.

Since 2015, developers submitted 25,000 permits for future multifamily buildings in greater Portland, meaning more apartments are in the pipeline[5].

The increased available supply loosened regional apartment vacancy rates from a tight 4.6 percent in 2014 to a somewhat more comfortable 5.5 percent in 2017[6]. This growing availability of housing gives apartment-seekers more choices, generating competition among property managers who have moderated their asking rents accordingly.

Nearly 30,000 permits for new single-family units, including duplexes and triplexes, were submitted between 2010 and mid-2017[7].

"Missing middle" housing

Our grandparents, parents, kids, friends and neighbors have diverse housing needs, but for too long there has been little housing diversity.

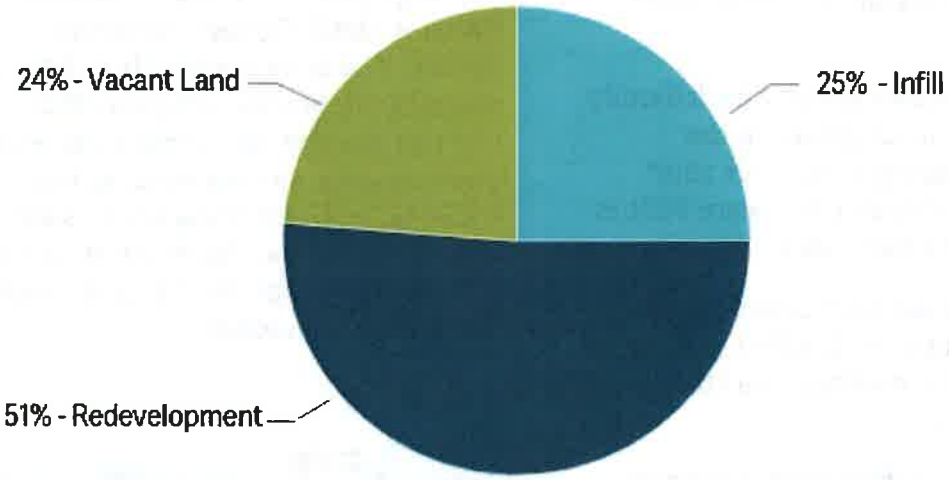
There are solutions for diversifying housing options in our communities. "Missing Middle" housing refers to options that lie on the spectrum between single-family homes with yards and mid-rise housing, for example, accessory dwelling units, cottage housing, and triplexes. However, these choices are often not widely available in the locations that provide the greatest access to jobs, services and amenities.

4. Source: CoStar
5. Construction Monitor
6. Source: CoStar
7. Source: Construction Monitor

Most new housing is being built in existing areas

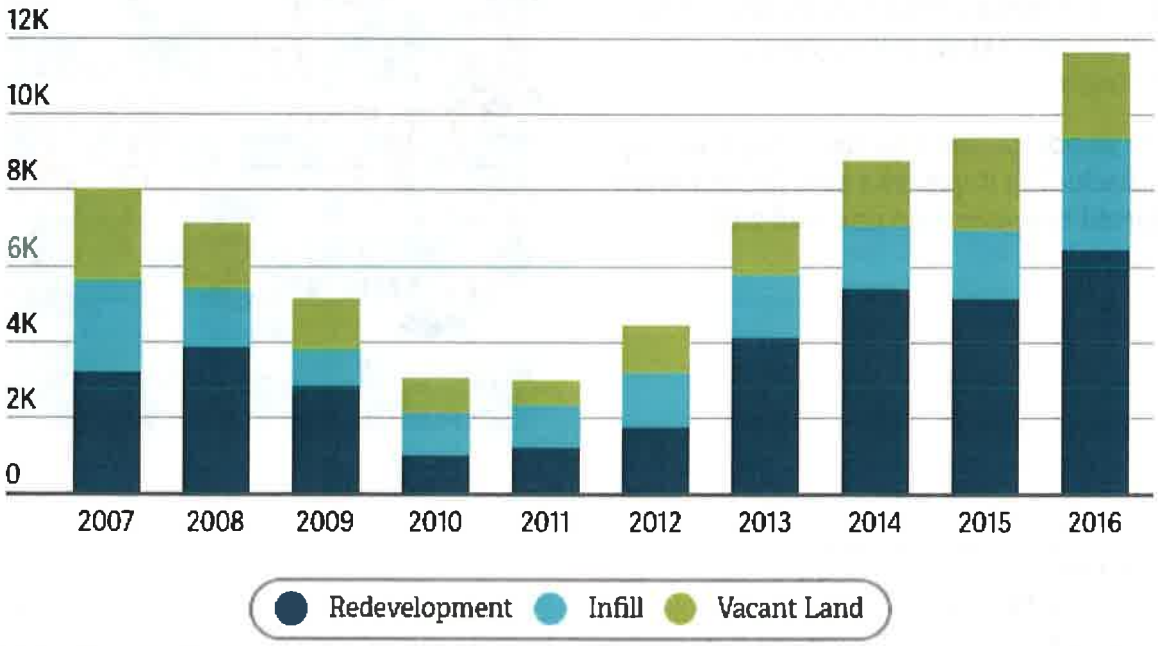
Long-standing plans, investments, and market conditions have resulted in three-quarters of new homes being built through redevelopment and infill in existing urban areas (in the Metro UGB from 2007 through 2016). This means that, as housing is built, we are making efficient use of land and public resources.

Figure 8: New units (total) built by development type, Metro UGB, 2007-2016



Source: Metro Land Development Monitoring System output dataset from May 2018 RLIS data input

Figure 9: New units built by year and development type, Metro UGB, 2007-2016



Source: Metro Land Development Monitoring System output dataset from May 2018 RLIS data input

The emergence of ADUs

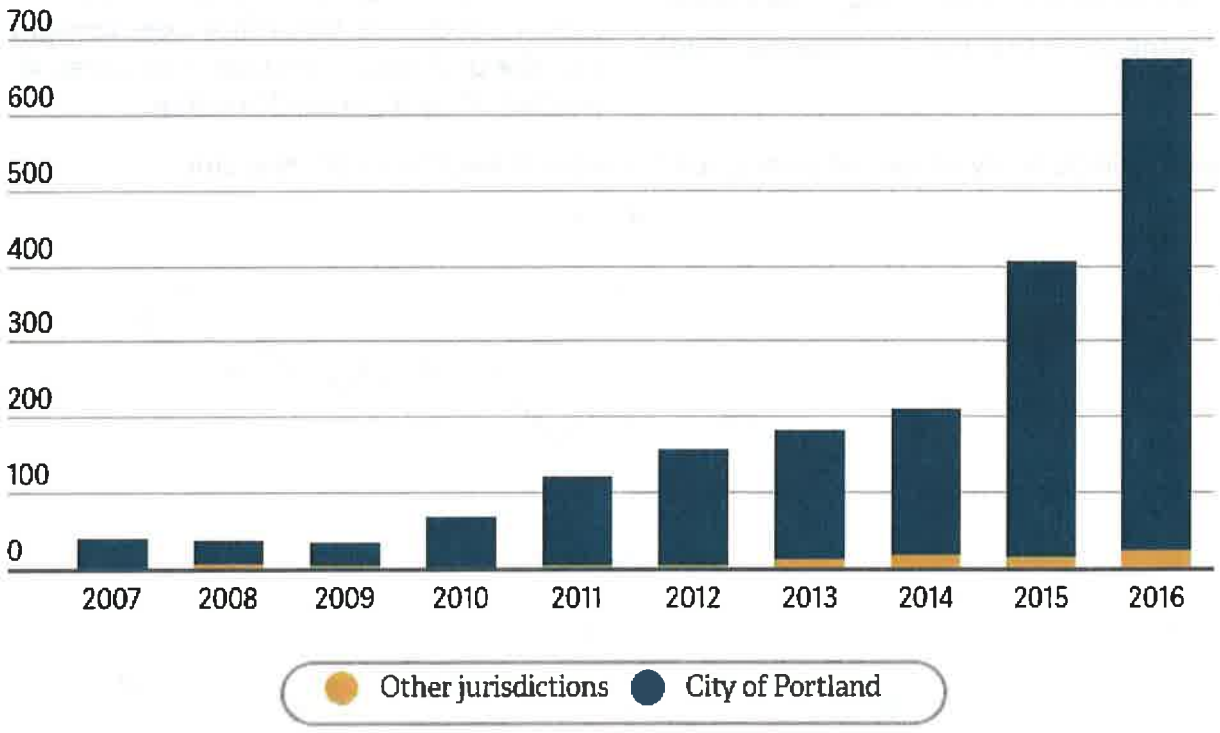
Since the mid-1990s, Metro has required that all cities in the region allow accessory dwelling units (also known as "ADUs," "granny flats" or "in-law" cottages) in single-family neighborhoods. Though it took several years, construction has taken off, particularly in the City of Portland, with several hundred ADUs built per year in the Metro UGB for several years now.

In 2017, ADUs made up 7 percent of the region's new housing. Among other factors, the City of Portland's waiver of system development charges for ADUs is credited with this uptick.

A common refrain about ADUs is that they only get used for short-term rentals such as Airbnb, so they don't contribute to the regional housing supply for residents. A 2017 survey of Portland ADU owners and tenants indicates that this is largely not the case. The survey was commissioned by Portland State University's Institute for Sustainable Solutions. Sixty percent of ADU owners surveyed reported that their ADU is used by someone as a primary residence, while 26 percent reported that the ADU is used as a short term rental[8].

Even when used as short-term rentals, ADUs may become long-term rentals over time as owners pay off ADU construction loans or grow tired of managing ever-changing guests. In a year-over-year comparison, about half of the Airbnb listings in Portland were no longer active (Brown, 2017).

Figure 10: Accessory dwelling units (ADUs) by year, Metro UGB, 2007-2016



Source: Metro Land Development Monitoring System output dataset from May 2018 RLIS data input

8. 14 percent reported that their ADU is vacant, used as extra space, or "other".

We're using land more efficiently for single-family housing

Today, a new single-family home uses about half as much land as one built in 1980. This trend of using land inside the UGB efficiently helps us to protect farms and forests. It also makes it more feasible to provide single-family neighborhoods with transit and other services.

What's holding housing back?

Getting enough housing built is not without its challenges and the reasons are varied, including:

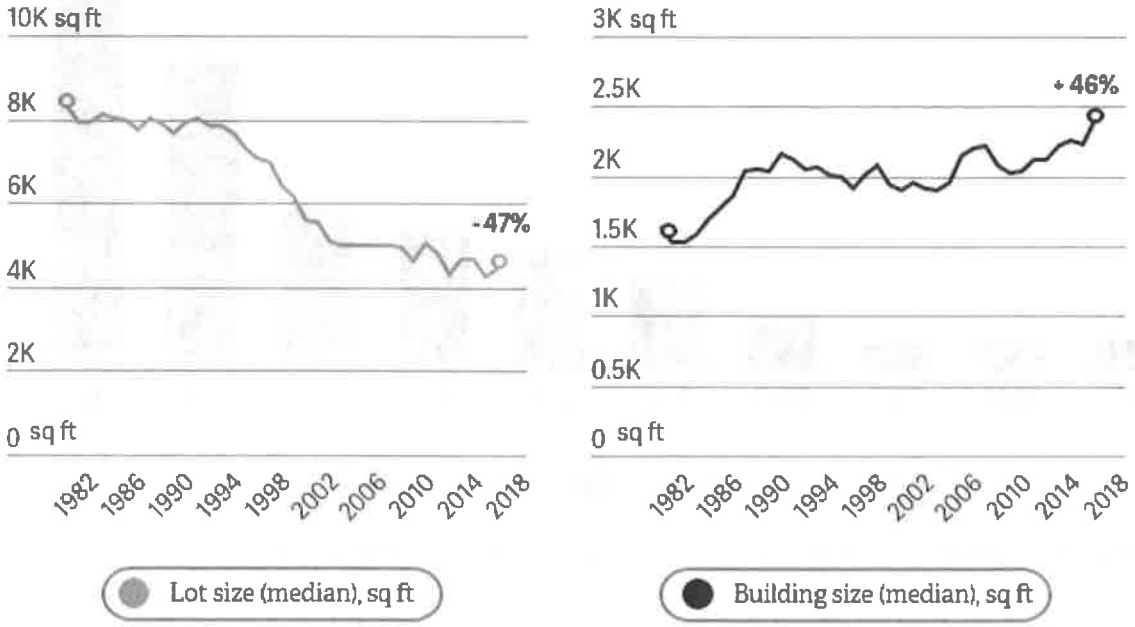
- a lack of funding for pipes, pavement, parks and other facilities to make vacant lands development-ready
- neighborhood opposition to change that can slow or stop housing proposals
- uncertainty in permitting processes
- difficult access to financing for developers
- zoning codes that restrict "missing middle" housing
- depending on the location, achievable rents that are sometimes insufficient to spur redevelopment
- site specific challenges such as lot sizes and configurations, access, contamination, or property owners that don't want to develop or sell.

Land alone doesn't result in housing

The Metro Council made most of its UGB expansions from 1998 onward. Since then, the Metro Council has added about 27,000 acres or about 42 square miles to the UGB. For context, that's an area the about the size of two Beavertons, or 420 Oregon Zoos.

New construction in these expansion areas is a challenge. In addition to overcoming the normal financing and permitting hurdles, a city or developer must also build streets, sidewalks, sewers and other basic infrastructure to support a neighborhood. Infrastructure easily costs hundreds of millions of dollars. Since they were brought into the UGB, these areas have produced 16 percent of their planned housing

Figure 11: Single-family lot size and building size (annual medians), Metro UGB, 1980-2016



Source: Metro Land Development Monitoring System output dataset from May 2018 RLIS data input

(fewer than 11,000 approved or pending permits out of the expected 67,000).

In those cases where development readiness has been resolved – for example, Happy Valley, North Bethany, River Terrace, Villebois, Witch Hazel – housing has been built.

Aside from getting land ready for development, our region shares another challenge facing regions around the country: the private market often can't profitably build new housing that is affordable to people earning lower incomes. Without that potential for profit, affordable housing doesn't get built even if our community plans allow for it.

Cities proposing UGB expansions have been asked to describe how they are encouraging construction and preservation of affordable housing in their existing urban areas.

A shortage of cities

It matters, not just how much housing gets built, but where housing gets built. People in the greater Portland region were forward-thinking in the mid-1990s when they called for focusing most growth in existing downtowns and transportation corridors. That vision made our region more prepared for recent growth trends.

Cities around the country have seen a reversal of decades-long pattern of people moving away from urban centers (Edlund, Machado, & Sviatschi, 2015). Sales prices for central locations now reflect people's preference to live close to urban amenities like restaurants, grocery stores and cafes (Couture & Handbury, 2015). Construction of new housing in those locations is not keeping up with demand, leading economists and others to point to a "shortage of cities" (Cortright, Our Shortage of Cities, 2014).

This trend isn't restricted to central cities. Many people that live in the suburbs are seeking urban amenities – restaurants and transit, for instance – like those offered in Orenco and Tanasbourne in Hillsboro and The Round in Beaverton.

In the end, no one can predict future housing preferences, particularly when so much seems in flux. Regardless of preferences, there are significant headwinds for keeping up with population growth by building single-family homes. Those challenges include record levels of student loan debt, tighter lending standards, and high costs for new pipes and pavement that show up on a house's price tag.

Finding home

Cheranda Curtis calls her studio apartment her "sanctuary." Having an affordable place to live has given Curtis the opportunity to stay sober, hold a steady job and save for a house.

Patti Jay felt "exhausted with having to move again" after she received a no-cause eviction. She's grateful she found a place to live close to her son's high school, which means he didn't have to switch schools.

Displacement of people of color

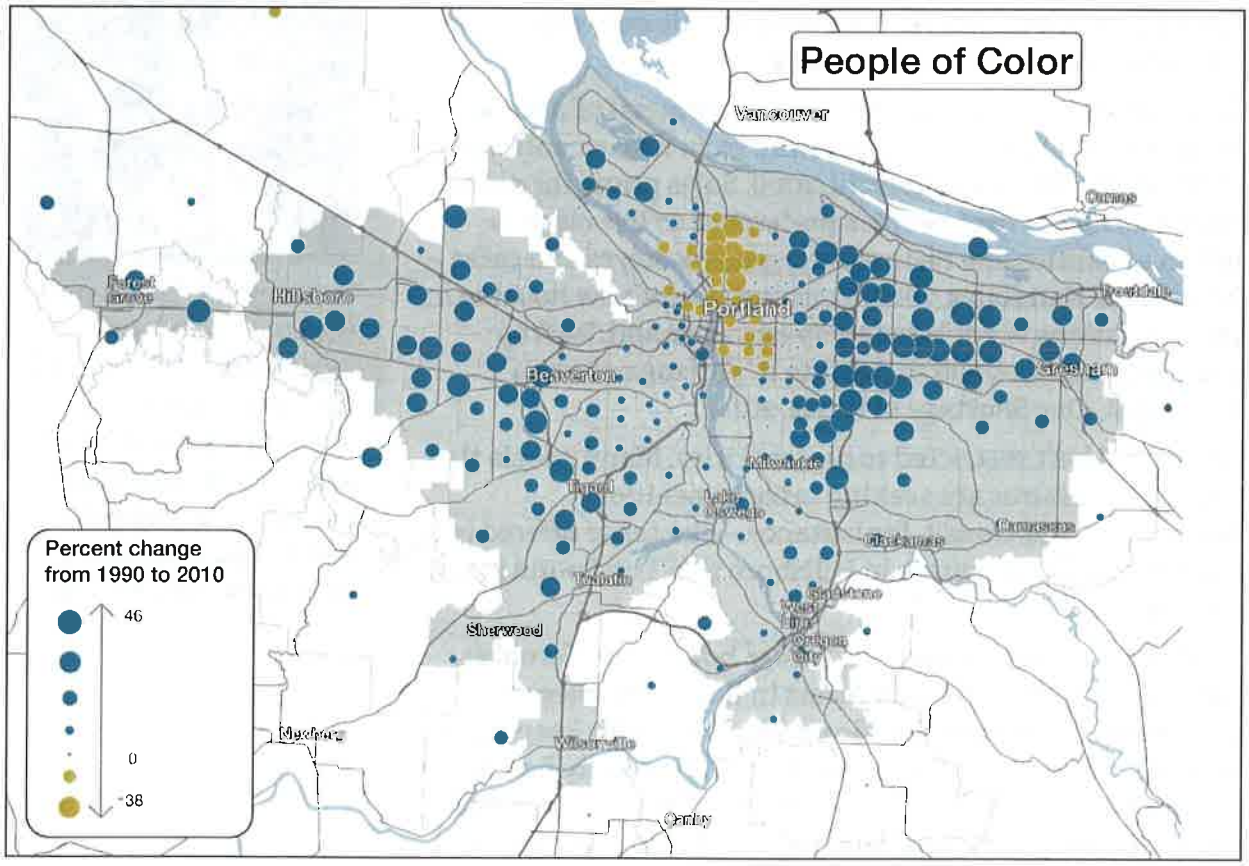
Unable to afford living in the region's urban centers, many people have moved to areas of the region with cheaper housing. Cheap housing comes with hidden costs, though. When you factor in the additional transportation costs – the increased costs of gas and car expenses or the extra time to bike, walk or take transit – a significant portion of the affordability benefits are lost if it requires long commutes.

Displacement has disproportionately affected communities of color, leading to a shift in the racial geography of the region over the last decade.

Displacement is a geographic consequence of a series of systemic inequities that would not be entirely solved with more abundant, affordable housing close to the region's city centers. But, not providing it exacerbates community divisions, by putting some people further from resources, jobs and opportunities readily available in more walkable, transit-served areas. Likewise, it disrupts the social institutions and networks that bind communities together.

And the impacts can be long-term. Displacement and housing stress can have wide-ranging impacts on health and well-being – impacts that can span generations.

Figure 12: Displacement and migration of communities of color, 1990-2010



Source: US Census

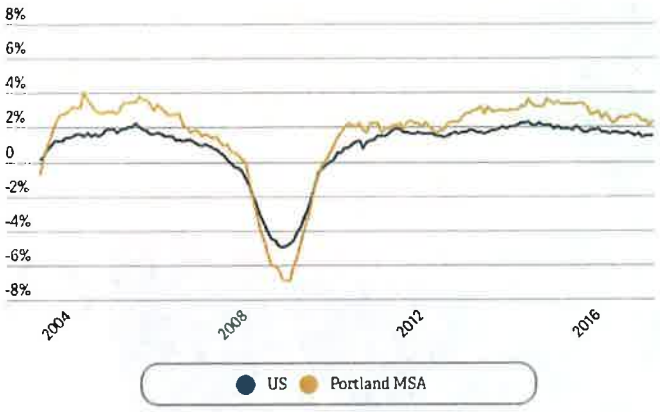
Where we stand today with jobs

Ascending out of the Great Recession

Our regional economy is the envy of many others. Educated, working-age people continue to migrate here in increasing numbers, providing local employers with a steady pool of skilled workers while also attracting employers in other regions to consider locating here[9]. And with a strong 4.6 percent increase in a measure of regional economic activity called gross domestic product (GDP), greater Portland had the 10th-fastest growing economy out of the nation's 100 largest metro areas in 2015 (State of Oregon Employment Department, 2016).

Job growth in the greater Portland region exceeds the national rate of job growth. In 2015, our region's jobs increased by 3.3 percent while the nation saw a 2 percent increase.

Figure 13: Annual percentage change in job growth, Portland metro area compared to the national average, 2004.-2018



Source: US Bureau of Labor Statistics

Manufacturing plays an outsized role in our economy

More than a quarter of greater Portland's economic output comes from the manufacturing sector. Nationally, manufacturing accounts for less than half that – just 12 percent of the nation's total economy (United States Bureau of Economic Analysis, 2018).

"In a region like this I don't think that there are a lot of barriers [to job growth]. You know, people want to live in a nice environment – you can't get much nicer than Portland. People want to live someplace where housing is affordable – let's hope we can keep it affordable.

By and large, across the board, these are people that are conscious of their communities, they like green energy systems, they like public transportation. These are all very important issues for our audience that we're targeting [for employee recruitment]."

—Dr. Lisa Coussens, OHSU, Knight Cancer Institute

9. See Appendix 4 for more information about employment trends.

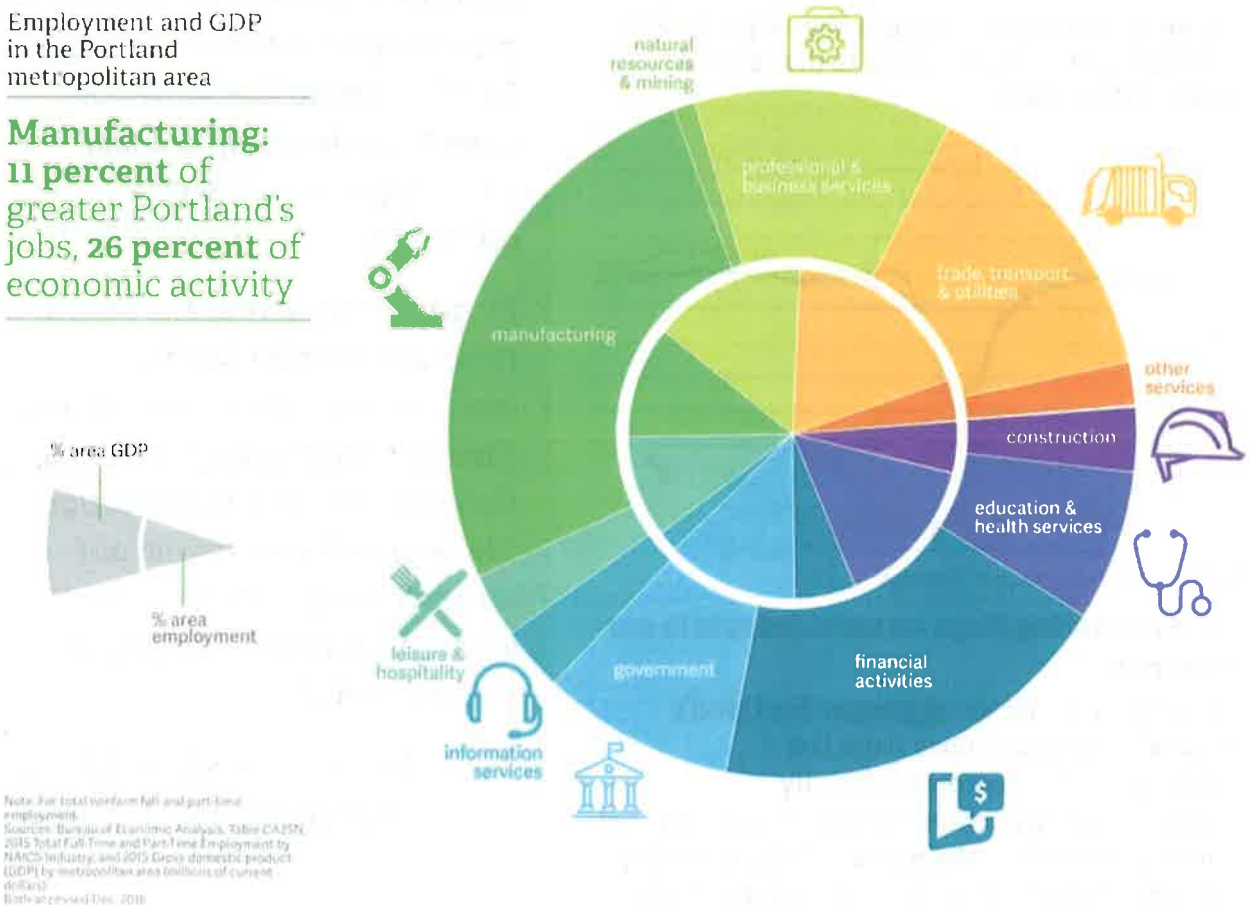
But economic activity doesn't always equal jobs: manufacturing accounts for just over a tenth of greater Portland's jobs.

Thanks largely to production of high-value products such semiconductors and electronics, the manufacturing sector contributes an oversized amount to the regional economy relative to its share of the workforce.

But despite its strong contribution to the region's economy, jobs in the manufacturing sector stagnated in 2016 – by December 2016, the industry had lost 1.4 percent of its Portland-area jobs relative to the year before.

Still, the large profit margins of the region's high-tech manufacturing exports means that the sector's earnings are substantial, even as the size of the manufacturing workforce is somewhat stagnant.

Figure 14: Employment and gross domestic product (GDP), Portland metropolitan area, 2015



Most jobs are in population-serving and other non-manufacturing employment

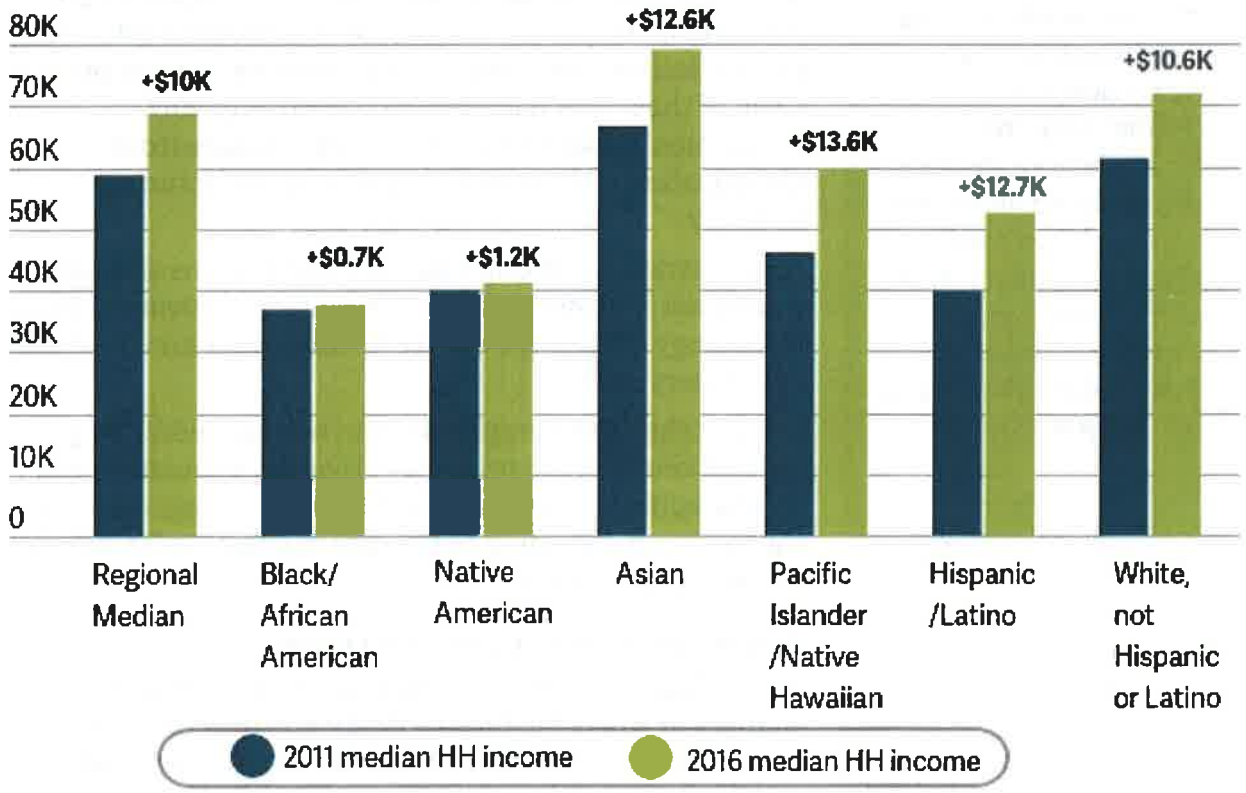
As in the past, a large portion of future employment is expected in jobs that serve the public: education and medicine, for instance. As the population grows, so too will employment in these sectors.

Likewise, sectors like professional and business services (attorneys, engineers, and architects, for example) and financial services (insurance agents, real estate agents, and bankers, for instance) will continue to make up much of our region's employment. What all of these sectors have in common is that they need to locate close to clusters of where people live . From a growth management perspective, this means that the needs of these sectors are best met in existing urban locations

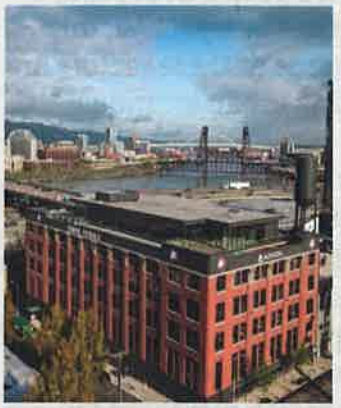
Not everyone is benefiting from economic growth

Though the headlines about unemployment rates and productivity are good, not everyone is prospering. From 2011 through 2016, median household income in the greater Portland region increased by $10,000. However, Black and Native American households only saw an increase of about $1,000.

Figure 15: Change in median household income by race, seven-county Portland-Vancouver-Hillsboro MSA, 2011 vs. 2016



Source: 2011 and 2016 American Community Survey (1-year estimates)



Help wanted

"Last year, Millenials became the largest component of the American workforce. For many companies, attracting and retaining millenial workers seems to require having a downtown office. "Probably for the first time in history, instead of people moving where jobs are," says Tom Murphy, a senior fellow at the Urban Land Institute, "jobs are moving where the talent is."" (Wogan, 2016)

Photo credit: autodesk.blogs.com/between_the_lines/

Middle income jobs were slow to recover from the Great Recession

Wage polarization has been a long-term trend both locally and nationally and the recent recession only accelerated the shift toward more high and low wage jobs and a smaller share of middle wage jobs. As of 2007, middle wage occupations comprised nearly 65 percent of the jobs in the Portland metropolitan area, but that share was less than 58 percent by 2017.

Middle wage job growth has picked up in the last couple of years. As of 2017, the region finally recovered the number of middle wage jobs lost during the recession. But low and high wage jobs have fared much better, both during and after the recession, leading to increasing wage polarization. The polarization trend is expected to continue in the future for the region and the U.S. as a whole, in large part due to globalization and technological change.

Occupations within the middle wage category have also seen different trajectories over the last ten years. In the Portland metropolitan area, around 13,200 manufacturing production jobs were lost during the recession and only 4,600 of those jobs had been recovered as of 2017. Production workers face continuing pressure from globalization and automation in the manufacturing industry .

Administrative and office support occupations also saw significant job losses and weak recovery as advances in technology change the nature of office work and the need for support staff.

On the other hand, employment in several middle wage occupations that are primarily driven by population and demographic change continued to grow during and after the recession, including healthcare support workers, police officers, and teachers.

Changes in where businesses locate

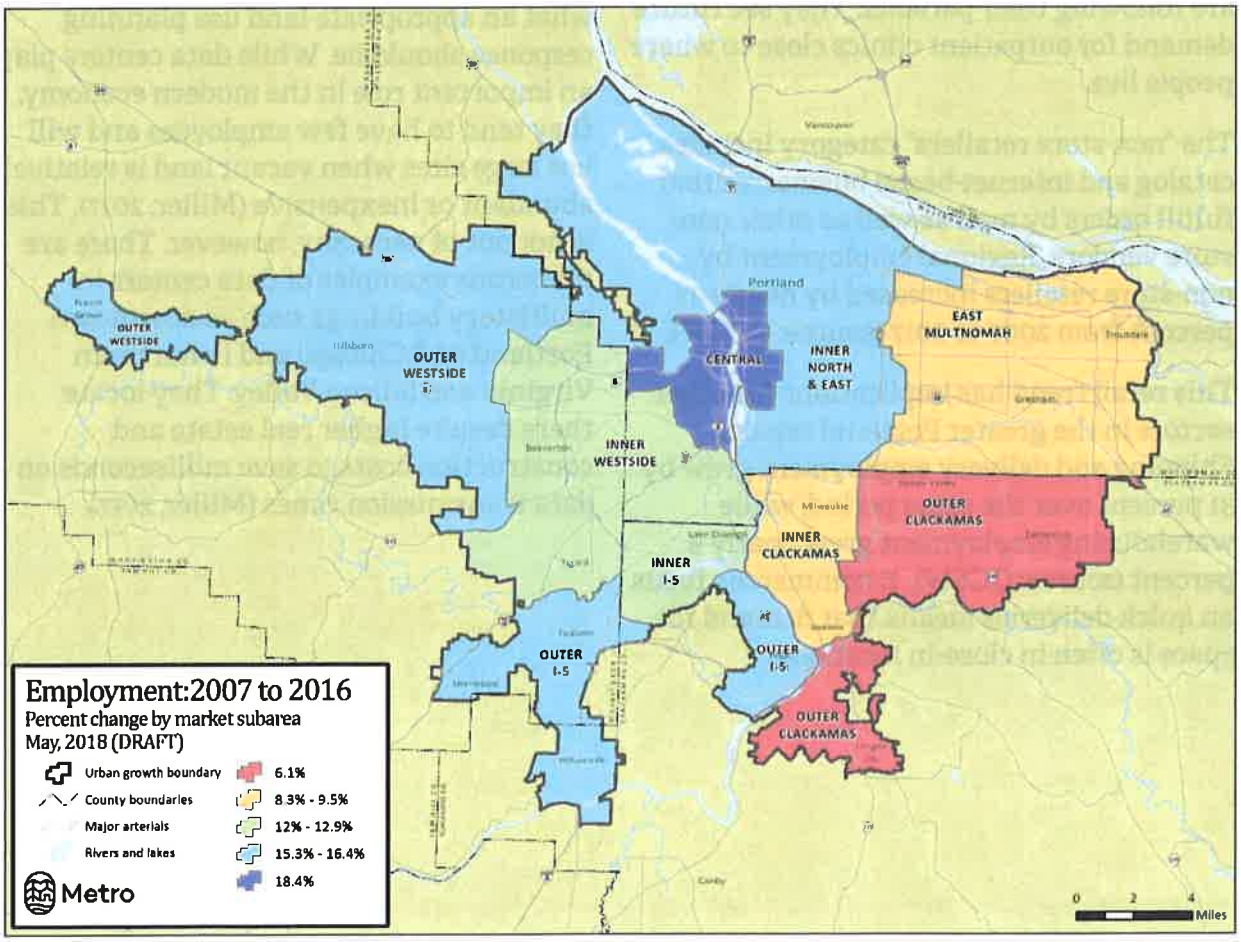
As we plan for future employment, we need to be aware of changes in where businesses locate and how they use space. Most of these trends point to more efficient use of land.

Nationwide, there has been a trend of businesses relocating from more remote campus settings to downtowns. Businesses are doing this to attract and retain an educated workforce that wants access to urban amenities like restaurants, bars, cafés and transit.

This is now a mainstream trend. In recent years, G.E. moved its headquarters from a suburban campus in Connecticut to a downtown Boston location. The new G.E. headquarters won't have a parking lot. McDonald's and Kraft Heinz both moved from suburban Chicago locations to downtown.

In the greater Portland region, these trends are evident. The highest rate of job growth in the region from 2007 to 2016 was in central Portland at 18.4 percent growth. This was followed by the outer west side, inner north and east, and the outer I-5 areas at 15.3 to 16.4 percent growth. Job growth in east Multnomah County and Clackamas County has lagged behind at 6.1 percent.

Figure 16: Percent change of employment by market subarea, 2007-2016



Our workplaces look different than they used to

Inside office buildings, workers are taking up less space than they used to. In many professions, gone are the days of private offices. Instead, a laptop and a chair are often more typical.

Among the increasing ranks of the "gig economy" (self-employed), work space can be co-working space that is leased by the hour or a seat at a coffee shop for the price of coffee refills.

In the medical sector, health care providers are following their patients. They see future demand for outpatient clinics close to where people live.

The "non-store retailers" category includes catalog and internet-based businesses that fulfill orders by mail as well as other non-store vendors. Regional employment by non-store retailers increased by nearly 27 percent from 2007 to 2017 (source: QCEW).

This retail trend has implications for other sectors in the greater Portland region. Shipping and delivery employment grew by 31 percent over the same period, while warehousing employment grew nearly 9 percent (source: QCEW). E-commerce's focus on quick deliveries means that demand for space is often in close-in locations.

For "brick and mortar" retail, the emergence of e-commerce and people shifting their consumption habits from retail goods to meals and entertainment portends the closing of malls and retail businesses in commercial corridors (Thompson, 2017). This trend can be seen in the closure of many Sears, J.C. Penney, Macy's, and Kmart stores and all Toys R Us stores in the U.S. Between 2007 and 2009, 400 of the U.S.'s largest 2,000 malls closed (Esri, 2014).

The construction of data centers has recently created more demand for industrial land. Policy makers may wish to consider what an appropriate land use planning response should be. While data centers play an important role in the modern economy, they tend to have few employees and will use large sites when vacant land is relatively abundant or inexpensive (Miller, 2017). This is not out of necessity, however. There are numerous examples of data centers in multistory buildings such as downtown Portland and Chicago and in northern Virginia and Silicon Valley. They locate there despite higher real estate and construction costs to save milliseconds on data transmission times (Miller, 2017).

From home to work and back

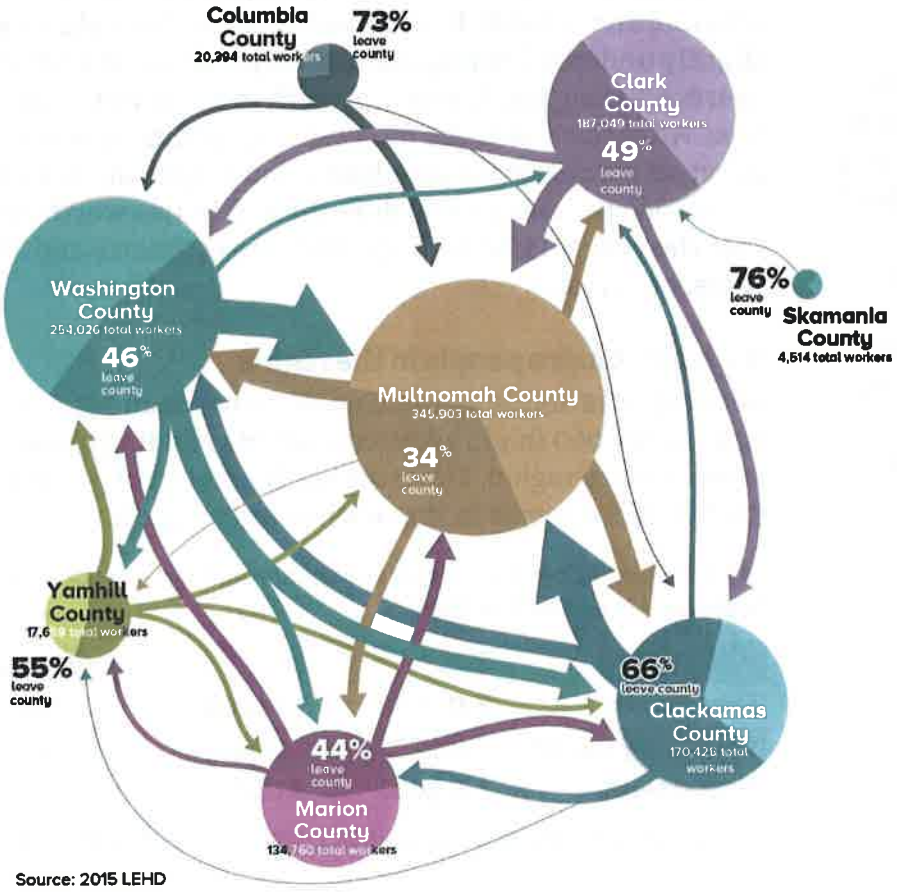
Ours is a regional economy that doesn't stop and start at state lines, the UGB, or county and city boundaries. People make complex decisions about where to live and work. Few of us choose the job closest to home or the home closest to our job. Rather, we consider other factors, which might include:

- whether jobs are a good match for our skills
- whether jobs pay enough
- whether our spouse or partner is also employed, but in a different location
- whether homes match our budget
- whether homes and neighborhoods match our preferences
- whether we can tolerate or afford longer commutes
- whether local schools meet our needs and preferences.

These choices are borne out in the data on commute patterns that show people commuting across city and county lines, Those patterns will not be changed by any UGB expansion for housing or jobs. The best course of action is to plan communities with a mix of uses that shorten our other trips – going to the grocery store, for example – and provide reliable and safe multimodal transportation options to link different parts of the region.

In the context of growth management decisions, these patterns influence the amount of housing and job growth that is likely to locate in the Metro UGB. Historically (since 1979), about 61 percent of the new households in the seven-county metropolitan area and 82 percent of the new jobs have located in the Metro UGB.

Figure 17: Where greater Portland area residents work by county, 2015 (source: US Census LEHD)



Good sources

Metro bases its forecast on the best sources available:

- U.S. Census
- U.S. Bureau of Labor Statistics
- U.S. Bureau of Economics
- Federal Reserve Board
- Portland State University's Population Research Center
- IHS Markit

Handling uncertainty

There is uncertainty in any forecast. Metro recognizes uncertainty by producing a probabilistic range forecast. The midpoint of the range is the most likely outcome. However, migration trends, federal monetary policy, technological change, recessions and international relations are all factors that may move actual growth higher or lower in the range.

Regional outlook

The communities inside the Metro UGB are a major part of a larger regional economy that extends over seven counties and across state lines. To understand housing and employment needs in the Metro UGB, we need to first understand what's happening in the larger seven-county metropolitan area. This larger area is the starting point for Metro's population, household and employment growth forecasts. This seven-county forecast is documented in Appendix 1.

Metro subjects its forecast model and the forecast results to a peer review process that includes public and private partners who are experts in economics and demographics. In the case of the draft forecast, the peer review panel found the forecast to be reasonable and in line with other projections. Documentation for the peer review process is included in Appendix 1.

To check how we're doing, Metro also provides comparisons of past forecasts and actual growth (see Appendix 1). Those comparisons show that Metro's forecasts have been accurate and reliable. Metro's 2010 forecast has held up well, slightly underestimating population growth and slightly overestimating employment growth in the seven-county area. After five years, the forecast was within three percent of actual estimates for population and employment, less than a one percent annual difference. It is also worth noting that the year 2015 "actual" numbers are estimates and also subject to error.

We expect more people in the region

Between 2018 and 2038, there could be between 365,000 (low) to 659,000 (high) additional people residing in the seven-county region. The most likely amount of growth is 524,000 more people in the seven-county region.

Table 2: Population forecast for the seven-county Metropolitan Statistical Area (2018 to 2038)

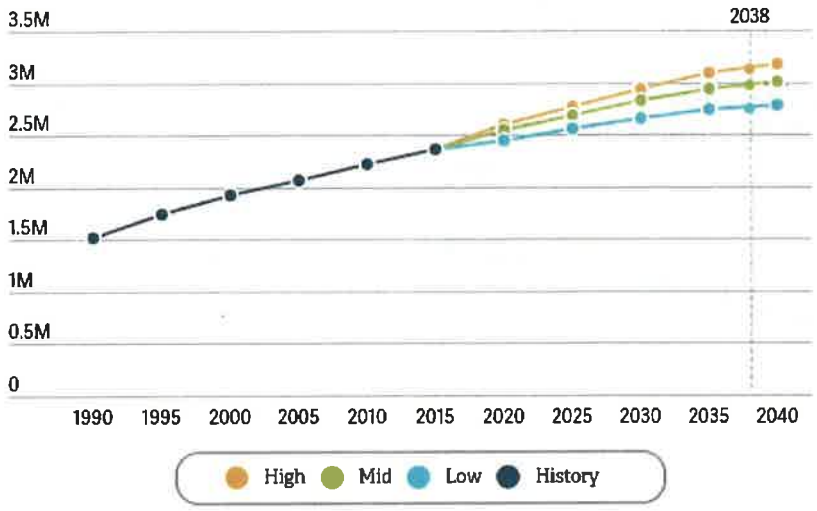
	2018	2038	Difference
Low growth	2,414,000	2,779,000	365,000
Most likely growth	2,481,000	3,005,000	524,000
High growth	2,516,000	3,175,000	659,000

The primary source of population growth in the region will

continue to be migration. Births represent an ever-shrinking source of population growth in our region and nation. In 2017, the U.S. saw the fewest births in 30 years and its lowest general fertility rate in history. (U.S. Department of Health and Human Services, 2018)

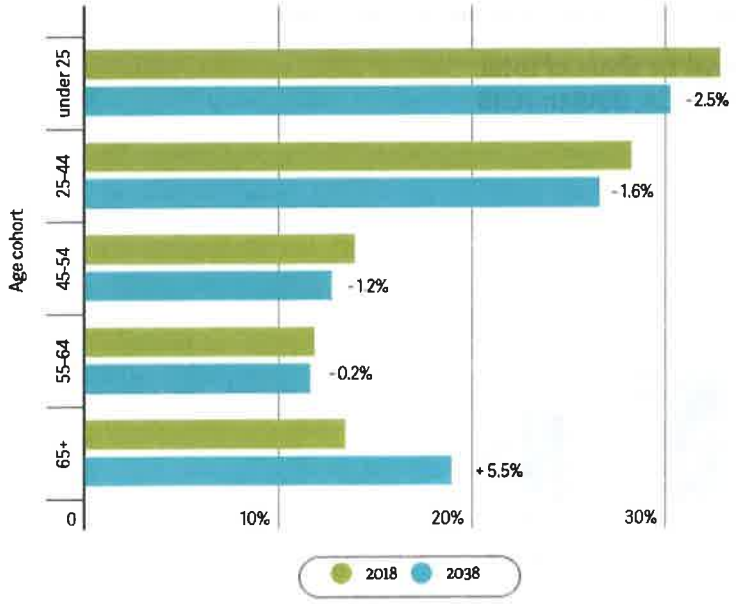
Along with declining birth rates, the region's population is aging. In 2018, about 13 percent of the population is 65 years or older. By 2038, about 19 percent of the population will be 65 years or older.

Figure 18: Population history and range forecast, seven-county Portland-Vancouver-Hillsboro MSA, 1990-2038.



Source: 2018-38 Portland-Vancouver-Hillsboro, OR-WA MSA Forecast, Metro Research Center, Nov 2017

Figure 19: Age cohorts as a percentage of total population, seven-county Portland-Vancouver-Hillsboro MSA, 2018 and 2038



Source: 2018-38 Portland-Vancouver-Hillsboro, OR-WA MSA Forecast, Metro Research Center, Nov 2017
Note: Age bracket size (i.e. the number of years per age bracket) varies by cohort.

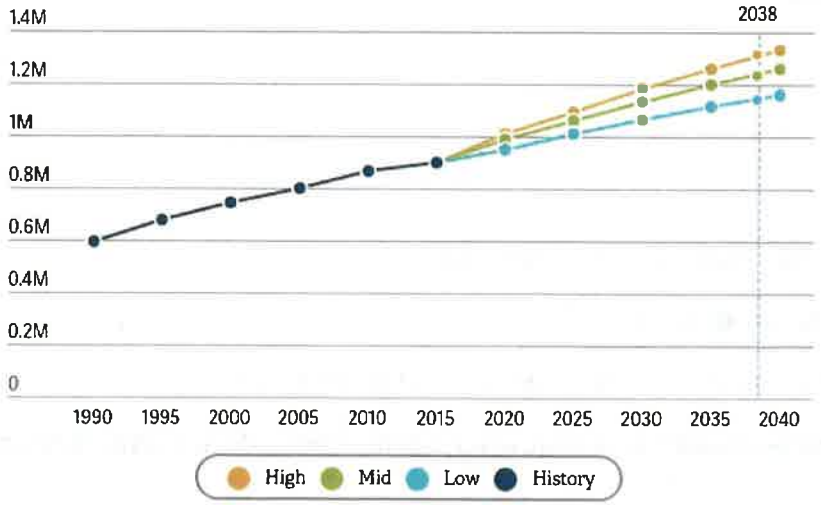
We expect more households in the region

Between 2018 and 2038, there could be between 212,000 (low) to 335,000 (high) additional households in the seven-county region. The most likely amount of growth is 279,000 more households in the seven-county region.

Table 3: Household forecast for the seven-county Metropolitan Statistical Area (2018 to 2038)

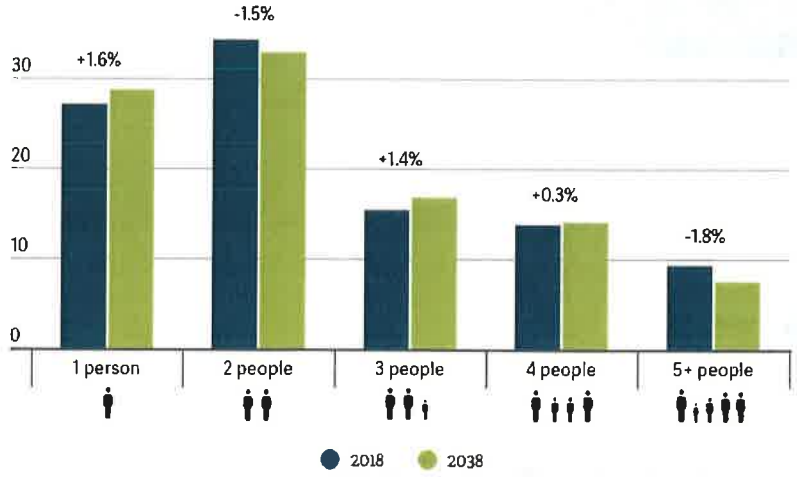
	2018	2038	Difference
Low growth	932,000	1,144,000	212,000
Most likely growth	958,000	1,237,000	279,000
High growth	972,000	1,307,000	335,000

Figure 20: Household history and range forecast seven-county Portland-Vancouver-Hillsboro MSA, 1990-2038



Source: 2018-38 Portland-Vancouver-Hillsboro, OR-WA MSA Forecast, Metro Research Center, Nov 2017

Figure 21: Household size history and forecast by share of total, seven-county Portland-Vancouver-Hillsboro MSA, 2018 to 2038



Source: 2018-38 Portland-Vancouver-Hillsboro, OR-WA MSA Forecast, Metro Research Center, Nov 2017

Because people are staying single longer and having fewer children, the average household size for the seven-county metropolitan area is expected to drop from 2.6 people per household in 2018 to about 2.4 people per household in 2038. Today (and in 2038), almost two-thirds of households consist of one or two people.

In 2018, about 23 percent of heads of households are 65 and older. By 2038, about 30 percent of heads of households will be 65 and older.

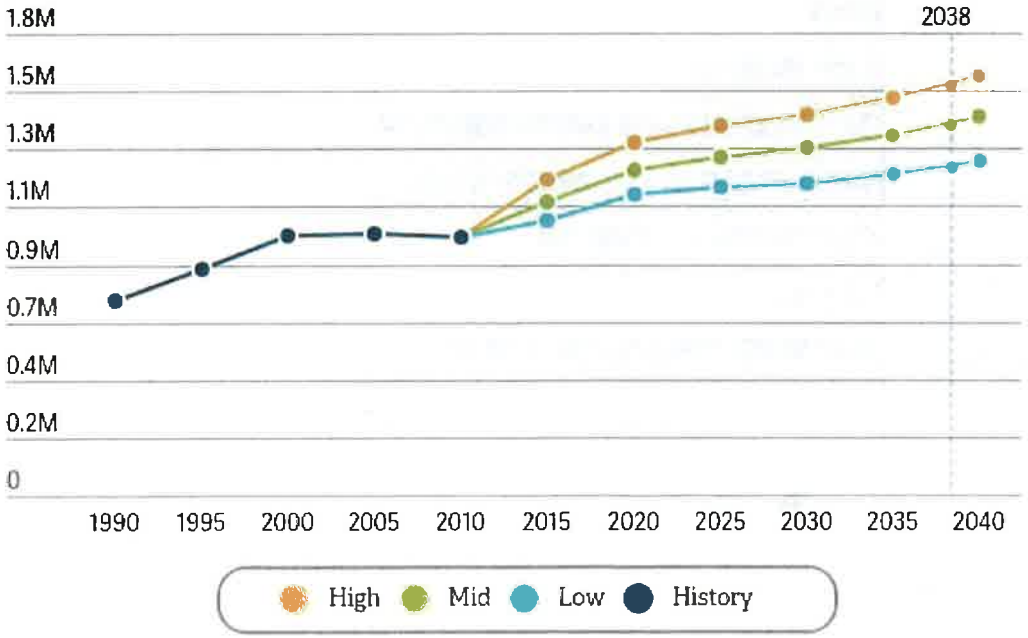
We expect more jobs in the region

Between 2018 and 2038, there could be between 135,000 (low) to 258,000 (high) additional jobs in the seven-county region. The most likely amount of growth is 209,000 more jobs in the seven-county region.

Table 4: Employment forecast for the seven-county Metropolitan Statistical Area (2018 to 2038)

	2018	2038	Difference
Low growth	1,108,000	1,243,000	135,000
Most likely growth	1,193,000	1,402,000	209,000
High growth	1,293,000	1,551,000	258,000

Figure 22: Employment history and range forecast seven-county Portland-Vancouver-Hillsboro MSA, 1990-2038



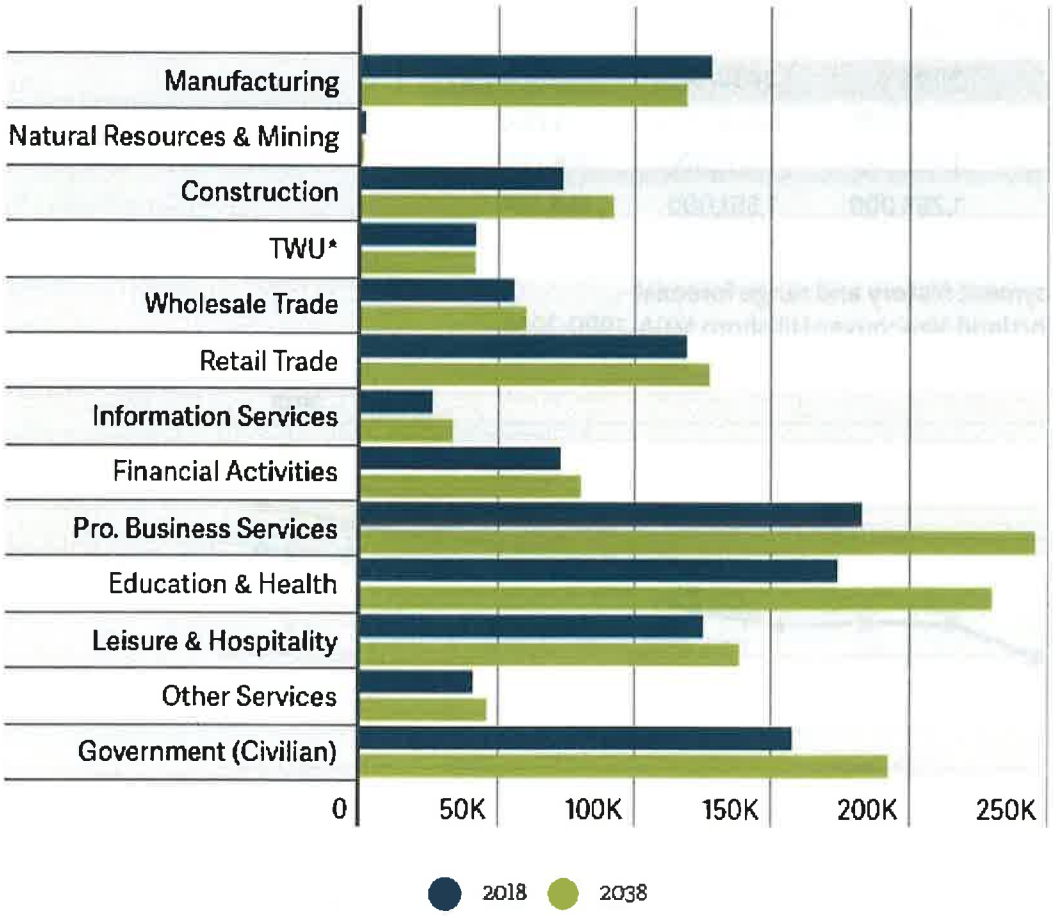
Source: 2018-38 Portland-Vancouver-Hillsboro, OR-WA MSA Forecast, Metro Research Center, Nov 2017

There is more uncertainty around the job forecast than the population forecast since the economy may be positively or negatively impacted by global events, innovations, and decisions that can't be predicted. Actual growth will not follow a smooth trend line, but will have ups and downs with business cycles.

There is yet more uncertainty when it comes to forecasting employment by sector, but most economists see continued strength in sectors like education and medicine that serve the growing population.

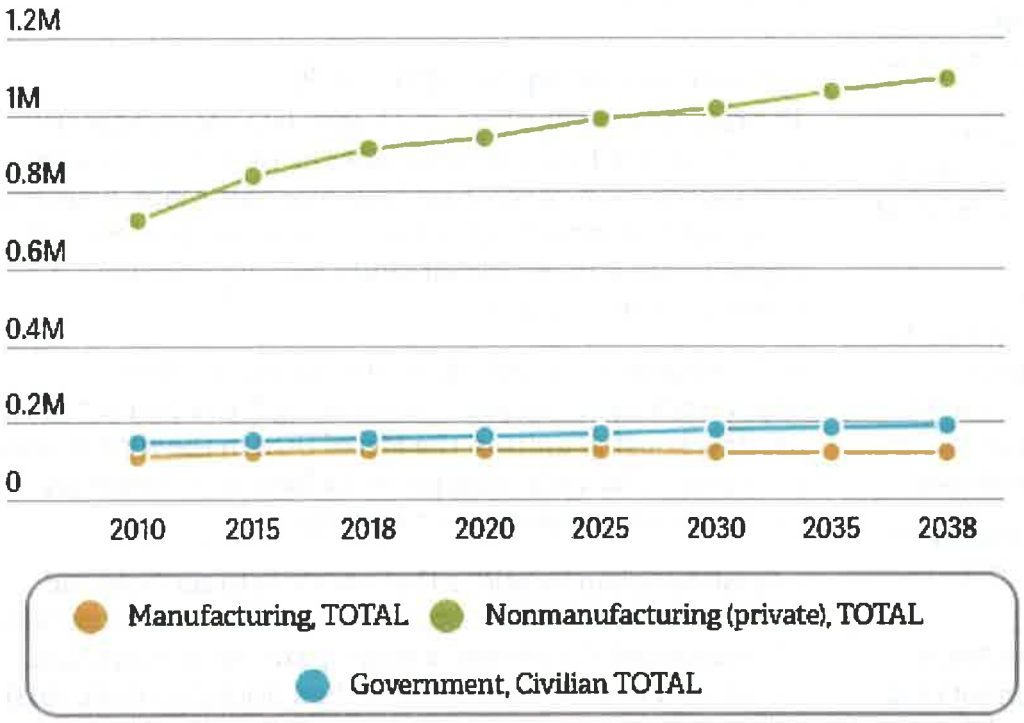
On the flip side, because of automation and other factors, many economists see slow or no job growth for industrial sectors – such as high-tech manufacturing and wood products – that have traditionally been strengths for Oregon (Lehner, Oregon's Industrial Structure and Outlook, 2018). Instead, going forward, employment growth in the high-tech sector is expected in software development (Lehner, Oregon High-Tech Outlook, 2018).

Figure 23: Employment by sector, current and baseline (likely) forecast seven-county Portland-Vancouver-Hillsboro MSA, 2018 and 2038



Source: 2018-38 Portland-Vancouver-Hillsboro, OR-WA MSA Forecast, Metro Research Center, Nov 2017
"TWU" = Transport, Warehousing and Utilities

Figure 24: Employment history and projections (by major sector) seven-county Portland-Vancouver-Hillsboro MSA, 1990-2038



Source: 2018-38 Portland-Vancouver-Hillsboro, OR-WA MSA Forecast, Metro Research Center, Nov 2017
Forecast is for mid-range projection.

How much room is there for housing and job growth inside the UGB?

Where growth can happen

Redevelopment Development on a tax lot where the original structure has been demolished and there is a net increase in housing units or jobs.

Infill Additional development on a tax lot where the original structure has been left intact and the lot is considered developed.

Vacant land Land inside the UGB that's not developed.

Urban reserves Areas outside the current UGB designated by Metro and the three counties as the best places for future growth if urban growth expansions are needed over the next 50 years.

Neighbor cities Cities in the larger metropolitan area, but outside of Metro's jurisdiction: Vancouver, Newberg, Sandy, etc.

Committed to using land efficiently

To protect farms and forests, Oregon law encourages the efficient use of land already inside the UGB. This focus on making the most of what we have also keeps jobs, housing, shopping and services closer by. Future development will happen – not only on vacant land – but also through redevelopment or infill.

Redevelopment and infill have demonstrated their importance in recent years, accounting for 76 percent of the net new housing units in the Metro UGB in the 2007 to 2016 time period, far exceeding previous forecasts. This is an important reminder of several points:

- Existing urban locations that are close to services and amenities are in high demand, so much so that economists have cointed the phrase "a shortage of cities" (Cortright, Dow of Cities: Big data on the urban price premium, 2018).
- Encouraging redevelopment and infill is the means to address the shortage of cities and to reduce housing prices in these locations.
- Redevelopment and infill are not static. They are more likely in locations that are in high demand.

Buildable land inventory review process

Metro inventories buildable land through a comprehensive process that includes extensive review by city and county planning staff. Many local staff participated in Metro's Land Use Technical Advisory Group (LUTAG), which assisted in the inventory. LUTAG began meeting in the summer of 2017 and met regularly through spring of 2018.

Appendix 2 describes the methods that Metro used to estimate how much buildable land is inside the UGB. All cities and counties in the region had an opportunity to review the buildable land inventory used in this analysis. The inventory results are described in Appendix 2.

Though the inventory assumes that current zoning regulates allowable uses, it does not assume that all of that zoned capacity is viable in the next 20 years (there is zoned capacity for over 1.3 million homes in the UGB).

The inventory begins with aerial photos locating vacant land. Subsequent steps account for environmental constraints such as steep slopes and wetlands.

Aside from vacant land, additional housing and jobs are also expected on some already-developed lands. There are a variety of uncertain market factors that may influence long-term redevelopment and infill potential. For that reason, redevelopment and infill potential are expressed as a range.

Buildable residential land inside the UGB

The buildable land inventory for the Metro UGB includes capacity for 229,200 to 364,300 additional homes. The difference in the two numbers is attributable to redevelopment potential. Because of a variety of factors (infrastructure, market, neighborhood opposition, etc.), not all of this capacity may be development-ready in the 20-year planning period.

Table 5: Residential buildable land range (source: Metro, in coordination with cities and counties)

	Single-family homes	Multi-family homes	Total homes
Low	93,300	135,900	229,200
Medium	93,300	227,700	321,000
High	93,300	271,000	364,300

Note: single-family housing capacity is shown as a static number rather than a range since there are fewer market uncertainties than with multifamily redevelopment

Buildable employment land inside the UGB

Metro categorizes employment land as commercial or industrial according to adopted zoning. As documented in the 2014 Urban Growth Report, these categories are somewhat flexible and it is common to find commercial employment on industrial land.

Commercial (non-industrial) employment land

There are 2,150 to 2,530 net buildable acres of commercial employment land inside the Metro UGB. Because there is uncertainty around redevelopment of land in mixed-use zones, these buildable acres are expressed as a range.

Industrial employment land

There are 8,600 net buildable acres of industrial employment land inside the Metro UGB.

Large industrial sites

Expanding and attracting traded-sector businesses are important aspects to creating middle-income jobs. As an income tax dependent state, Oregon's higher wage jobs generate revenue to fund schools, parks and other public services. The greater Portland region competes globally to attract these coveted jobs, so it is important to have development-ready sites where businesses can locate.

The 2017 update of the Regional Industrial Site Readiness project inventoried large, vacant industrial sites (over 25-net buildable acres per site) and is included as Appendix 8. The inventory is a subset of the previously described industrial land inventory. It finds 65 large industrial sites inside the UGB and at varying stages of development readiness:

- There are 45 large industrial sites inside the UGB that may be available to the general market[10].
- An additional 20 large industrial sites inside the UGB that are held by existing firms for potential future expansion.

The focus of the Regional Industrial Site Readiness project is to identify actions that must be taken to make these sites development-ready to produce jobs. The project finds that many large industrial sites have extensive needs including:

- infrastructure needs, particularly transportation improvements
- site assembly
- brownfield cleanup
- wetland mitigation
- annexation by cities
- willing seller.

These challenges mean that, of the 45 large sites that aren't being held by existing businesses for future expansion:

- 10 sites are developable within a 6-month timeframe (Tier One)
- 11 sites will require 7 to 30 months to be made development-ready (Tier Two)
- 4 sites will require more than 30 months to be made development-ready (Tier Three).

Any sites added to the UGB would be Tier Three, requiring months of effort and substantial investment to make them development-ready.

10. The inventory identified 47 sites, but two of them outside the UGB, so they are not included here.

Policy considerations related to the need for proposed residential UGB expansions

Under state law, UGB expansions can only be made when there is a regional need for additional land. That determination of need must be based on historic development patterns on land inside the Metro UGB, as well as trends in development, demographics and the economy. Past development patterns and trends show that redevelopment and infill are the region's primary source of growth. Past experience also shows that UGB expansions produce housing when governance and infrastructure funding are addressed, but rarely without those elements. Looking forward, the scenarios described above illustrate that future household growth could be accommodated in a variety of ways. However, the quantity, location, type, and tenure of housing growth would vary slightly with different decisions.

After reviewing this analysis and the city expansion proposals, the Metro Council may wish to consider several policy questions to help reach a conclusion regarding whether some or all of the proposed UGB expansions are needed:

Efficient land use: The Council has policies to encourage efficient land use through redevelopment and infill to maintain a compact urban form.

1. Have the cities that submitted expansion proposals demonstrated that they are removing barriers to mixed-use development in their existing urban areas?
2. Would making the city-proposed UGB expansions position the region to make urban reserves last for their intended duration?
3. Do city concept plans for urban reserves make efficient use of land?

Viability of housing production in expansion areas: The Council has a policy to only expand the UGB into concept planned urban reserves to ensure that the expansions get developed as intended.

4. Have the cities that submitted expansion proposals (with concept plans) made the case that the expansions would result in housing production? Is there a viable plan for paying for needed pipes, streets, parks, and other public facilities and services?

Housing choices: The Council has policies to encourage a variety of housing choices.

5. Are the cities that are proposing expansions planning for a variety of housing types (citywide)?
6. Would the city-proposed UGB expansion provide additional housing choices that are desirable? In particular, are the city-proposed UGB expansions needed in order to provide more single-family housing choices in the context of the region's ongoing shift towards apartments and condos?

Housing affordability: The Council has policies to encourage housing choices for those households with the fewest choices.

7. Have the cities that submitted expansion proposals demonstrated that they are taking actions to increase and preserve their supply of affordable housing (citywide)?

Desired outcomes: The Council has policies to make decisions that advance the region's six desired outcomes.

8. Have the cities proposing expansions demonstrated that they are taking actions to advance the region's desired outcomes (citywide)?
9. Have the cities proposing expansions meaningfully engaged diverse communities in community planning (citywide)?
10. Have the cities proposing expansions taken actions to reduce racial inequities in social outcomes related to housing, jobs, transportation, and parks?

Next steps

This report, along with the four expansion proposals are intended to inform policy discussions in the summer of 2018. Through those discussions, the Metro Council will come to a determination as to whether any of the four proposed expansions are needed to accommodate household growth.

Timeline (subject to change)

- **Summer 2017 – Spring 2018:** Technical peer review of forecasts, buildable land inventory, modeling assumptions, etc.
- **Dec. 29, 2017:** Deadline for cities to submit letters of interest for growth boundary expansion proposals into adjacent urban reserves. Five cities – Beaverton, Hillsboro, King City, Sherwood and Wilsonville – submitted letters of interest
- **May 2018:** Cities submit full proposals for UGB expansions. Four cities – Beaverton, Hillsboro, King City and Wilsonville – submitted proposals
- **June 2018:** Cities proposing UGB expansions present those proposals to the Metro Council, the Metro Policy Advisory Committee, and the Metro Technical Advisory Committee
- **June 8 – July 9, 2018:** Online public comment period on city expansion proposals
- **July 3 2018:** Metro releases draft 2018 Urban Growth Report
- **July 2018:** Overview of draft 2018 Urban Growth Report at Council, the Metro Policy Advisory Committee, and the Metro Technical Advisory Committee
- **July 2018:** City Readiness Advisory Group provides feedback on the strengths and weaknesses of city-proposed expansions to Council and the Metro Policy Advisory Committee
- **Sept. 4, 2018:** Metro's Chief Operating Officer recommendation
- **Sept. 12, 2018:** Metro Policy Advisory Committee recommendation to the Metro Council
- **Sept. 20 and 27, 2018:** Metro Council public hearings and direction to staff on whether and where the UGB will be expanded (and any other policy direction)
- **Dec. 6, 2018:** Metro Council public hearing
- **Dec. 13, 2018:** Metro Council decision on growth boundary expansion

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CHAPTER 3.07

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN[i]

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3.07.020 Regional Policy Basis

3.07.030 Structure of Requirements

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Title 3: Water Quality and Flood Management

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3.07.360 Metro Model Ordinance Required

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3.07.1360 Program Objectives, Monitoring and Reporting

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- Table 3.07-13a Method for Identifying Habitat Conservation Areas ("HCA")
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3.07.1430 Major Amendments – Procedures

3.07.1435 Major Amendments – Expedited Procedures

3.07.1440 Major Amendments – Criteria

3.07.1445 Minor Adjustments – Procedures

3.07.1450 Minor Adjustments – Criteria

3.07.1455 Conditions of Approval

3.07.1460 Fees

3.07.1465 Notice Requirements

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[i] The Urban Growth Management Functional Plan was adopted by the Metro Council by Ordinance No. 96-647C, and Ordinance No. 97-691C, prior to being codified as Metro Code Chapter 3.07 by Ordinance No. 97-715B.

3.07.010 Purpose

The regional policies which are adopted by this Urban Growth Management Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances. The purpose of this functional plan is to implement regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO) including the Metro 2040 Growth Concept and the Regional Framework Plan. The comprehensive plan changes and related actions, including implementing regulations, required by this functional plan as a component of the Regional Framework Plan, shall be complied with by cities and counties as required by Section 5(e)(2) of the Metro Charter.

Any city or county determination not to incorporate all required functional plan policies into comprehensive plans shall be subject to the conflict resolution and mediation processes included within the RUGGO, Goal I provisions, prior to the final adoption of inconsistent policies or actions. [Ord. 97-715B, Sec. 1.]

3.07.020 Regional Policy Basis

The regional policies adopted in this Urban Growth Management Functional Plan are formulated from, and are consistent with, the RUGGOs, including the Metro 2040 Growth Concept. The overall principles of the Greenspaces Master Plan are also incorporated within this functional plan. In addition, the Regional Transportation Functional Plan (RTFP), adopted on June 10, 2010, as Metro Code 3.08, serves as the primary transportation policy implementation of the 2040 Growth Concept. [Ord. 97-715B, Sec. 1. Ord. 02-972A, Sec. 1.]

3.07.030 Structure of Requirements

The Urban Growth Management Functional Plan is a regional functional plan which contains "requirements" that are binding on cities and counties of the region as well as recommendations that are not binding. “Shall” or other directive words are used with requirements. The words "should" or "may" are used with recommendations. In general, the plan is structured so that local jurisdictions may choose either performance standard requirements or prescriptive requirements. The intent of the requirements is to assure that cities and counties have a significant amount of flexibility as to how they meet requirements. Performance standards are included in most titles. If local jurisdictions demonstrate to Metro that they meet the performance standard, they have met that requirement of the title. Standard methods of compliance are also included in the plan to establish one very specific way that jurisdictions may meet a title requirement, but these standard methods are not the only way a city or county may show compliance. In addition, certain mandatory requirements that apply to all cities and counties are established by this functional plan. [Ord. 97-715B, Sec. 1.]

REGIONAL FUNCTIONAL PLAN REQUIREMENTS

Title 1: Housing Capacity

3.07.110 Purpose and Intent

The Regional Framework Plan calls for a compact urban form and a "fair-share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120. [Ord. 97-715B, Sec. 1. Ord. 02-969B, Sec. 1. Ord. 10-1244B, Sec. 2.]

3.07.120 Housing Capacity

(a) A city or county may reduce the minimum zoned capacity of the Central City or a Regional Center, Town Center, Corridor, Station Community or Main Street under subsection (d) or (e). A city or county may reduce its minimum zoned capacity in other locations under subsections (c), (d) or (e).

(b) Each city and county shall adopt a minimum dwelling unit density for each zone in which dwelling units are authorized except for zones that authorize mixed-use as defined in section 3.07.1010(gg). If a city or county has not adopted a minimum density for such a zone prior to March 16, 2011, the city or county shall adopt a minimum density that is at least 80 percent of the maximum density.

(c) A city or county may reduce its minimum zoned capacity by one of the following actions if it increases minimum zoned capacity by an equal or greater amount in other places where the increase is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS 197.299:

(1) Reduce the minimum dwelling unit density, described in subsection (b), for one or more zones;

(2) Revise the development criteria or standards for one or more zones; or

(3) Change its zoning map such that the city's or county's minimum zoned capacity would be reduced.

Action to reduce minimum zoned capacity may be taken any time within two years after action to increase capacity.

(d) A city or county may reduce the minimum zoned capacity of a zone without increasing minimum zoned capacity in another zone for one or more of the following purposes:

(1) To re-zone the area to allow industrial use under Title 4 of this chapter or an educational or medical facility similar in scale to those listed in section 3.07.1340(d)(5)(B)(i) of Title 13 of this chapter; or

(2) To protect natural resources pursuant to Titles 3 or 13 of this chapter.

(e) A city or county may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city's or county's overall minimum zoned residential capacity.

(f) A city or county may amend its comprehensive plan and land use regulations to transfer minimum zoned capacity to another city or county upon a demonstration that:

(1) A transfer between designated Centers, Corridors or Station Communities does not result in a net reduction in the minimum zoned capacities of the Centers, Corridors or Station Communities involved in the transfer; and

(2) The increase in minimum zoned capacity is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS 197.299.

(g) A city or county shall authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. The authorization may be subject to reasonable regulation for siting and design purposes. [Ord. 97-715B, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 02-969B, Sec. 1. Ord. 07-1137A, Sec. 1. Ord. 10-1244B, Sec. 2. Ord. 15-1357.]

Title 2 Regional Parking Policy Title 2 is repealed. [Ord. 97-715B, Sec. 1. Ord. 10-1241B, Sec. 6.]

Title 3: Water Quality And Flood Management

3.07.310 Intent

To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 05-1077C, Sec. 6.]

3.07.320 Applicability

(a) Title 3 applies to:

(1) Development in Water Quality Resource and Flood Management Areas.

(2) Development which may cause temporary or permanent erosion on any property within the Metro Boundary.

(b) Title 3 does not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that after the emergency has passed, adverse impacts are mitigated in accordance with the performance standards in Section 3.07.340. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 05-1077C, Sec. 6.]

3.07.330 Implementation Alternatives for Cities and Counties

(a) Cities and counties shall comply with this title in one of the following ways:

(1) Amend their comprehensive plans and implementing ordinances to adopt all or part of the Title 3 Model Ordinance or code language that substantially complies with the performance standards in Section 3.07.340 and the intent of this title, and adopt either the Metro Water Quality and Flood Management Area Map or a map which substantially complies with the Metro map. Cities and counties may choose one of the following options for applying this section:

(A) Adopt code language implementing this title which prevails over the map and uses the map as reference; or

(B) Adopt a city or county field verified map of Water Quality and Flood Management Areas based on the Metro Water Quality and Flood Management map implementing this title which prevails over adopted code language.

Field verification is a process of identifying or delineating Protected Water Features, Water Quality Resource Areas and Flood Management Areas shown on the Metro Water Quality and Flood Management Areas map. This process includes examination of information such as site visit reports, wetlands inventory maps, aerial photographs, and public input and review. The field verification process shall result in a locally adopted Water Quality and Flood Management Areas map which:

(i) Applies the Title 10 definitions of Protected Water Feature, Water Quality Resource Areas and Flood Management Areas to all those protected areas on the Metro Water Quality and Flood Management Areas map to show the specific boundaries of those protected areas on the locally adopted Water Quality and Flood Management Areas map; and

(ii) Is subject to amendment by applying adopted code language to add Protected Water Features, Water Quality Resource Areas and Flood Management Areas and to correct errors in the local Water Quality and Flood Management Areas map consistent with Section 3.07.330(d).

(2) Demonstrate that existing city and county comprehensive plans and implementing ordinances substantially comply with the performance standards in Section 3.07.340 and the intent of this title.

(3) Any combination of (1) and (2) above that substantially complies with all performance standards in Section 3.07.340.

(b) Cities and counties shall hold at least one public hearing prior to adopting comprehensive plan amendments, ordinances and maps implementing the performance standards in Section 3.07.340 of this title or demonstrating that existing city or county comprehensive plans and implementing ordinances substantially comply with Section 3.07.340, to add Protected Water Features, and wetlands which meet the criteria in Section 3.07.340(e)(3), to their Water Quality and Flood Management Area map. The proposed comprehensive plan amendments, implementing ordinances and maps shall be available for public review at least 45 days prior to the public hearing.

(c) Cities and counties shall conduct a review of their Water Quality and Flood Management Areas map concurrent with local periodic review required by ORS 197.629.

(d) Some areas which would otherwise be mapped as Protected Water Features, Water Quality Resource Areas and Flood Management Areas do not appear on the Metro Water Quality and Flood Management Areas map because streams had been culverted, wetlands had been filled or a fill permit had been approved, or the area was demonstrated to have existing conflicting water dependent uses, or existing plans or agreements for such uses, or the area was developed or committed to other uses.

Notwithstanding any other provision of this title, cities and counties are not required to establish Protected Water Features, Water Quality Resource Areas and Flood Management Areas through adopted code provisions or mapping for areas which were examined but not included on the Water Quality and Flood Management Areas map adopted by the Metro Council. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 15-1357.]

3.07.340 Performance Standards

(a) Flood Management Performance Standards.

(1) The purpose of these standards is to reduce the risk of flooding, prevent or reduce risk to human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

(2) All development, excavation and fill in the Flood Management Areas shall conform to the following performance standards:

(A) Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

(B) All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.

(C) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

(D) Minimum finished floor elevations for new habitable structures in the Flood Management Areas shall be at least one foot above the design flood elevation.

(E) Temporary fills permitted during construction shall be removed.

(F) Uncontained areas of hazardous materials as defined by DEQ in the Flood Management Area shall be prohibited.

(3) The following uses and activities are not subject to the requirements of subsection(2):

(A) Excavation and fill necessary to plant new trees or vegetation.

(B) Excavation and fill required for the construction of detention facilities or structures, and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable lands.

(C) New culverts, stream crossings, and transportation projects may be permitted if designed as balanced cut and fill projects or designed to not significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in Flood Management Areas and to minimize erosive velocities. Stream crossing shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

(b) Water Quality Performance Standards.

(1) The purpose of these standards is to: 1) protect and improve water quality to support the designated beneficial water uses as defined in Title 10, and 2) protect the functions and values of the Water Quality Resource Area which include, but are not limited to:

(A) Providing a vegetated corridor to separate Protected Water Features from development;

(B) Maintaining or reducing stream temperatures;

(C) Maintaining natural stream corridors;

(D) Minimizing erosion, nutrient and pollutant loading into water;

(E) Filtering, infiltration and natural water purification; and

(F) Stabilizing slopes to prevent landslides contributing to sedimentation of water features.

(2) Local codes shall require all development in Water Quality Resource Areas to conform to the following performance standards:

(A) The Water Quality Resource Area is the vegetated corridor and the Protected Water Feature. The width of the vegetated corridor is specified in Table 3.07-3. At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending on the width of the property, the width of the vegetated corridor will vary.

(B) Water Quality Resource Areas shall be protected, maintained, enhanced or restored as specified in Section 3.07.340(b)(2).

(C) Prohibit development that will have a significant negative impact on the functions and values of the Water Quality Resource Area, which cannot be mitigated in accordance with subsection (2)(F).

(D) Native vegetation shall be maintained, enhanced or restored, if disturbed, in the Water Quality Resource Area. Invasive non-native or noxious vegetation may be removed from the Water Quality Resource Area. Use of native vegetation shall be encouraged to enhance or restore the Water Quality Resource Area. This shall not preclude construction of energy dissipaters at outfalls consistent with watershed enhancement, and as approved by local surface water management agencies.

(E) Uncontained areas of hazardous materials as defined by DEQ in the Water Quality Resource Area shall be prohibited.

(F) Cities and counties may allow development in Water Quality Resource Areas provided that the governing body, or its designate, implement procedures which:

(i) Demonstrate that no practicable alternatives to the requested development exist which will not disturb the Water Quality Resource Area; and

(ii) If there is no practicable alternative, limit the development to reduce the impact associated with the proposed use; and

(iii) Where the development occurs, require mitigation to ensure that the functions and values of the Water Quality Resource Area are restored.

(G) Cities and counties may allow development for repair, replacement or improvement of utility facilities so long as the Water Quality Resource Area is restored consistent with Section 3.07.340(b)(2)(D).

(H) The performance standards of Section 3.07.340(b)(2) do not apply to routine repair and maintenance of existing structures,

roadways, driveways, utilities, accessory uses and other development.

(3) For lots or parcels which are fully or predominantly within the Water Quality Resource Area and are demonstrated to be unbuildable by the vegetative corridor regulations, cities and counties shall reduce or remove vegetative corridor regulations to assure the lot or parcel will be buildable while still providing the maximum vegetated corridor practicable. Cities and counties shall encourage landowners to voluntarily protect these areas through various means, such as conservation easements and incentive programs.

(c) Erosion and Sediment Control.

(1) The purpose of this section is to require erosion prevention measures and sediment control practices during and after construction to prevent the discharge of sediments.

(2) Erosion prevention techniques shall be designed to prevent visible and measurable erosion as defined in Title 10.

(3) To the extent erosion cannot be completely prevented, sediment control measures shall be designed to capture, and retain on-site, soil particles that have become dislodged by erosion.

(d) Implementation Tools to Protect Water Quality and Flood Management Areas.

(1) Cities and counties shall either adopt land use regulations, which authorize transfer of permitted units and floor area to mitigate the effects of development restrictions in Water Quality and Flood Management Areas, or adopt other measures that mitigate the effects of development restrictions.

(2) Metro encourages local governments to require that approvals of applications for partitions, subdivisions and design review actions be conditioned upon one of the following:

(A) Protection of Water Quality and Flood Management Areas with a conservation easement;

(B) Platting Water Quality and Flood Management Areas as common open space; or

(C) Offer of sale or donation of property to public agencies or private non-profits for preservation where feasible.

(3) Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development in the Water Quality and Flood Management Area may be allowed provided that:

(A) The addition, alteration, rehabilitation or replacement is not inconsistent with applicable city and county regulations, and

(B) The addition, alteration, rehabilitation or replacement does not encroach closer to the Protected Water Feature than the existing structures, roadways, driveways or accessory uses and development, and

(C) The addition, alteration, rehabilitation or replacement satisfies Section 3.07.340(c) of this title.

(D) In determining appropriate conditions of approval, the affected city or county shall require the applicant to:

(i) Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and

(ii) If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and

(iii) Provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

(4) Cities and counties may choose not to apply the Water Quality and Flood Management Area performance standards of Section 3.07.340 to development necessary for the placement of structures when it does not require a grading or building permit.

(5) Metro encourages cities and counties to provide for restoration and enhancement of degraded Water Quality Resource Areas through conditions of approval when development is proposed, or through incentives or other means.

(6) Cities and counties shall apply the performance standards of this title to Title 3 Wetlands as shown on the Metro Water Quality and Flood Management Areas Map and locally adopted Water Quality and Flood Management Areas maps. Cities and counties may also apply the performance standards of this title to other wetlands.

(e) Map Administration.

Cities and counties shall amend their comprehensive plans and implementing ordinances to provide a process for each of the following:

(1) Amendments to city and county adopted Water Quality and Flood Management Area maps to correct the location of Protected Water Features, Water Quality Resource Areas and Flood Management Areas.

Amendments shall be initiated within 90 days of the date the city or county receives information establishing a possible map error.

(2) Modification of the Water Quality Resource Area upon demonstration that the modification will offer the same or better protection of water quality, the Water Quality and Flood Management Area and Protected Water Feature.

(3) Amendments to city and county adopted Water Quality and Flood Management Area maps to add Title 3 Wetlands when the city or county receives significant evidence that a wetland meets any one of the following criteria:

(A) The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or

The wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

(B) The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet; or

The wetland qualifies as having "intact hydrologic control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

(C) The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of "water quality limited" water body in OAR Chapter 340, Division 41.

Examples of significant evidence that a wetland exists that may meet the criteria above are a wetland assessment conducted using the 1996 Oregon Freshwater Wetland Assessment Methodology, or correspondence from the Division of State Lands that a wetland determination or delineation has been submitted or completed for property in the city or county.

(4) Cities and counties are not required to apply the criteria in Section 3.07.340(e)(3) to water quality or stormwater detention facilities. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 05-1077C, Sec. 6. Ord. 15-1357.]

3.07.350 Fish and Wildlife Habitat Conservation Area [Repealed Ord. 05-1077C, Sec. 6.]

3.07.360 Metro Model Ordinance Required

Metro shall adopt a Water Quality and Flood Management Areas Model Ordinance and map. The Model Ordinance shall represent one method of complying with this title. The Model Ordinance shall be advisory, and cities and counties are not required to adopt the Model Ordinance, or any part thereof, to substantially comply with this title. However, cities and counties which adopt the Model Ordinance in its entirety and a Water Quality and Flood Management Areas Map shall be deemed to have substantially complied with the requirements of this title. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 2. Ord. 00-839, Sec. 1. Ord. 05-1077C, Sec. 6.)

3.07.370 Variances [Repealed, Ord. 05-1077C, Sec. 6]

Table 3.07-3 - Protected Water Features

(Section 3.07.340(b)(2)(A))

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor
Primary Protected Water Features[1]	< 25%	• Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland	50 feet
Primary Protected Water Features[1]	≥ 25% for 150 feet or more[5]	• Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland	200 feet
Primary Protected Water Features[1]	≥ 25% for less than 150 feet[5]	• Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland	Distance from starting point of measurement to top of ravine (break in ≥25% slope)[3], plus 50 feet.[4]
Secondary Protected Water Features[2]	< 25%	• Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland	15 feet
Secondary Protected Water Features[2]	≥ 25%[5]	• Edge of bankfull flow or 2-year storm level; • Delineated edge of Title 3 wetland	50 feet

1 **Primary Protected Water Features** include: all rivers, perennial streams, and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

2 **Secondary Protected Water Features** include intermittent streams draining 50-100 acres.

3 Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the ≥ 25% slope (see slope measurement in Appendix).

4 A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

5 Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the *uphill* direction from the protected water feature.

[Ord. 98-730C, Sec. 1.]

Title 4: Industrial and Other Employment Areas

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary. [Ord. 97-715B, Sec. 1. Ord. 02-969B, Sec. 5. Ord. 04-1040B, Sec. 2. Ord. 10-1244B, Sec. 3.]

3.07.420 Protection of Regionally Significant Industrial Areas

(a) Regionally Significant Industrial Areas (RSIAs) are those areas near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. Each city and county with land use planning authority over RSIAs shown on the Employment and Industrial Areas Map shall derive specific plan designation and zoning district boundaries of RSIAs within its jurisdiction from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in this section and the need to achieve a mix of employment uses.

(b) Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses - such as stores and restaurants - and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices - to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

(1) Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and

(2) Training facilities whose primary purpose is to provide training to meet industrial needs.

(c) Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the siting and location of new buildings for the uses described in subsection (b) and for non-industrial uses that do not cater to daily customers—such as banks or insurance processing centers—to ensure that such uses do not reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP or require added road capacity to prevent falling below the standards.

(d) Cities and counties shall review their land use regulations and revise them, if necessary, to prohibit the siting of schools, places of assembly larger than 20,000 square feet or parks intended to serve people other than those working or residing in the RSIA. Nothing in this subsection is intended to prohibit trails and facilities accessory to and in support of trails from being located within an area designated RSIA on Metro's Title 4 Map, including but not limited to trailhead amenities, parking areas, benches, information kiosks, restrooms, shelters, bicycle racks, picnic areas and educational facilities. Where possible, trails and accessory facilities should be planned and located in a manner that limits impacts on industrial uses while still fulfilling the purpose of the trail and providing a positive experience for trail users.

(e) No city or county shall amend its land use regulations that apply to lands shown as RSIA on the Employment and Industrial Areas Map to authorize uses described in subsection (b) that were not authorized prior to July 1, 2004.

(f) Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

(1) Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.

(2) Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.

(3) Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed, with uses described in subsection (b) of this section.

(4) Notwithstanding paragraphs (2) and (3) of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

(A) To provide public facilities and services;

(B) To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

(C) To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

(D) To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

(g) Notwithstanding subsection (b) of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection (e) of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.[Ord. 97-715B, Sec. 1. Ord. 02-969B, Sec. 5. Ord. 04-1040B, Sec. 2. Ord. 10-1244B, Sec. 3. Ord. 14-1329B.]

3.07.430 Protection of Industrial Areas

(a) Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

(1) Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and

(2) Training facilities whose primary purpose is to provide training to meet industrial needs.

(b) Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection (a) to ensure that they do not interfere with the efficient movement

of freight along Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

(c) No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection (a) of this section that were not authorized prior to July 1, 2004.

(d) Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

(1) Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.

(2) Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.

(3) Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection (a) of this section.

(4) Notwithstanding paragraphs (2) and (3) of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

(A) To provide public facilities and services;

(B) To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

(C) To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

(D) To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

(e) Notwithstanding subsection (b) of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to

continue and to expand to add up to 20 percent more floor space and 10 percent more land area. [Ord. 97-715B, Sec. 1. Ord. 02-969B, Sec. 5. Ord. 04-1040B, Sec. 2. Ord. 10-1244B, Sec. 3.]

3.07.440 Protection of Employment Areas

(a) Except as provided in subsections (c),(d), and (e), in Employment Areas mapped pursuant to Metro Code section 3.07.450, cities and counties shall limit new and expanded commercial retail uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas.

(b) Except as provided in subsections (c), (d) and (e), a city or county shall not approve a commercial retail use in an Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

(c) A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.

(d) A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if:

  (1) The ordinance authorized those uses on January 1, 2003;

  (2) Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and

  (3) The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.

(e) A city or county may authorize new commercial retail uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:

  (1) Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and

  (2) Meet the Maximum Permitted Parking – Zone A requirements set forth in Table 3.08-3 of Title 4 of the Regional Transportation Functional Plan. [Ord. 97-715B, Sec. 1. Ord. 02-969B, Sec. 5. Ord. 04-1040B, Sec. 2. Ord. 10-1244B, Sec. 3.]

3.07.450 Employment and Industrial Areas Map

(a) The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.

(b) If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer (COO) shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.

(c) A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by this title upon a demonstration that:

(1) The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;

(2) The amendment will not reduce the employment capacity of the city or county;

(3) If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as trans-shipment facilities;

(4) The amendment would not allow uses that would reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP below volume-to-capacity standards in the plan, unless mitigating action is taken that will restore performance to RTP standards within two years after approval of uses;

(5) The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and

(6) If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.

(d) A city or county may also amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by this title upon a demonstration that:

(1) The entire property is not buildable due to environmental constraints; or

(2) The property borders land that is not designated on the map as Industrial Area or Regionally Significant Industrial Area; and

(3) The assessed value of a building or buildings on the property, built prior to March 5, 2004, and historically occupied by uses not allowed by this title, exceeds the assessed value of the land by a ratio of 1.5 to 1.

(e) The COO shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection (c) or (d) of this section within 30 days after notification by the city or county that no appeal of the amendment was filed pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.

(f) After consultation with MPAC, the Council may issue an order suspending operation of subsection (c) in any calendar year in which the cumulative amount of land for which the Employment and Industrial Areas Map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area and Industrial Area exceeds the 20-year need for industrial land, as determined by the most recent "Urban Growth Report: An Employment Land Need Analysis", reduced by an equal annual increment for the number of years since the report.

(g) The Metro Council may amend the Employment and Industrial Areas Map by ordinance at any time to make corrections in order to better achieve the policies of the Regional Framework Plan.

(h) Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance to consider proposed amendments that exceed the size standards of paragraph (6) of subsection (c) of the section. To approve an amendment, the Council must conclude that the amendment:

(1) Would not reduce the employment capacity of the city or county;

(2) Would not allow uses that would reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP below volume-to-capacity standards in the plan, unless mitigating action is taken that will restore performance to RTP standards within two years after approval of uses;

(3) Would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;

(4) Would not reduce the integrity or viability of a traded sector cluster of industries;

(5) Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and

(6) If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.

(i) Amendments to the Employment and Industrial Areas Map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.

(j) The Council may establish conditions upon approval of an amendment to the Employment and Industrial Areas Map under subsection (f) to ensure that the amendment complies with the Regional Framework Plan and state land use planning laws.

(k) By January 31 of each year, the COO shall submit a written report to the Council and MPAC on the cumulative effects on employment land in the region of the amendments to the Employment and Industrial Areas Map made pursuant to this section during the preceding year. The report shall include any recommendations the COO deems appropriate on measures the Council might take to address the effects. [Ord. 07-1137A, Sec. 2. Ord. 10-1244B, Sec. 3. Ord. 11-1264B, Sec. 1.]

Title 4 Employment and Industrial Areas Map as of October 29, 2014 [Ord. 14-1336.)

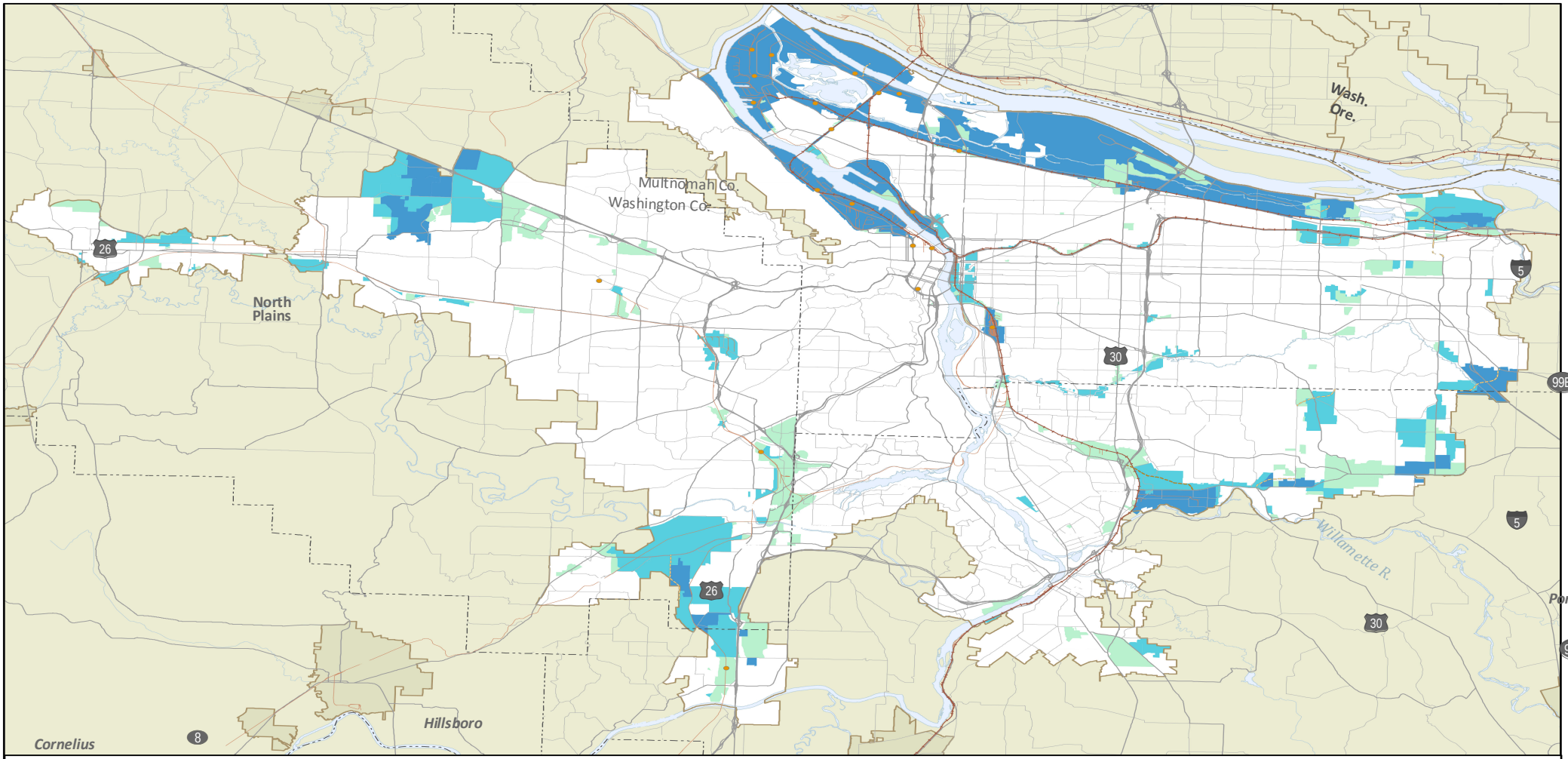

Wash.
Ore.
Multnomah Co.
Washington Co.
North
Plains
Hillsboro
Cornelius
Willamette R.
26
30
5
99E
8
405
Metro

Table 3.07-4

Clackamas County unincorporated
- Commercial
- Commercial Industrial

Lake Oswego
- General Commercial
- Highway Commercial

Troutdale
- General Commercial

Hillsboro
- General Commercial

Sherwood
- General Commercial

Tigard
- General Commercial
- Commercial Professional

Tualatin
- Commercial General

Wilsonville
- Planned Development Commercial

[Ord. 97-715B, Sec. 1. Ord. 02-969B, Sec. 5. Ord. 10-1244B, Sec. 3.]

Title 5: Neighbor Cities Title 5 is repealed. [Ord. 97-715B, Sec. 1. Ord. 10-1238A, Sec. 4.]

Title 6: Centers, Corridors, Station Communities and Main Streets

3.07.610 Purpose

The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is

an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.
[Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5.]

3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets

(a) In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county shall take the following actions:

(1) Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection (b);

(2) Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection (c); and

(3) Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to sub(d).

(b) The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, shall:

(1) Be consistent with the general location shown in the RFP except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project;

(2) For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center;

(3) For a Corridor designated for future high-capacity transit in the RTP, include the area identified during the system expansion planning process in the RTP; and

(4) Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and to Metro in the manner set forth in subsection (a) of section 3.07.820 of this chapter.

(c) An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, shall analyze the following:

(1) Physical and market conditions in the area;

(2) Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;

(3) The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit-supportive development;

(4) Existing and potential incentives to encourage mixed-use pedestrian-friendly and transit-supportive development in the area; and

(5) For Corridors and Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area under Title 4 of this chapter, barriers to a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP.

(d) A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street shall consider the assessment completed under subsection (c) and include at least the following elements:

(1) Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;

(2) Revisions to its comprehensive plan and land use regulations, if necessary, to allow:

(A) In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in section 3.07.640; and

(B) In Corridors and those Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area in Title 4 of this chapter, a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP;

(3) Public investments and incentives to support mixed-use pedestrian-friendly and transit-supportive development; and

(4) A plan to achieve the non-SOV mode share targets, adopted by the city or county pursuant to subsections 3.08.230(a) and (b) of the RTFP, that includes:

(A) The transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;

(B) A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and

(C) A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTFP.

(e) A city or county that has completed all or some of the requirements of subsections (b), (c), and (d) may seek recognition of that compliance from Metro by written request to the COO.

(f) Compliance with the requirements of this section is not a prerequisite to:

(1) Investments in Centers, Corridors, Station Communities or Main Streets that are not regional investments; or

(2) Investments in areas other than Centers, Corridors, Station Communities and Main Streets. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5.]

3.07.630 Eligibility Actions for Lower Mobility Standards and Trip Generation Rates

(a) A city or county is eligible to use the higher volume-to-capacity standards in Table 7 of the 1999 Oregon Highway Plan when considering an amendment to its comprehensive plan or land use regulations in a Center, Corridor, Station Community or Main Street, or portion thereof, if it has taken the following actions:

(1) Established a boundary pursuant to subsection (b) of section 3.07.620; and

(2) Adopted land use regulations to allow the mix and intensity of uses specified in section 3.07.640.

(b) A city or county is eligible for an automatic reduction of 30 percent below the vehicular trip generation rates reported by the Institute of Traffic Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Corridor, Main Street or Station Community, or portion thereof, if it has taken the following actions:

(1) Established a boundary pursuant to subsection (b) of section 3.07.620;

(2) Revised its comprehensive plan and land use regulations, if necessary, to allow the mix and intensity of uses specified in section 3.07.640 and to prohibit new auto-dependent uses that rely principally on auto trips, such as gas stations, car washes and auto sales lots; and

(3) Adopted a plan to achieve the non-SOV mode share targets adopted by the city or county pursuant to subsections 3.08.230 (a) and (b)of the RTFP, that includes:

(A) Transportation system designs for streets, transit, bicycles and pedestrians consistent with Title 1 of the RTFP;

(B) A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and

(c) A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTFP. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5.]

3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets

(a) A Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:

(1) Central City - 250 persons

(2) Regional Centers - 60 persons

(3) Station Communities - 45 persons

(4) Corridors - 45 persons

(5) Town Centers - 40 persons

(6) Main Streets - 39 persons

(b) Centers, Corridors, Station Communities and Main Streets need a mix of uses to be vibrant and walkable. The following mix of uses is recommended for each:

(1) The amenities identified in the most current version of the *State of the Centers: Investing in Our Communities*, such as grocery stores and restaurants;

(2) Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities;

(3) Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces.

(c) Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. The following mix of housing types is recommended for each:

(1) The types of housing listed in the "needed housing" statute, ORS 197.303(1);

(2) The types of housing identified in the city's or county's housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and

(3) Accessory dwellings pursuant to section 3.07.120 of this chapter. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 02-969B, Sec. 7. Ord. 10-1244B, Sec. 5. Ord. 15-1357.]

3.07.650 Centers, Corridors, Station Communities and Main Streets Map

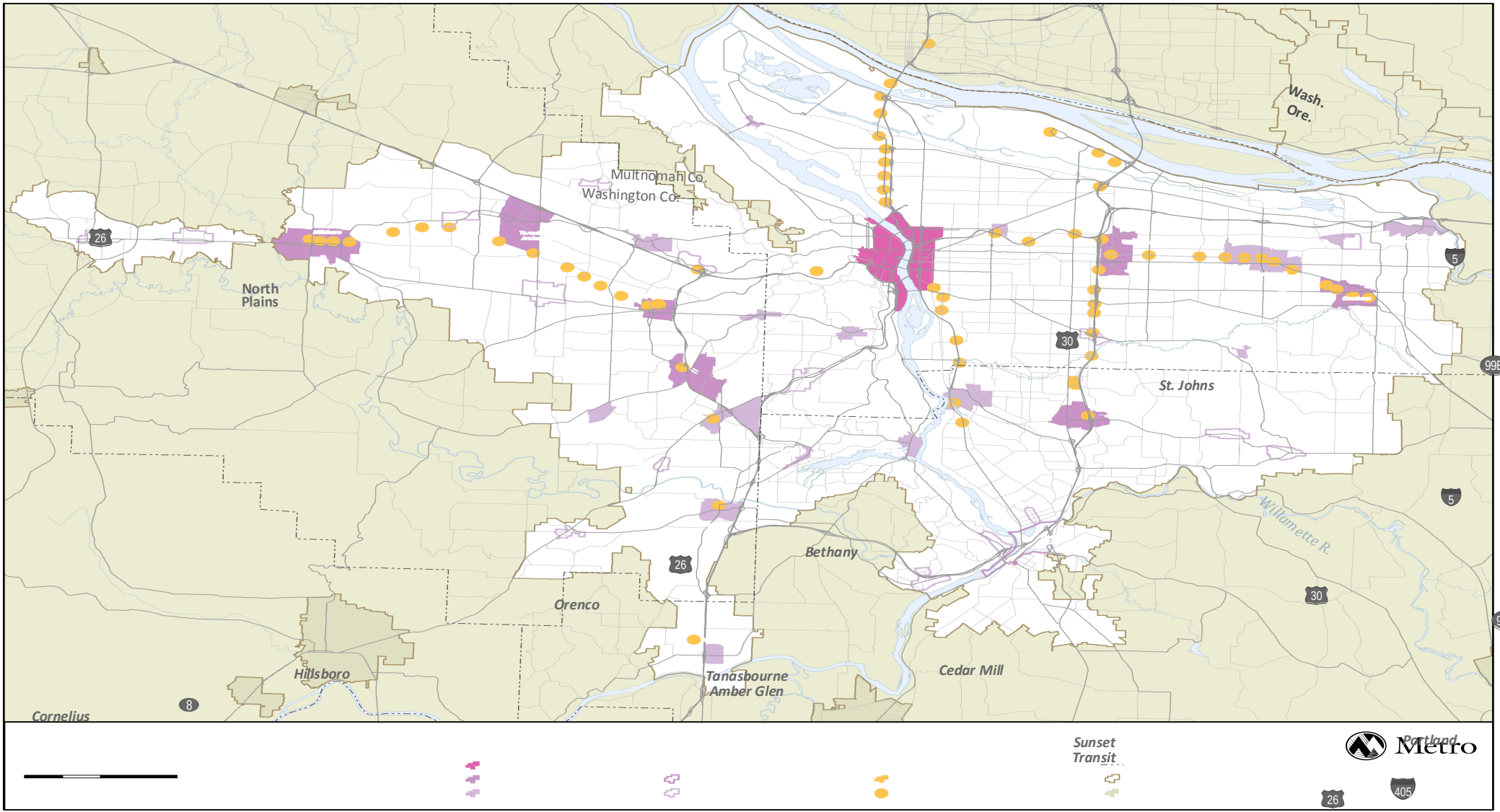
(a) The Centers, Corridors, Station Communities and Main Streets Map is incorporated in this title and is Metro's official depiction of their boundaries. The map shows the boundaries established pursuant to this title.

(b) A city or county may revise the boundary of a Center, Corridor, Station Community or Main Street so long as the boundary is consistent with the

general location on the 2040 Growth Concept Map in the RFP. The city or county shall provide notice of its proposed revision as prescribed in subsection (b) of section 3.07.620.

(c) The COO shall revise the Centers, Corridors, Station Communities and Main Streets Map by order to conform the map to establishment or revision of a boundary under this title. [Ord. 02-969B, Sec. 7; Ord. 10-1244B, Sec. 5; Ord. 11-1264B, Sec. 1.]

Title 6 Centers, Corridors, Station Communities and Main Streets Map as of October 29, 2014 [Ord. 14-1336.]


Wash.
Ore.
Multnomah Co.
Washington Co.
North
Plains
St. Johns
Bethany
Orenco
Hillsboro
Cornelius
Tanasbourne
Amber Glen
Cedar Mill
Willamette R.
Sunset
Transit
Metro
Portland
26
30
5
99E
8
405

Title 7: Housing Choice

3.07.710 Intent

The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan. [Ord. 97-715B, Sec. 1. Ord. 00-882C, Sec. 2. Ord. 06-1129B, Sec. 2.)

3.07.720 Voluntary Affordable Housing Production Goals

Each city and county within the Metro region should adopt the Affordable Housing Production Goal indicated in Table 3.07-7, as amended over time, as a guide to measure progress toward increasing housing choices and meeting the affordable housing needs of households with incomes between 0 percent and 50 percent of the regional median family income. [Ord. 97-715B, Sec. 1. Ord. 00-882C, Sec.2. Ord. 03-1005A. Ord. 06-1129B, Sec. 2.]

Table 3.07-7

Five-Year Voluntary Affordable Housing Production Goals

(Section 3.07.720)

Jurisdiction	**2001-2006 Affordable Housing Production Goals**		
	Needed new housing units for households earning less than 30% of median household income	*Needed new housing units for households earning 30-50% of median household income*	*Total*
Beaverton	**427**	**229**	**656**
Cornelius	**40**	**10**	**50**
Durham	**6**	**4**	**10**
Fairview	**42**	**31**	**73**
Forest Grove	**55**	**10**	**65**
Gladstone	**43**	**10**	**53**
Gresham	**454**	**102**	**556**
Happy Valley	**29**	**28**	**57**
Hillsboro	**302**	**211**	**513**
Johnson City	**0**	**0**	**0**
King City	**5**	**0**	**5**
Lake Oswego	**185**	**154**	**339**
Maywood Park	**0**	**0**	**0**
Milwaukie	**102**	**0**	**102**
Oregon City	**123**	**35**	**158**
Portland	**1,791**	**0**	**1,791**
Rivergrove	**1**	**1**	**2**
Sherwood	**67**	**56**	**123**
Tigard	**216**	**103**	**319**
Troutdale	**75**	**56**	**131**
Tualatin	**120**	**69**	**189**
West Linn	**98**	**71**	**169**
Wilsonville	**100**	**80**	**180**
Wood Village	**16**	**1**	**17**

Jurisdiction	2001-2006 Affordable Housing Production Goals		
	Needed new housing units for households earning less than 30% of median household income	*Needed new housing units for households earning 30-50% of median household income*	*Total*
Clackamas County, Urban, Unincorporated	**729**	**374**	**1,103**
Multnomah County, Urban, Unincorporated*	**81**	**53**	**134**
Washington County, Urban Unincorporated	**1,312**	**940**	**2,252**
Total	**6,419**	**2,628**	**9,047**

* Strategies and implementation measures addressing these housing goals are in the Progress Reports of the Cities of Portland, Gresham and Troutdale.

[Ord. 00-882C, Sec. 2.]

3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes

Cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances:

(a) Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.

(b) Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.

(c) Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing. [Ord. 97-715B, Sec. 1. Ord. 00-882, Sec. 2. Ord. 03-1005A, Sec. 1. Ord. 06-1129B, Sec. 2.]

3.07.740 Inventory and Progress Reports on Housing Supply

(a) Local governments shall assist Metro in the preparation of a biennial affordable housing inventory by fulfilling the reporting requirements in subsection (b) of this section.

(b) Local governments shall report their progress on increasing the supply of affordable housing to Metro on a form provided by Metro, to be included as part of the biennial housing inventory described in subsection (a). Local governments shall submit their first progress reports on July 31, 2007, and by

April 15 every two years following that date. Progress reports shall include, at least, the following information:

(1) The number and types of units of affordable housing preserved and income groups served during the reporting period, as defined in Metro's form;

(2) The number and types of units of affordable housing built and income groups served during the reporting period;

(3) Affordable housing built and preserved in Centers and Corridors; and

(4) City or county resources committed to the development of affordable housing, such as fee waivers and property tax exemptions. [Ord. 00-882C, Sec. 2. Ord. 03-005A, Sec. 1. Ord. 06-1129B, Sec. 2. Ord. 15-1357.]

3.07.750 Technical Assistance

Cities and counties are encouraged to take advantage of the programs of technical and financial assistance provided by Metro to help achieve the goal of increased production and preservation of housing choices and affordable housing and to help fulfill the monitoring and reporting requirements of this title. [Ord. 00-882C, Sec. 2. Ord. 03-1005A, Sec. 1. Ord. 06-1129B, Sec. 2.]

3.07.760 Recommendations to Implement Other Affordable Housing Strategies

[Repealed, Ord. 06-1129B, Sec. 2.]

Title 8: Compliance Procedures

3.07.810 Compliance With the Functional Plan

(a) The purposes of this chapter are to establish a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan and for evaluating and informing the region about the effectiveness of those requirements. Where the terms "compliance" and "comply" appear in this title, the terms shall have the meaning given to "substantial compliance" in section 3.07.1010.

(b) Cities and counties shall amend their comprehensive plans and land use regulations to comply with the functional plan, or an amendment to the functional plan, within two years after acknowledgement of the functional plan or amendment, or after any later date specified by the Metro Council in the ordinance adopting or amending the functional plan. The COO shall notify cities and counties of the acknowledgment date and compliance dates described in subsections (c) and (d).

(c) After one year following acknowledgment of a functional plan requirement, cities and counties that amend their comprehensive plans and land use

regulations shall make such amendments in compliance with the new functional plan requirement.

(d) Cities and counties whose comprehensive plans and land use regulations do not yet comply with the new functional plan requirement shall, after one year following acknowledgment of the requirement, make land use decisions consistent with the requirement. The COO shall notify cities and counties of the date upon which functional plan requirements become applicable to land use decisions at least 120 days before that date. For the purposes of this subsection, "land use decision" shall have the meaning of that term as defined in ORS 197.015(10).

(e) An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan upon the expiration of the appropriate appeal period specified in ORS 197.830 or 197.650 or, if an appeal is made, upon the final decision on appeal. Once the amendment is deemed to comply, the functional plan requirement shall no longer apply to land use decisions made in conformance with the amendment.

(f) An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan as provided in subsection (e) only if the city or county provided notice to the COO as required by subsection (a) of section 3.07.820. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 4. Ord. 00-839, Sec. 1. Ord. 00-882C, Sec. 2. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l. Ord. 05-1077C, Sec. 6. Ord. 10-1244B, Sec. 7.]

3.07.820 Review by the Chief Operating Officer

(a) A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to the COO at least 35 days prior to the first evidentiary hearing on the amendment. The COO may request, and if so the city or county shall submit, an analysis of compliance of the amendment with the functional plan. If the COO submits comments on the proposed amendment to the city or county, the comment shall include analysis and conclusions on compliance and a recommendation with specific revisions to the proposed amendment, if any, that would bring it into compliance with the functional plan. The COO shall send a copy of comment to those persons who have requested a copy.

(b) If the COO concludes that the proposed amendment does not comply with the functional plan, the COO shall advise the city or county that it may:

(1) Revise the proposed amendment as recommended in the COO's analysis;

(2) Seek an extension of time, pursuant to section 3.07.830, to bring the proposed amendment into compliance with the functional plan; or

(3) Seek an exception pursuant to section 3.07.840. [Ord. 97-715B, Sec. 1. Ord. 98-730C, Sec. 5, 6, 7. Ord. 98-727C, Sec. 1. Ord. 00-839, Sec. 1. Ord. 00-882C, Sec. 2. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. 1. Ord. 10-1244B, Sec. 7. Ord. 15-1357.]

3.07.830 Extension of Compliance Deadline

(a) A city or county may seek an extension of time for compliance with a functional plan requirement. The city or county shall file an application for an extension on a form provided by the COO. Upon receipt of an application, the COO shall notify the city or county and those persons who request notification of applications for extensions. Any person may file a written comment in support of or opposition to the extension.

(b) The COO may grant an extension if the city or county is making progress toward compliance or there is good cause for failure to meet the deadline for compliance. Within 30 days after the filing of a complete application for an extension, the COO shall issue an order granting or denying the extension. The COO shall not grant more than two extensions of time. The COO shall send the order to the city or county and any person who filed a written comment.

(c) The COO may establish terms and conditions for the extension in order to ensure that compliance is achieved in a timely and orderly fashion and that land use decisions made by the city or county during the extension do not undermine the ability of the city or county to achieve the purposes of the functional plan requirement. A term or condition must relate to the requirement of the functional plan to which the COO has granted the extension.

(d) The city or county applicant or any person who filed written comment on the extension may appeal the COO's order to the Metro Council within 15 days after receipt of the order. If an appeal is filed, the Council shall hold a hearing to consider the appeal. After the hearing, the Council shall issue an order granting or denying the extension and shall send copies to the applicant and any person who participated in the hearing. The city or county or a person who participated in the proceeding may seek review of the Council's order as a land use decision described in ORS 197.015(10)(a)(A). [Ord. 97-715B, Sec. 1. Ord. 98-727C, Sec. 2; Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l. Ord. 10-1244B, Sec. 7.]

3.07.840 Exception from Compliance

(a) A city or county may seek an exception from compliance with a functional plan requirement by filing an application on a form provided by the COO. Upon receipt of an application, the COO shall notify the city or county and those persons who request notification of requests for exceptions. Any person may file a written comment in support of or opposition to the exception.

(b) Except as provided in subsection (c), the COO may grant an exception if:

(1) It is not possible to achieve the requirement due to topographic or other physical constraints or an existing development pattern;

(2) This exception and likely similar exceptions will not render the objective of the requirement unachievable region-wide;

(3) The exception will not reduce the ability of another city or county to comply with the requirement; and

(4) The city or county has adopted other measures more appropriate for the city or county to achieve the intended result of the requirement.

(c) The COO may grant an exception to the housing capacity requirements in section 3.07.120 if:

(1) The city or county has completed the analysis of capacity for dwelling units required by section 3.07.120;

(2) It is not possible to comply with the requirements due to topographic or other physical constraints, an existing development pattern, or protection of natural resources pursuant to Titles 3 or 13 of this chapter; and

(3) This exception and other similar exceptions will not render the targets unachievable region-wide.

(d) The COO may establish terms and conditions for the exception in order to ensure that it does not undermine the ability of the region to achieve the purposes of the requirement. A term or condition must relate to the requirement of the functional plan to which the COO grants the exception. The COO shall incorporate the terms and conditions into the order on the exception.

(e) The city or county applicant or a person who filed a written comment on the exception may appeal the COO's order to the Metro Council within 15 days after receipt of the order. If an appeal is filed, the Council shall hold a hearing to consider the appeal. After the hearing, the Council shall issue an order granting or denying the exception and send copies to the applicant and any person who participated in the hearing. The city or county or a person who participated in the proceeding may seek review of the Council's order as a land use decision described in ORS 197.015(10)(a)(A). [Ord. 97-715B, Sec. 1. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l; and Ord. 10-1244B, Sec. 7.]

3.07.850 Enforcement of Functional Plan

(a) The Metro Council may initiate enforcement if a city or county has failed to meet a deadline for compliance with a functional plan requirement or if the Council has good cause to believe that a city or county is engaged in a pattern or a practice of decision-making that is inconsistent with the functional plan, ordinances adopted by the city or county to implement the plan, or the terms or conditions in an extension or an exception granted pursuant to section 3.07.830 or 3.07.840, respectively. The Council may consider whether to initiate enforcement proceedings upon the request of the COO or a Councilor. The Council shall consult with the city or county before it determines there is good cause to proceed to a hearing under subsection (b).

(b) If the Council decides there is good cause, the Council President shall set the matter for a public hearing before the Council within 90 days of its decision. The COO shall publish notice of the hearing in a newspaper of general circulation in the city or county and send notice to the city or county, MPAC and any person who requests a copy of such notices.

(c) The COO shall prepare a report and recommendation on the pattern or practice, with a proposed order, for consideration by the Council. The COO shall publish the report at least 14 days prior to the public hearing and send a copy to the city or county and any person who requests a copy.

(d) At the conclusion of the hearing, the Council shall adopt an order that dismisses the matter if it decides the city or county complies with the requirement. If the Council decides the city or county has failed to meet a deadline for compliance with a functional plan requirement or has engaged in a pattern or a practice of decision-making that is inconsistent with the functional plan, ordinances adopted by the city or county to implement the plan, or terms or conditions of an extension or an exception granted pursuant to section 3.07.830 or 3.07.840, respectively, the Council may adopt an order that:

(1) Directs changes in the city or county ordinances necessary to remedy the pattern or practice; or

(2) Includes a remedy authorized in ORS 268.390(7).

(e) The Council shall issue its order not later than 30 days following the hearing and send copies to the city or county, MPAC and any person who requests a copy. [Ord. 97-715B, Sec. 1. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l. Ord. 10-1244B, Sec. 7.]

3.07.860 Citizen Involvement in Compliance Review

(a) Any person may contact Metro staff or the COO or appear before the Metro Council to raise issues regarding local functional plan compliance, to request Metro participation in the local process, or to request the COO to appeal a local enactment for which notice is required pursuant to subsection (a) of section 3.07.820. Such contact may be oral or in writing and may be made at any time.

(b) In addition to considering requests as described in (a) above, the Council shall at every regularly scheduled meeting provide an opportunity for people to address the Council on any matter related to this functional plan. The COO shall maintain a list of persons who request notice in writing of COO reviews, reports and orders and proposed actions under this chapter and shall send requested documents as provided in this chapter.

(c) Cities, counties and the Council shall comply with their ownadopted and acknowledged Citizen Involvement Requirements (Citizen Involvement) in all decisions, determinations and actions taken to implement and comply with this functional plan. The COO shall publish a citizen involvement fact sheet, after consultation with the Metro Public Engagement Review Committee (PERC), that

describes opportunities for citizen involvement in Metro's growth management procedures as well as the implementation and enforcement of this functional plan. [Ord. 97-715B, Sec. 1. Ord. 01-925E, Sec. 1. Ord. 02-972A, Sec. l. Ord. 10-1244B, Sec. 7. Ord. 15-1357.]

3.07.870 Compliance Report

(a) The COO shall submit a report to the Metro Council by March 1 of each calendar year on the status of compliance by cities and counties with the requirements of the Urban Growth Management Functional Plan. The COO shall send a copy of the report to MPAC, JPACT, PERC and each city and county within Metro.

(b) A city, county or person who disagrees with a determination in the compliance report may seek review of the determination by the Council by written request to the COO. The Council shall notify the requestor, all cities and counties, MPAC, JPACT, PERC, the Department of Land Conservation and Development and any person who requests notification of the review. The notification shall state that the Council does not have jurisdiction to:

(1) Determine whether previous amendments of comprehensive plans or land use regulations made by a city or county comply with functional plan requirements if those amendments already comply pursuant to subsections (e) and (f) of section 3.07.810; or

(2) Reconsider a determination in a prior order issued under this section that a city or county complies with a requirement of the functional plan.

(c) Following its review at a public hearing, the Council shall adopt an order that determines whether the city or county complies with the functional plan requirement raised in the request. The order shall be based upon the COO's report and testimony received at the public hearing. The COO shall send a copy of the order to cities and counties and any person who testifies, orally or in writing, at the public hearing.

(d) A city or county or a person who participated, orally or in writing, at the public hearing, may seek review of the Council's order as a land use decision described in ORS 197.015(10)(a)(A). [Ord. 01-925E, Sec. 2. Ord. 02-972A, Sec. l. Ord. 10-1244B, Sec. 7. Ord. 15-1357.]

TITLE 9: Performance Measures. Title 9 is repealed. [Ord. 10-1244B, Sec. 8.]

TITLE 10: FUNCTIONAL PLAN DEFINITIONS

3.07.1010 Definitions

For the purpose of this functional plan, the following definitions shall apply:

(a) "Balanced cut and fill" means no net increase in fill within the floodplain.

(b) “COO” means Metro’s Chief Operating Officer.

(c) "Comprehensive plan" means the all inclusive, generalized, coordinated land use map and policy statement of cities and counties defined in ORS 197.015(5).

(d) "DBH" means the diameter of a tree measured at breast height.

(e) "Design flood elevation" means the elevation of the 100-year storm as defined in FEMA Flood Insurance Studies or, in areas without FEMA floodplains, the elevation of the 25-year storm, or the edge of mapped flood prone soils or similar methodologies.

(f) "Design type" means the conceptual areas described in the Metro 2040 Growth Concept text and map in Metro's regional goals and objectives, including central city, regional centers, town centers, station communities, corridors, main streets, neighborhoods, industrial areas, and employment areas.

(g) "Designated beneficial water uses" means the same as the term as defined by the Oregon Department of Water Resources, which is: an instream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stockwater and wildlife uses.

(h) "Development" means any man-made change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than 10 percent of the vegetation in the Water Quality Resource Area on the lot is defined as development, for the purpose of Title 3 except that less than 10 percent removal of vegetation on a lot must comply with section 3.07.340(c) - Erosion and Sediment Control. In addition, any other activity that results in the removal of more than either 10 percent or 20,000 square feet of the vegetation in the Habitat Conservation Areas on the lot is defined as development, for the purpose of Title 13. Development does not include the following: (1)Stream enhancement or restoration projects approved by cities and counties; (2)Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of Titles 3 and 13 of this functional plan; and (3) Construction on lots in subdivisions meeting the criteria of ORS 92.040(2).

(i) "Development application" means an application for a land use decision, limited land decision including expedited land divisions, but excluding partitions as defined in ORS 92.010(7) and ministerial decisions such as a building permit.

(j) “Division” means a partition or a subdivision as those terms are defined in ORS chapter 92.

(k) "Ecological functions" means the biological and hydrologic characteristics of healthy fish and wildlife habitat. Riparian ecological functions include

microclimate and shade, streamflow moderation and water storage, bank stabilization and sediment/pollution control, sources of large woody debris and natural channel dynamics, and organic material sources. Upland wildlife ecological functions include size of habitat area, amount of habitat with interior conditions, connectivity of habitat to water resources, connectivity to other habitat areas, and presence of unique habitat types.

(l) "Emergency" means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

(m) "Enhancement" means the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

(n) "Fill" means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed in a wetland or floodplain for the purposes of development or redevelopment.

(o) "Flood Areas" means those areas contained within the 100-year floodplain and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and all lands that were inundated in the February 1996 flood.

(p) "Flood Management Areas" means all lands contained within the 100-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Maps and the area of inundation for the February 1996 flood. In addition, all lands which have documented evidence of flooding.

(q) "Floodplain" means land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.

(r) "Growth Concept Map" means the conceptual map demonstrating the 2040 Growth Concept design types attached to this plan[1].

(s) "Habitat Conservation Area" or "HCA" means an area identified on the Habitat Conservation Areas Map and subject to the performance standards and best management practices described in Metro Code section 3.07.1340.

(t) "Habitat-friendly development" means a method of developing property that has less detrimental impact on fish and wildlife habitat than does traditional development methods. Examples include clustering development to avoid habitat, using alternative materials and designs such as pier, post, or piling foundations designed to minimize tree root disturbance, managing storm water on-site to help filter rainwater and recharge groundwater sources, collecting

[1] On file in the Metro Council office.

rooftop water in rain barrels for reuse in site landscaping and gardening, and reducing the amount of effective impervious surface created by development.

(u) "Habitats of Concern" means the following unique or unusually important wildlife habitat areas as identified based on cite specific information provided by local wildlife or habitat experts: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

(v) "Hazardous materials" means materials described as hazardous by Oregon Department of Environmental Quality.

(w) "Implementing ordinances or regulations" means any city or county land use regulation as defined by ORS 197.015(11) which includes zoning, land division or other ordinances which establish standards for implementing a comprehensive plan.

(x) "Invasive non-native or noxious vegetation" means plants listed as nuisance plants or prohibited plants on the Metro Native Plant List as adopted by Metro Council resolution because they are plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities.

(y) "Land Conservation and Development Commission" or "LCDC" means the Oregon Land Conservation and Development Commission.

(z) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan, as defined in ORS 197.015.

(aa) “Large-format retail commercial buildings” means a building intended for retail commercial use with more than 60,000 square feet of gross leasable area, or that amount or more of retail sales area on a single lot or parcel, or that amount or more on contiguous lots or parcels including lots or parcels separated only by a transportation right-of-way.

(bb) "Local program effective date" means the effective date of a city’s or county’s new or amended comprehensive plan and implementing ordinances adopted to comply with Title 13 of the Urban Growth Management Functional Plan, Metro Code sections 3.07.1310 to 3.07.1370. If a city or county is found to be in substantial compliance with Title 13 without making any amendments to its comprehensive plan or land use regulations, then the local program effective date shall be December 28, 2005. If a city or county amends its comprehensive plan or land use regulations to comply with Title 13, then the local program effective date shall be the effective date of the city’s or county’s amendments to its comprehensive plan or land use regulations, but in no event shall the local program effective date be later than two years after Title 13 is acknowledged by LCDC. For territory brought within the Metro UGB after December 28, 2005, the

local program effective date shall be the effective date of the ordinance adopted by the Metro Council to bring such territory within the Metro UGB.

(cc) "Metro" means the regional government of the metropolitan area, the elected Metro Council as the policy setting body of the government.

(dd) "Metro boundary" means the jurisdictional boundary of Metro, the elected regional government of the metropolitan area.

(ee) “MPAC” means the Metropolitan Advisory Committee established pursuant to Metro Charter, Chapter V, Section 27.

(ff) "Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order: (1) avoiding the impact altogether by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and (5) compensating for the impact by replacing or providing comparable substitute water quality resource areas or habitat conservation areas.

(gg) "Mixed use" means comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

(hh) "Mixed-use development" includes areas of a mix of at least two of the following land uses and includes multiple tenants or ownerships: residential, retail and office. This definition excludes large, single-use land uses such as colleges, hospitals, and business campuses. Minor incidental land uses that are accessory to the primary land use should not result in a development being designated as "mixed-use development." The size and definition of minor incidental, accessory land uses allowed within large, single-use developments should be determined by cities and counties through their comprehensive plans and implementing ordinances.

(ii) "Native vegetation" or "native plant" means any vegetation listed as a native plant on the Metro Native Plant List as adopted by Metro Council resolution and any other vegetation native to the Portland metropolitan area provided that it is not listed as a nuisance plant or a prohibited plant on the Metro Native Plant List.

(jj) "Net acre" means an area measuring 43.560 square feet which excludes:

- Any developed road rights-of-way through or on the edge of the land; and
- Environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected under statewide planning Goal 5 in the comprehensive plans of cities and counties in the region, slopes in excess of 25 percent and wetlands requiring a Federal fill and

removal permit under Section 404 of the Clean Water Act. These excluded areas do not include lands for which the local zoning code provides a density bonus or other mechanism which allows the transfer of the allowable density or use to another area or to development elsewhere on the same site; and

- All publicly-owned land designated for park and open spaces uses.

(kk) "Net developed acre" consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses.

(ll) "Net vacant buildable land" means all vacant land less all land that is: (1) within Water Quality Resource Areas; (2) within Habitat Conservation Areas; (3) publicly owned by a local, state or federal government; (4) burdened by major utility easements; and (5) necessary for the provision of roads, schools, parks, churches, and other public facilities.

(mm) "Perennial streams" means all primary and secondary perennial waterways as mapped by the U.S. Geological Survey.

(nn) "Performance measure" means a measurement derived from technical analysis aimed at determining whether a planning policy is achieving the expected outcome or intent associated with the policy.

(oo) "Person-trips" means the total number of discrete trips by individuals using any mode of travel.

(pp) "Persons per acre" means the intensity of building development by combining residents per acre and employees per acre.

(qq) "Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose. As used in Title 13 of this functional plan, "practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose and probable impact on ecological functions.

(rr) "Primarily developed" means areas where less than 10% of parcels are either vacant or underdeveloped.

(ss) “Property owner” means a person who owns the primary legal or equitable interest in the property.

"Protected Water Features.” Primary Protected Water Features shall include:

- Title 3 wetlands; and
- Rivers, streams, and drainages downstream from the point at which 100 acres or more are drained to that water feature (regardless of whether it carries year-round flow); and
- Streams carrying year-round flow; and

- Springs which feed streams and wetlands and have year-round flow; and
- Natural lakes.

Secondary Protected Water Features shall include intermittent streams and seeps downstream of the point at which 50 acres are drained and upstream of the point at which 100 acres are drained to that water feature.

(tt) "Public facilities and services" means sewers, water service, stormwater services and transportation.

(uu) "Redevelopable land" means land on which development has already occurred, which due to present or expected market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period.

(vv) "Regionally significant fish and wildlife habitat" means those areas identified on the Regionally Significant Fish and Wildlife Habitat Inventory Map, adopted in Metro Code section 3.07.1320, as significant natural resource sites.

(ww) "Restoration" means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function, and/or diversity to that which occurred prior to impacts caused by human activity.

(xx) "Retail" means activities which include the sale, lease or rent of new or used products to the general public or the provision of product repair or services for consumer and business goods.

(yy) "Riparian area" means the water influenced area adjacent to a river, lake or stream consisting of the area of transition from a hydric ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics.

(zz) “Rural reserve” means an area designated rural reserve by Clackamas, Multnomah or Washington County pursuant to OAR 660 Division 27.

(aaa) "Significant negative impact" means an impact that affects the natural environment, considered individually or cumulatively with other impacts on the Water Quality Resource Area, to the point where existing water quality functions and values are degraded.

(bbb) "Straight-line distance" means the shortest distance measured between two points.

(ccc) "Stream" means a body of running water moving over the earth’s surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

(ddd) "Substantial compliance" means city and county comprehensive plans and implementing ordinances, on the whole, conforms with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.

(eee) "Title 3 Wetlands" means wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Area Map and other wetlands added to city or county adopted Water Quality and Flood Management Area maps consistent with the criteria in Title 3, section 3.07.340(e)(3). Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.

(fff) "Top of bank" means the same as "bankfull stage" defined in OAR 141-085-0510(5).

(ggg) "Urban development value" means the economic value of a property lot or parcel as determined by analyzing three separate variables: assessed land value, value as a property that could generate jobs ("employment value"), and the Metro 2040 design type designation of property. The urban development value of all properties containing regionally significant fish and wildlife habitat is depicted on the Metro Habitat Urban Development Value Map referenced in Metro Code section 3.07.1340(e).

(hhh) "UGB" means an urban growth boundary adopted pursuant to ORS chapter 197.

(iii) "Underdeveloped parcels" means those parcels of land with less than 10 percent of the net acreage developed with permanent structures.

(jjj) “Urban reserve” means an area designated urban reserve by the Metro Council pursuant to OAR 660 Division 27.

(kkk) "Utility facilities" means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television.

(lll) "Vacant land" means land identified in the Metro or local government inventory as undeveloped land.

(mmm) "Variance" means a discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property.

(nnn) "Visible or measurable erosion" includes, but is not limited to:

- Deposits of mud, dirt sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
- Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on

bare soil slopes, where the flow of water is not filtered or captured on the site.

- Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

(ooo) "Water feature" means all rivers, streams (regardless of whether they carry year-round flow, i.e., including intermittent streams), springs which feed streams and wetlands and have year-round flow, Flood Management Areas, wetlands, and all other bodies of open water.

(ppp) "Water Quality and Flood Management Area" means an area defined on the Metro Water Quality and Flood Management Area Map, to be attached hereto[2]. These are areas that require regulation in order to mitigate flood hazards and to preserve and enhance water quality. This area has been mapped to generally include the following: stream or river channels, known and mapped wetlands, areas with flood-prone soils adjacent to the stream, floodplains, and sensitive water areas. The sensitive areas are generally defined as 50 feet from top of bank of streams for areas of less than 25 percent slope, and 200 feet from top of bank on either side of the stream for areas greater than 25 percent slope, and 50 feet from the edge of a mapped wetland.

(qqq) "Water Quality Resource Areas" means vegetated corridors and the adjacent water feature as established in Title 3.

(rrr) "Wetlands" mean those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0), (May 2010).

(sss) "Zoned capacity" means the highest number of dwelling units or jobs that are allowed to be contained in an area by zoning and other city or county jurisdiction regulations. [Ord. 97-715B, Sec. 1. Ord. 98-721A, Sec. 1. Ord. 98-730C, Sec. 10. Ord. 00-839, Sec. 1. Ord. 00-869A, Sec. 2; Ord. 02-972A, Sec. l; Ord. 05-1077C, Sec. 6; Ord. 10-1244B, Sec. 9. Ord. 15-1357.]

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use,

[2] On file in Metro Council office.

walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas. [Ord. 99-818A, Sec. 3. Ord. 02-969B, Sec. 11. Ord. 10-1238A, Sec. 5. Ord. 11-1252A, Sec. 1.)

3.07.1110 Planning for Areas Designated Urban Reserve

(a) The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435 of this chapter. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.

(b) A local government, in creating a concept plan to comply with this section, shall consider actions necessary to achieve the following outcomes:

(1) If the plan proposes a mix of residential and employment uses:

(A) A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection (c);

(B) A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;

(C) A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;

(D) Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

(E) Well-connected systems of streets, bikeways, parks, recreational trails and public transit that link to needed housing so as to reduce the combined cost of housing and transportation;

(F) A well-connected system of parks, natural areas and other public open spaces;

(G) Protection of natural ecological systems and important natural landscape features; and

(H) Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

(2) If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:

(A) A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;

(B) Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

(C) Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;

(D) Protection of natural ecological systems and important natural landscape features; and

(E) Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

(c) A concept plan shall:

(1) Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph (2);

(2) For proposed sewer, park and trail, water and stormwater systems and transportation facilities, provide the following:

(A) The general locations of proposed sewer, park and trail, water and stormwater systems;

(B) The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;

(C) The proposed connections of these systems and facilities, if any, to existing systems;

(D) Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;

(E) Proposed methods to finance the systems and facilities; and

(F) Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

(3) If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;

(4) If the area subject to the concept plan calls for designation of land for residential use, the concept plan will describe the goals for meeting the housing needs for the concept planning area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available. As part of this statement of objectives, the concept plan shall identify the general number, price and type of market and nonmarket-provided housing. The concept plan shall also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection (b) of this section;

(5) Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of this chapter;

(6) Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;

(7) Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;

(8) Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;

(9) Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection (c) of section 3.07.1120; and

(10) Be coordinated with schools districts, including coordination of demographic assumptions.

(d) Concept plans shall guide, but not bind:

(1) The designation of 2040 Growth Concept design types by the Metro Council;

(2) Conditions in the Metro ordinance that adds the area to the UGB; or

(3) Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

(e) If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection (a), then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth. [Ord. 98-772B, Sec. 2. Ord. 99-818A, Sec. 3. Ord. 02-969B, Sec. 11. Ord. 06-1110A, Sec. 1. Ord. 10-1238A, Sec. 5. Ord. 11-1252A, Sec. 1. Ord. 15-1357.]

3.07.1120 Planning for Areas Added to the UGB

(a) The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110(c)(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection (c) by the date specified by the ordinance or by section 3.07.1455(b)(4) of this chapter.

(b) If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

(c) Comprehensive plan provisions for the area shall include:

(1) Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

(2) Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

(3) Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455(b)(2) of this chapter;

(4) Provision for affordable housing consistent with Title 7 of this chapter if the comprehensive plan authorizes housing in any part of the area.

(5) Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

(6) Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.

(7) A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

(8) Provision for the financing of local and state public facilities and services; and

(9) A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

(d) The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using a method consistent with a Goal 14 analysis, within 30 days after adoption of new land use regulations for the area. [Ord. 98-772B, Sec. 2. Ord. 99-818A, Sec. 3. Ord. 01-929A, Sec. 8. Ord. 02-964, Sec. 5. Ord. 05-1077C, Sec. 6. Ord. 05-1089A, Sec. 2. Ord. 07-1137A, Sec. 3. Ord. 10-1238A, Sec. 5. Ord. 11-1252A, Sec. 1. Ord. 15-1357.]

3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

(a) A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;

(b) A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;

(c) A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010 of this chapter, or for a new public school;

(d) In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:

(1) A commercial use that is not accessory to industrial uses in the area; and

(2) A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area. [Ord. 98-772B, Sec. 2. Ord. 99-818A, Sec. 3. Ord. 10-1238A, Sec. 5. Ord. 11-1252A, Sec. 1.]

Title 12: Protection of Residential Neighborhoods

3.07.1210 Purpose and Intent

Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services. [Ord. 02-969B, Sec. 3.]

3.07.1220 Residential Density

Metro shall not require any city or county to authorize an increase in the residential density of a single-family neighborhood in an area mapped solely as Neighborhood. [Ord. 02-969B, Sec. 3. Ord. 15-1357.]

3.07.1230 Access to Commercial Services

(a) In order to reduce air pollution and traffic congestion, and to make commercial retail services more accessible to residents of Neighborhoods, a city or county may designate in its comprehensive plan and land use regulations one or more Neighborhood Centers within or in close proximity to Neighborhoods to serve as a convenient location of commercial services.

(b) To ensure that commercial development serves the needs of the residents of Neighborhoods but does not generate excessive traffic, noise or air pollution, a city or county that designates a Neighborhood Center shall adopt limitations on the scale of commercial services in Neighborhood Centers. In a Neighborhood Center, a city or county shall not approve:

(1) A commercial retail use with more than 20,000 square feet of gross leasable area in a single building; or

(2) Office commercial uses with more than 10,000 square feet of gross leasable area in a single building or on a single lot or parcel. [Ord. 02-969B, Sec. 3. Ord. 15-1357.]

3.07.1240 Access to Parks and Schools

(a) Each city and county shall, within two years following adoption by the Metro Council of a process and criteria for such standards, establish a level of service standard for parks and greenspaces that calls for a park facility within a specified distance of all residences.

(b) To make parks and greenspaces more accessible to residents of Neighborhoods and all residents of the region, each city and county shall provide for access to parks and greenspaces by walking, biking and transit, where transit is available or planned.

(c) To make parks and schools more accessible to neighborhood residents, to reduce traffic, and to use land more efficiently, cities, counties, park providers and school districts shall, where appropriate, provide for shared use of school facilities for park purposes and of park facilities for school purposes.

(d) To make public schools more accessible to neighborhood residents, cities, counties a`nd school districts shall prioritize school sites that are near concentrations of population and are connected to those concentrations by safe and convenient walking, biking and, where transit is available or planned, transit facilities. [Ord. 02-969B, Sec. 3. Ord. 15-1357.]

Title 13: Nature In Neighborhoods

3.07.1310 Intent

The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region. This program:

(a) Will achieve its purpose through conservation, protection, and appropriate restoration of riparian and upland fish and wildlife habitat through time, using a comprehensive approach that includes voluntary, incentive-based, educational, and regulatory elements;

(b) Balances and integrates goals of protecting and enhancing fish and wildlife habitat, building livable Region 2040 communities, supporting a strong economy, controlling and preventing water pollution for the protection of the public health and safety, and complying with federal laws including the Clean Water Act and the Endangered Species Act;

(c) Includes provisions to monitor and evaluate program performance over time to determine whether the program is achieving the program's objectives and targets, to determine whether cities and counties are in substantial compliance

with this title, and to provide sufficient information to determine whether to amend or adjust the program in the future; and

(d) Establishes minimum requirements and is not intended to repeal or replace existing requirements of city and county comprehensive plans and implementing ordinances to the extent those requirements already meet the minimum requirements of this title, nor is it intended to prohibit cities and counties from adopting and enforcing fish and wildlife habitat protection and restoration programs that exceed the requirements of this title. [Ord. 05-1077C, Sec. 5.]

3.07.1320 Inventory and Habitat Conservation Areas

The purpose of this section is to describe the geographic information system (GIS) data and maps that form the basis of Metro's fish and wildlife habitat protection and restoration program. This data and maps are referenced in various ways in this title, but may or may not be relevant within a city or county depending upon which implementation alternative the city or county chooses pursuant to Metro Code Section 3.07.1330(b). The maps referred to in this title are representations of data contained within Metro's GIS system, operated by the Metro Data Resource Center, and references to such maps shall be interpreted as references to the maps themselves and to the underlying GIS data that the maps represent.

(a) The Regionally Significant Fish and Wildlife Habitat Inventory Map (hereinafter the "Inventory Map"), attached hereto[3], identifies the areas that have been determined to contain regionally significant fish and wildlife habitat. The Inventory Map divides habitat into two general categories, riparian and upland wildlife, and further differentiates each habitat category into low, medium, and high value habitats.

(b) The Habitat Conservation Areas Map, attached hereto[4], identifies the areas that are subject to the performance standards and best management practices described in Metro Code Section 3.07.1340, to the extent that a city or county chooses to comply with Metro Code Section 3.07.1330 by using the Habitat Conservation Areas map, or a map that substantially complies with the Habitat Conservation Areas map. For such cities and counties, the Habitat Conservation Areas Map further identifies, subject to the map verification process described in Metro Code Sections 3.07.1330(g) and 3.07.1340(d), which areas will be subject to high, moderate, and low levels of habitat conservation based on Metro Council's consideration of the results of the economic, social, environmental, and energy (ESEE) consequences of protecting or not protecting the habitat, public input, and technical review, and the Metro Council's subsequent decision to balance conflicting uses in habitat areas.

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[3] On file in the Metro Council office and copies available from the Metro Data Resource Center.
[4] On file in the Metro Council office and copies available from the Metro Data Resource Center.

(1) Table 3.07-13a describes how (1) Class I and II riparian habitat areas, and (2) Class A and B upland wildlife habitat areas within publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, located within the Metro boundary on December 28, 2005, were designated as high, moderate, and low Habitat Conservation Areas.

(2) Table 3.07-13b describes how Class I and II riparian habitat areas and Class A and B upland wildlife areas brought within the Metro UGB after December 28, 2005, will be designated as high, moderate, and low Habitat Conservation Areas. Metro Code Section 3.07.1360 describes the procedures for how Table 3.07-13b and Metro Code Section 3.07.1340 shall be applied in such areas.

(c) Exempt International Marine Terminals

(1) Marine dependent properties which would otherwise have been mapped as Habitat Conservation Areas do not appear on the Habitat Conservation Areas Map because the Metro Council concluded, based on its analysis of the economic, social, environmental, and energy implications of its decision, that the economic importance of such properties far outweighed the environmental importance of the properties as fish and wildlife habitat. The Metro Council applied the criteria described in subsection (c)(2) of this section to conclude that the following properties should not be considered Habitat Conservation Areas:

(A) The International Terminal property, located at 12005 N. Burgard Way, Portland, Oregon, 97203;

(B) Port of Portland Marine Terminal 4;

(C) Port of Portland Marine Terminal 5; and

(D) Port of Portland Marine Terminal 6.

(2) The Metro Council may, at its discretion, consider and adopt ordinances to exempt from the provisions of this title any additional properties along the Willamette and Columbia Rivers, or portions of such properties, where it can be demonstrated that:

(A) The property is currently developed for use as an international marine terminal capable of mooring ocean-going tankers or cargo ships; and

(B) The property is substantially without vegetative cover. [Ord. 05-1077C, Sec. 5.]

3.07.1330 Implementation Alternatives for Cities and Counties

(a) Under Oregon law, upon acknowledgment of this program by the Oregon Land Conservation and Development Commission (LCDC), cities and counties wholly or partly within the Metro boundary shall apply the requirements of this title with respect to areas identified as riparian habitat on the Inventory Map and areas identified as upland wildlife habitat on the Inventory Map, according to the compliance deadlines established in Metro Code Section 3.07.810, rather than applying the requirements of division 23 of chapter 660 of the Oregon Administrative Rules ("OAR"), promulgated by LCDC, except that:

(1) A city or county shall apply the requirements of division 23 of OAR chapter 660 in order to adopt comprehensive plan amendments or land use regulations that (i) would otherwise require compliance with division 23 of OAR chapter 660 but for the adoption of this title (i.e., amendments or regulations adopted to protect Goal 5 resources), and (ii)will limit development in areas not identified as riparian habitat on the Inventory Map, unless such provisions (a) are part of a program intended to comply with Metro Code Section 3.07.1330(b)(3) and apply only to areas identified as upland wildlife habitat on the Inventory Map (i.e., they do not apply to areas not identified as habitat); or (b) apply to areas identified as Class A or B upland wildlife habitat on the Inventory Map that are brought within the UGB after December 28, 2005. Such a city or county shall seek acknowledgement of such provisions from LCDC or treat such provisions as post-acknowledgement plan amendments under ORS chapter 197;

(2) A city or county that, prior to December 28, 2005, adopted any comprehensive plan amendments or land use regulations that (a) apply to areas identified as upland wildlife habitat on the Inventory Map but not identified as riparian habitat on the Inventory Map, (b) limit development in order to protect fish or wildlife habitat, and (c) were adopted in compliance with division 23 of OAR chapter 660, shall not repeal such amendments or regulations, nor shall it amend such provisions in a manner that would allow any more than a de minimis increase in the amount of development that could occur in areas identified as upland wildlife habitat; and

(3) After a city or county has demonstrated that it is in substantial compliance with the requirements of this title, if the city or county wishes to adopt comprehensive plan amendments or land use regulations applicable to areas identified as riparian habitat on the Inventory Map that have the effect of imposing greater limits on development than those imposed by provisions that are in substantial compliance with the requirements of this title, such a city or county shall comply with the provisions of division 23 of OAR chapter 660, and shall seek acknowledgement of such provisions from LCDC or treat such

provisions as post-acknowledgement plan amendments under ORS chapter 197.

(b) Each city and county in the region shall either:

(1) Amend its comprehensive plan and implementing ordinances to adopt the Title 13 Model Ordinance and the Metro Habitat Conservation Areas Map, and demonstrate compliance with the provisions of (a) Metro Code Section 3.07.1340(a)(5), related to enhanced fish and wildlife protection and management of publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development, and (b) Metro Code Section 3.07.1340(a)(8), related to the restoration of Habitat Conservation Areas when developed property is undergoing significant redevelopment;

(2) Demonstrate that its existing or amended comprehensive plan and existing, amended, or new implementing ordinances substantially comply with the performance standards and best management practices described in Metro Code Section 3.07.1340, and that maps that it has adopted and uses substantially comply with the Metro Habitat Conservation Areas Map;

(3) Demonstrate that it has implemented a program based on alternative approaches that will achieve protection and enhancement of Class I and II riparian habitat areas, and of Class A and B upland wildlife habitat areas in territory added to the Metro UGB after December 28, 2005, substantially comparable with the protection and restoration that would result from the application of a program that complied with Metro Code Sections 3.07.1330(b)(1) or (b)(2). A city or county developing such a program:

(A) Shall demonstrate that its alternative program will provide a certainty of habitat protection and enhancement to achieve its intended results, such as by using proven programs and demonstrating stable and continuing funding sources sufficient to support elements of the program that require funding;

(B) May assert substantial compliance with this provision by relying on either or both the city's or county's comprehensive plan and implementing ordinances and on the use of incentive based, voluntary, education, acquisition, and restoration programs, such as:

(i) An existing tree protection ordinance;

(ii) A voluntary program for tree protection, tree replacement, and habitat restoration;

(iii) Habitat preservation incentive programs, such as programs that provide reduced development or storm water management fees and property taxes in return for

taking measures to protect and restore habitat (including, for example, the Wildlife Habitat Special Tax Assessment Program, ORS 308A.400 through 308A.430, and the Riparian Habitat Tax Exemption Program, ORS 308A.350 through 308A.383);

(iv) Habitat-friendly development standards to reduce the detrimental impact of storm water run-off on riparian habitat;

(v) A local habitat acquisition program; and

(vi) Maintaining and enhancing publicly-owned habitat areas, such as by:

a) Using habitat-friendly best management practices, such as integrated pest management programs, in all regionally significant habitat areas within publicly-owned parks and open spaces;

b) Ensuring that publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development are managed to maintain and enhance the quality of fish and wildlife habitat that they provide; and

c) Pursuing funding to support local park, open space, and habitat acquisition and restoration, such as with local bond measures, System Development Charge (SDC) programs, Federal Emergency Management Act (FEMA) grants, or other funding mechanisms.

(4) District Plans

(a) Adopt one or more district plans that apply over portions of the city or county, and demonstrate that, for the remainder of its jurisdiction, the city or county has a program that complies with either Metro Code Section 3.07.1330(b)(1) or Metro Code Section 3.07.1330(b)(2). If a city or county adopts one or more district plans pursuant to this paragraph, it shall demonstrate that, within each district plan area, the district plan complies with Metro Code Section 3.07.1330(b)(3). District plans shall be permitted under this subsection only for areas within a common watershed, or which are within areas in adjoining watersheds that share an interrelated economic infrastructure and development pattern. Cities and counties that choose to develop district plans are encouraged to coordinate such district plans with other entities whose activities impact the same watershed to which the district plan applies, including other cities and counties, special districts,

state and federal agencies, watershed councils, and other governmental and non-governmental agencies.

(b) The City of Portland shall develop a District Plan that complies with Metro Code Section 3.07.1330(b)(4)(a), in cooperation with the Port of Portland, that applies to West Hayden Island; or

(5) For a city or county that is a member of the Tualatin Basin Natural Resources Coordinating Committee (the "TBNRCC," which includes Washington County and the cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard, and Tualatin), amend its comprehensive plan and implementing ordinances to comply with the maps and provisions of the TBNRCC Goal 5 Program, attached hereto[5] and incorporated herein by reference, adopted by the TBNRCC on April 4, 2005 (the "Tualatin Basin Program"), subject to the intergovernmental agreement entered into between Metro and the TBNRCC. All other provisions of this Metro Code Section 3.07.1330, as well as Metro Code Section 3.07.1360, shall still apply to each city and county that is a member of the TBNRCC. In addition, in order for a city or county that is a member of the TBNRCC to be in compliance with this functional plan, the following conditions must be satisfied:

(a) Within the compliance timeline described in Paragraph 6 of the Intergovernmental Agreement entered into between Metro and the TBNRCC, the TBNRCC and its members comply with the six (6) steps identified in section B of Chapter 7 of the Tualatin Basin Program;

(b) Clean Water Services approves and begins implementing its Healthy Streams Plan;

(c) The TBNRCC members agree to renew and extend their partnership to implement the projects on the Healthy Streams Project List and target projects that protect and restore Class I and II Riparian Habitat, including habitat that extends beyond the Clean Water Services "vegetated corridors," and the TBNRCC shall continue to coordinate its activities with Metro and cooperate with Metro on the development of regional public information about the Nature in Neighborhoods Initiative;

(d) The city or county has adopted provisions to facilitate and encourage the use of habitat-friendly development practices, where technically feasible and appropriate, in all areas identified as Class I and II riparian habitat areas on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map. Table 3.07-13c provides examples of the types of habitat-friendly development practices that shall be encouraged and considered;

[5] On file in the Metro Council office and copies available from the Metro Planning Department.

(e) The city or county has adopted provisions to allow for the reduction of the density and capacity requirements of Title 1 of the Urban Growth Management Functional Plan, Metro Code Sections 3.07.110 to 170, consistent with Metro Code Section 3.07.1330(h). Particularly, the provisions shall (1) apply only to properties that were within the Metro urban growth boundary on January 1, 2002; (2) require the protection of regionally significant habitat on the property, such as via a public dedication or restrictive covenant; and (3) allow only for a reduction in the minimum number of units required to be built based on the amount of area protected as provided in part (2) of this paragraph. In addition, cities and counties will be required to report to Metro as provided in Metro Code Section 3.07.1330(h)(3);

(f) The city or county complies with the provisions of Metro Code Section 3.07.1330(b)(1) to (b)(3) as those provisions apply to upland wildlife habitat in territory added to the Metro urban growth boundary after December 28, 2005. For example, (1) each city and county shall either adopt and apply Metro's Title 13 Model Ordinance to upland wildlife habitat in new urban areas, (2) substantially comply with the requirements of Metro Code Section 3.07.1340 as it applies to upland wildlife habitat in new urban areas, or (3) demonstrate that it has implemented an alternative program that will achieve protection and enhancement of upland wildlife habitat in new urban areas comparable with the protection and restoration that would result from one of the two previous approaches described in this sentence; and

(g) The TBNRCC and the city or county complies with the monitoring and reporting requirements of Metro Code Section 3.07.1360.

(c) The comprehensive plan and implementing ordinances relied upon by a city or county to comply with this title shall contain clear and objective standards. A standard shall be considered clear and objective if it meets any one of the following criteria:

(1) It is a fixed numerical standard, such as fixed distance (e.g. "50 feet") or land area (e.g. "1 acre");

(2) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or

(3) It is a performance standard that describes the outcome to be achieved, specifies the objective criteria to be used in evaluating outcome or performance, and provides a process for application of the performance standard, such as a conditional use or design review process.

(d) In addition to complying with subsection (c) of this section, the comprehensive plan and implementing ordinances that a city or county relies upon to satisfy the requirements of this title may include an alternative, discretionary approval process that is not clear and objective provided that the comprehensive plan and implementing ordinance provisions of such a process:

(1) Specify that property owners have the choice of proceeding under either the clear and objective approval process, which each city or county must have pursuant to subsection (c) of this section, or under the alternative, discretionary approval process; and

(2) Require a level of protection for, or enhancement of, the fish and wildlife habitat that meets or exceeds the level of protection or enhancement that would be achieved by following the clear and objective standards described in subsection (c) of this section.

(e) Use of Habitat-Friendly Development Practices In Regionally Significant Fish And Wildlife Habitat.

(1) Each city and county in the region shall:

(A) Identify provisions in the city's or county's comprehensive plan and implementing ordinances that prohibit or limit the use of the habitat-friendly development practices such as those described in Table 3.07-13c; and

(B) Adopt amendments to the city's or county's comprehensive plan and implementing ordinances to remove the barriers identified pursuant to subsection (e)(1)(a)of this section, and shall remove such barriers so that such practices may be used, where practicable, in all regionally significant fish and wildlife habitat; provided, however that such practices shall not be permitted if their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Clean Water Act, 33 U.S.C. §§1251 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit.

(2) Metro shall provide technical assistance to cities and counties to comply with the provisions of this subsection (e) of this section.

(f) Cities and counties shall hold at least one public hearing prior to adopting comprehensive plan amendments, implementing ordinances, and maps implementing this title or demonstrating that existing city or county comprehensive plans, implementing ordinances, and maps substantially comply with this title. The proposed comprehensive plan amendments, implementing ordinances, and maps shall be available for public review at least 45 days prior to the public hearing.

(g) The comprehensive plan provisions and implementing ordinances that each city or county amends, adopts, or relies on to comply with this title shall provide property owners with a reasonable, timely, and equitable process to verify the specific location of habitat areas subject to the provisions of the city's or county's comprehensive plan and implementing ordinances. It is the intent of this requirement that, in the majority of cases, the process be as simple and straightforward as possible and not result in a change that would require an amendment to the city's or county's comprehensive plan. Such process shall:

(1) Allow a property owner, or another person with the property owner's consent, to confirm the location of habitat on a lot or parcel at any time, whether or not the property owner has submitted a specific request for a development permit, provided, however, that a city or county may impose a fee to cover the actual staff, equipment and other administrative costs of providing such a service;

(2) As often as reasonably possible, provide a simple, default approach that allows a property owner to verify the location of habitat on a lot or parcel without having to hire an environmental consultant and without having to pay a significant processing or application fee;

(3) Allow a property owner to present detailed documentation to verify the location of habitat on a lot or parcel, such as information collected and analyzed by an environmental consultant; and

(4) Ensure that the process provides adequate opportunities for appeals and a fair and equitable dispute resolution process, consistent with state law.

(h) Reducing Regional Density and Capacity Requirements to Allow Habitat Protection.

(1) Notwithstanding the provisions of Metro Code Section 3.07.120, cities and counties may approve a subdivision or development application that will result in a density below the minimum density for the zoning district if:

(A) The property lot or parcel was within the Metro UGB on January 1, 2002;

(B) An area of the property lot or parcel to be developed has been identified as regionally significant fish and wildlife habitat on the Metro Inventory Map or as a significant resource on a local Goal 5 riparian, wetlands, or wildlife resource inventory map that had been acknowledged by the LCDC prior to December 28, 2005; and

(C) Such a decision will directly result in the protection of the remaining undeveloped regionally significant fish and wildlife habitat or significant resource located on the property lot or parcel, such as via a public dedication or a restrictive covenant.

(2) The amount of reduction in the minimum density requirement that may be approved under this subsection (h) of this section shall be calculated by subtracting the number of square feet of regionally significant fish and wildlife habitat or significant resource that is permanently protected under subsection (h)(1)(C) of this section from the total number of square feet that the city or county otherwise would use to calculate the minimum density requirement for the property.

(3) If a city or county approves a subdivision or development application that will result in a density below the minimum density for the zoning district pursuant to subsection (h)(1) of this section, then such city or county shall:

(A) Be permitted an offset against the capacity specified for that city or county in Table 3.07-1 of the Metro Code. The amount of such offset shall be calculated by subtracting the difference between the number of dwelling units that the city or county approved to be built pursuant to subsection (h)(1) of this section and the minimum number of dwelling units that would have otherwise been required to be built on the property pursuant to the applicable minimum density requirements for the zoning district where the property is located; and

(B) Report to Metro by April 15 of every year the number of approvals made pursuant to this subsection (h) of this section, including documentation that the factors in subsection (h)(1) had been satisfied for each such approval, and the capacity offsets that the city or county shall be afforded as a result of such approvals.
[Ord. 05-1077C, Sec. 5. Ord. 15-1357.]

3.07.1340 Performance Standards and Best Management Practices for Habitat Conservation Areas

The following performance standards and best management practices apply to all cities and counties that choose to adopt or rely upon their comprehensive plans and implementing ordinances to comply, in whole or in part, with Metro Code Section 3.07.1330(b)(2):

(a) City and county comprehensive plans and implementing ordinances shall conform to the following performance standards and best management practices:

(1) Habitat Conservation Areas shall be protected, maintained, enhanced, and restored as specified in this Metro Code Section 3.07.1340, and city and county development codes shall include provisions for enforcement of these performance standards and best management practices.

(2) In addition to requirements imposed by this title, the requirements of Title 3 of the Urban Growth Management Functional Plan, Metro Code Sections 3.07.310 to 3.07.360 shall continue to apply.

(3) The performance standards and best management practices of this Metro Code Section 3.07.1340 shall not apply:

(A) When the application of such standards and practices would restrict or regulate farm structures or farming practices in violation of ORS 215.253 or ORS 561.191; or

(B) In areas outside of the Metro UGB but within the Metro boundary at the effective date of this title:

(i) When such standards and practices violate ORS 527.722 by prohibiting, limiting, regulating, subjecting to approval, or in any other way affecting forest practices on forestlands located outside of an acknowledged urban growth boundary, except as provided in ORS 527.722(2), (3) and (4); or

(ii) Pursuant to ORS 196.107, in areas within Multnomah County and the Columbia River Gorge National Scenic Area, provided that Multnomah County has adopted and implements ordinances that are approved pursuant to sections 7(b) and 8(h) through 8(k) of the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §§ 544e(b) and 544f(h) through 544f(k).

(4) The performance standards and best management practices of this Metro Code Section 3.07.1340 shall not apply to any use of residential properties if, as of the local program effective date:

(A) Construction of the residence was completed in compliance with all applicable local and state laws and rules for occupancy as a residence or the residence had been occupied as a residence for the preceding ten years; and

(B) Such uses would not have required the property owner to obtain a land use approval or a building, grading, or tree removal permit from their city or county.

(5) Habitat Conservation Areas within publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development shall be protected and managed so that the quality of fish and wildlife habitat that they provide is maintained and enhanced, and that habitat-friendly best management practices, such as integrated pest management programs, are used in such areas.

(6) Invasive non-native or noxious vegetation shall not be planted in any Habitat Conservation Area. The removal of invasive non-native or noxious vegetation from Habitat Conservation Areas shall be allowed. The planting of native vegetation shall be encouraged in Habitat Conservation Areas.

(7) Except as provided in subsection (a)(8) of this section, routine repair, maintenance, alteration, rehabilitation, or replacement of existing structures, roadways, driveways, utilities, accessory uses, or other development within Habitat Conservation Areas may be allowed provided that:

(A) The project is consistent with all other applicable local, state, and federal laws and regulations;

(B) The project will not permanently or irreparably result in more developed area within a Habitat Conservation Area than the area of the existing development; and

(C) Native vegetation is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with vegetation other than invasive non-native or noxious vegetation; and the planting of native vegetation and removal of invasive non-native or noxious vegetation is encouraged.

(8) Notwithstanding subsection (a)(7) of this section, when a city or county exercises its discretion to approve zoning changes to allow a developed property that contains a Habitat Conservation Area to (1) change from an industrial or heavy commercial zoning designation to a residential or mixed-use/residential designation, or (2) increase the type or density and intensity of development in any area, then the city or county shall apply the provisions of this Metro Code Section 3.07.1340, or provisions that will achieve substantially comparable habitat protection and restoration as do the provisions of this section. This provision will help to insure that, when developed areas are redeveloped in new ways to further local and regional urban and economic development goals, property owners should restore regionally significant fish and wildlife habitat as part of such redevelopment.

(9) Any activity within Habitat Conservation Areas that is required to implement a Federal Aviation Administration (FAA)-compliant Wildlife Hazard Management Plan (WHMP) on property owned by the Port of Portland within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, shall be allowed provided that mitigation for any such projects is completed in compliance with mitigation requirements adopted pursuant to subsections (b)(1), (b)(2)(C), and (b)(3) of this section. In addition, habitat mitigation for any development within Habitat Conservation Areas on property owned by the Port of Portland within 10,000 feet of an Aircraft Operating Area, as defined by the FAA, shall be permitted at any property located within the same 6th Field Hydrologic Unit Code subwatershed as delineated by the Unites States Department of Agriculture's Natural Resources Conservation Service (NRCS) without having to demonstrate that on-site mitigation is not practicable, feasible, or appropriate.

(10) Within Habitat Conservation Areas located in Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1, Peninsula Drainage District No. 2, and the area managed by the Sandy Drainage Improvement Company, routine operations, repair, maintenance, reconfiguration, rehabilitation, or replacement of existing drainage and flood control facilities, and existing related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways, utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross-section in existing storm water conveyance drainageways, or other water quality and flood storage projects applicable to existing facilities and required to be undertaken pursuant to ORS Chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations, shall be allowed provided that:

(A) The project is consistent with all other applicable local, state, and federal laws and regulations;

(B) The project does not encroach closer to a surface stream or river, wetland, or other body of open water than existing operations and development;

(C) Disturbed areas are replanted with vegetation and no bare soils remain after project completion; the planting of native vegetation and removal of invasive non-native or noxious vegetation is encouraged; and invasive non-native or noxious vegetation shall not be planted; and

(D) Each district submits an annual report, to all local permitting agencies in which the district operates, describing the projects the district completed in the previous year and how those projects complied with all applicable federal and state laws and requirements.

(b) City and county comprehensive plans and implementing ordinances shall contain review standards applicable to development in all Habitat Conservation Areas that include:

(1) Clear and objective development approval standards consistent with Metro Code Section 3.07.1330(c) that protect Habitat Conservation Areas but which allow limited development within High Habitat Conservation Areas, slightly more development in Moderate Habitat Conservation Areas, and even more development in Low Habitat Conservation Areas. Such standards shall allow (a) property owners to consider reduced building footprints and the use of minimal excavation foundation systems (e.g., pier, post or piling foundation), and (b) the flexible application of local code requirements that may limit a property owner's ability to avoid development in Habitat Conservation Areas,

such as setback and landscaping requirements or limits on clustering and the transfer of development rights on-site. The habitat-friendly development practices described in Table 3.07-13c, which are intended to minimize the magnitude of the impact of development in Habitat Conservation Areas, shall be allowed, encouraged, or required to the extent that cities and counties can develop clear and objective standards for their use, unless their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Clean Water Act, 33 U.S.C. §§1251 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit. The clear and objective development standards required by this paragraph also shall require that all development in Habitat Conservation Areas be mitigated to restore the ecological functions that are lost or damaged as a result of the development. Standards that meet the requirements of this subsection and Metro Code Section 3.07.1330(c) are provided in Section (7) of the Metro Title 13 Model Ordinance[6]; and

(2) Discretionary development approval standards consistent with Metro Code Section 3.07.1330(d) that comply with subsections (b)(2)(A), (b)(2)(B), and (b)(2)(C) of this section. Standards that meet the requirements of this subsection (b)(2) and Metro Code Section 3.07.1330(d) are provided in Section (8) of the Metro Title 13 Model Ordinance.

(A) Avoid Habitat Conservation Areas.

(i) Development may occur within a Habitat Conservation Area only if a property owner demonstrates that no practicable alternatives to the requested development exist which will not disturb the Habitat Conservation Area;

(ii) When implementing this requirement to determine whether a practicable alternative exists, cities and counties shall include consideration of the type of Habitat Conservation Area that will be affected by the proposed development. For example, High Habitat Conservation Areas have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, while Low Habitat Conservation Areas have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat; and

(iii) Cities and counties shall allow flexibility in the application of local code requirements that may limit a property owner's ability to avoid development in Habitat

[6] On file in the Metro Council office and copies available from the Metro Planning Department.

Conservation Areas, such as setback and landscaping requirements or limits on clustering and the transfer of development rights on-site. Property owners shall also consider reduced building footprints and use of minimal excavation foundation systems (e.g., pier, post or piling foundation). The use of the techniques described in this paragraph shall be part of the alternatives analysis to determine whether any alternative to development within the Habitat Conservation Area is practicable; and

(B) Minimize Impacts on Habitat Conservation Areas and Water Quality.

(i) If there is no practicable alternative, limit the development to minimize, to the extent practicable, the detrimental impacts on Habitat Conservation Areas associated with the proposed development;

(ii) When implementing this requirement to determine whether development has been minimized to the extent practicable, cities and counties shall include consideration of the type of Habitat Conservation Area that will be affected by the proposed development. For example, High Habitat Conservation Areas have been so designated because they are areas that have been identified as having lower urban development value and higher-valued habitat, while Low Habitat Conservation Areas have been so designated because they are areas that have been identified as having higher urban development value and lower-valued habitat; and

(iii) The techniques described in subsection (b)(2)(A)(iii) of this section shall be used to demonstrate that development within a Habitat Conservation Area has been minimized. In addition, the magnitude of the impact of development within Habitat Conservation Areas also shall be minimized, such as by use of the habitat-friendly development practices described in Table 3.07-13c, unless the use of such practices is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Clean Water Act, 33 U.S.C. §§1251 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit; and

(C) Mitigate Impacts on Habitat Conservation Areas and Water Quality.

When development occurs, require mitigation to restore the ecological functions that were lost or damaged as a result of the development, after taking into consideration the property owner's efforts to minimize the magnitude of the detrimental impacts through the use of the techniques described in Table 3.07-13c and through any additional or innovative techniques.

(3) When development occurs within delineated wetlands, then the mitigation required under subsections (b)(1) and (b)(2) of this title shall not require any additional mitigation than the mitigation required by state and federal law for the fill or removal of such wetlands.

(c) City and county comprehensive plans and implementing ordinances shall include procedures to consider claims of hardship and to grant hardship variances for any property demonstrated to be converted to an unbuildable lot by application of any provisions implemented to comply with the requirements of this title.

(d) Administering the Habitat Conservation Areas Map and Site-Level Verification of Habitat Location.

(1) Each city and county shall be responsible for administering the Habitat Conservation Areas Map, or the city's or county's map that has been deemed by Metro to be in substantial compliance with the Habitat Conservation Areas Map, within its jurisdiction, as provided in this subsection (d) of this section.

(2) The comprehensive plan and implementing ordinances amended, adopted or relied upon to comply with this subsection (d) of this section shall comply with Metro Code Section 3.07.1330(g).

(3) Verification of the Location of Habitat Conservation Areas. Each city and county shall establish a verification process consistent with subsections (d)(4) through (d)(6) of this section. The site-level verification of Habitat Conservation Areas is a three-step process. The first step is determining the boundaries of the habitat areas on the property, as provided in subsection (d)(4) of this section. The second step is determining the urban development value of the property, as provided in subsection (d)(5) of this section. The third step is cross-referencing the habitat classes with the urban development value of the property to determine whether the property contains High, Moderate, or Low Habitat Conservation Areas, or none at all, as provided in subsection (d)(6) of this section.

(4) Habitat Boundaries.

(A) Locating riparian habitat and determining its habitat class is a five-step process.

(i) Step 1. Locate the water feature that is the basis for identifying riparian habitat:

1) Locate the top of bank of all streams, rivers, and open water within 200 feet of the property;

2) Locate all flood areas within 100 feet of the property (areas that were mapped as flood areas but were filled to a level above the base flood level prior to the local program effective date, consistent with all applicable local, state, and federal laws and regulations shall no longer be considered habitat based on their status as flood areas); and

3) Locate all wetlands within 150 feet of the property based on the Local Wetland Inventory map (if completed) and on the Metro 2004 Wetland Inventory Map (available from the Metro Data Resource Center, 600 N.E. Grand Ave., Portland, OR 97232; 503-797-1742). Identified wetlands shall be further delineated consistent with methods currently accepted by the Oregon Division of State Lands and the U.S. Army Corps of Engineers.

(ii) Step 2. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, rivers, and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas:

1) Vegetative cover status shall be as identified on the Metro Vegetative Cover Map, attached hereto[7] and incorporated herein by reference. The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged. As an example of how the categories were assigned, in order to qualify as "forest canopy" the forested area had to be part of a larger patch of forest of at least one acre in size; and

2) In terms of mapping the location of habitat, the only allowed corrections to the vegetative cover status of a property are those based on an area being developed prior to the local program effective date and those based on errors made at the time the vegetative cover

[7] On file in the Metro Council office and copies available from the Metro Data Resource Center.

status was determined based on analysis of the aerial photographs used to create the Metro Vegetative Cover Map (for the original map, the aerial photos used were Metro's summer 2002 photos) and application of the vegetative cover definitions provided in the footnotes to Table 3.07-13d.

(iii) Step 3. Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 feet of the property is greater than or less than 25% (using the methodology described in the Appendix to Exhibit A to Ordinance 00-839 re-adopting Title 3 of the Urban Growth Management Functional Plan).

(iv) Step 4. Identify the habitat class (Class I, Class II, or none) of the areas within up to 200 feet of the identified water feature, consistent with Table 3.07-13d. Note that areas that have been identified as habitats of concern, as depicted on the Metro Habitats of Concern Map, attached hereto[8] and incorporated herein by reference, are all classified as Class I riparian habitat.

(v) Step 5. Confirm that the development and vegetative cover status of areas within up to 200 feet of the identified water feature has not been altered without the required approval of the city or county since the local program effective date and, if it has, then verify the original habitat location using the best available evidence of its location on the local program effective date.

(B) For territory brought within the Metro UGB after December 28, 2005, the location of upland wildlife habitat and its habitat class shall be as identified in Metro's habitat inventory of such territory performed pursuant to Metro Code Section 3.07.1370. The only factors that may be reviewed to verify the location of upland wildlife habitat shall be:

(i) For territory that was within the Metro boundary on December 28, 2005, whether regionally significant fish and wildlife habitat was removed, consistent with all other applicable local, state, and federal laws and regulations, prior to the date that the property was brought within the Metro UGB and, if so, then areas where habitat was removed shall not be identified as Habitat Conservation Areas;

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[8] On file in the Metro Council office and copies available from the Metro Data Resource Center.

(ii) Whether errors were made at the time the vegetative cover status was determined based on (1) analysis of the aerial photographs used to determine the vegetative cover status, and (2) application of the vegetative cover definitions provided in the footnotes to Table 3.07-13d; and

(iii) Whether there are discrepancies between the locations of property lot lines and the location of Habitat Conservation Areas, as shown on the Habitat Conservation Areas Map.

(e) Urban Development Value of the Property. The urban development value of property designated as regionally significant habitat is depicted on the Metro Habitat Urban Development Value Map, attached hereto[9] and incorporated herein by reference. The Metro Habitat Urban Development Value Map is based on an assessment of three variables, the land value of property, the employment value of property, and the Metro 2040 Design Type designation of property. Cities and counties shall make an upward adjustment of a property's urban development value designation (i.e., from low to medium or high, or from medium to high) if:

(A) The Metro 2040 Design Type designation has changed from a category designated as a lower urban development value category to one designated as a higher urban development value category. Properties in areas designated as the Central City, Regional Centers, Town Centers, and Regionally Significant Industrial Areas are considered to be of high urban development value; properties in areas designated as Main Streets, Station Communities, Other Industrial Areas, and Employment Centers are of medium urban development value; and properties in areas designated as Neighborhoods and Corridors are of low urban development value; or

(B) The property, or adjacent lots or parcels, is owned by a regionally significant educational or medical facility and, for that reason, should be designated as of high urban development value because of the economic contributions the facility provides to the citizens of the region.

(i) The following facilities are regionally significant educational or medical facilities, as further identified on the Regionally Significant Educational or Medical Facilities Map, attached hereto[10]:

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[9] On file in the Metro Council office and copies available from the Metro Data Resource Center.

[10] On file in the Metro Council office.

1) Clackamas Community College, 19600 S. Molalla Ave., Oregon City;

2) Lewis&Clark College, 0615 SW Palatine Hill Rd., Portland;

3) Marylhurst University, 17600 Hwy 43, in Lake Oswego;

4) Mt. Hood Community College, 26000 SE Stark St., Gresham;

5) Oregon Health Sciences University, 3181 SW Sam Jackson Park Rd., Portland;

6) Oregon Health Sciences University, Portland South Waterfront, Portland;

7) Oregon Health Sciences University /Oregon Graduate Institute, 20000 NW Walker, Hillsboro;

8) Pacific University, 2043 College Way, Forest Grove;

9) Portland Community College, Rock Creek Campus, 17865 NW Springdale Rd., Portland;

10) Portland Community College, Sylvania Campus, 12000 SW 49th Ave., Portland;

11) Providence St. Vincent Medical Center, 9115 SW Barnes Rd., Portland;

12) Reed College, 3203 SE Woodstock Blvd., Portland;

13) University of Portland, 5000 N. Willamette Blvd., Portland; and

14) Veterans Hospital, 3710 SW U.S. Veterans Hospital Rd., Portland.

(ii) The Metro Council may add a property to the list of facilities identified in subsection (d)(5)(B)(i) of this section in the future by adopting an ordinance amending that section if the Council finds that the use of the property:

1) Supports the 2040 Growth Concept by providing a mixed-use environment that may include employment, housing, retail, cultural and recreational activities, and a mix of transportation options such as bus, bicycling, walking, and auto;

2) Provides, as a primary objective, a service that satisfies a public need rather than just the consumer

economy (i.e., producing, distributing, selling or servicing goods);

3) Draws service recipients (e.g., students, patients) from all reaches of the region and beyond;

4) Relies on capital infrastructure that is so large or specialized as to render its relocation infeasible; and

5) Has a long-term campus master plan that has been approved by the city or county in which it is located.

(f) Cross-Referencing Habitat Class With Urban Development Value. City and county verification of the locations of High, Moderate, and Low Habitat Conservation Areas shall be consistent with Tables 3.07-13a and 3.07-13b. [Ord. 05-1077C, Section 5.]

3.07.1350 Claims Pursuant to ORS 195.305(Ballot Measure 49)

(a) The purpose of this section is to provide for Metro to accept potential liability for claims filed against cities and counties pursuant to ORS 195.305 (Ballot Measure 49) as a result of the cities' and counties' good faith implementation of Metro Code Sections 3.07.1310 through 3.07.1370. As a corollary of accepting financial and administrative responsibility for these claims, Metro seeks the authority and cooperation of cities and counties in the evaluation and settlement of claims.

(b) Provided that cities and counties meet the requirements set out below, Metro shall indemnify a city or county for any claim made against a city or county based on its implementation of the requirements of Metro Code Sections 3.07.1310 through 3.07.1370. In order to receive the benefits of this provision, a city or county must:

(1) Upon receipt of a written demand for compensation pursuant to ORS 195.305, from an owner of private real property located within its jurisdiction alleging that a comprehensive plan amendment or land use regulation adopted or relied upon to comply with the requirements of this title reduces the fair market value of the property, a city or county shall forward a copy of the demand to Metro no later than seven (7) days following receipt of the demand;

(2) Reasonably cooperate with Metro throughout Metro's consideration and disposition of the claim, including promptly providing Metro with any information related to the property in question, to an assessment of its fair market value, or to the city's or county's adoption of the comprehensive plan amendment or land use regulation that is the basis of the demand made pursuant to ORS 195.305; and

(3) Substantially concur with Metro's recommendation regarding disposition of the claim, which disposition may include, but not be limited to, a cash payment or other

compensation, a decision to modify, remove, or not apply the regulation, dismissal of the claim, and the imposition of appropriate conditions. Metro shall forward to the city or county Metro's recommended disposition of the claim within 120 days of Metro's receipt of notice of the claim from the city or county; provided, however, that if Metro does not provide such recommendation within the 120 day deadline then the city or county may dispose of the claim as it determines appropriate and Metro will neither indemnify the city or county for the claim nor use the city's or county's decision on the claim as a basis for finding that the city or county is not in compliance with this title. A city or county may also satisfy this requirement by entering into an intergovernmental agreement with Metro in order to grant Metro sufficient authority to implement, on the city or county's behalf, Metro's recommendation regarding the disposition of the claim. [Ord. 05-1077C, Section 5. Ord. 15-1357.)

3.07.1360 Program Objectives, Monitoring and Reporting

This section describes the program performance objectives, the roles and responsibilities of Metro, cities, counties, and special districts in regional data coordination and inventory maintenance, monitoring and reporting, and program evaluation.

(a) The following program objectives are established:

(1) Performance objectives:

(A) Preserve and improve streamside, wetland, and floodplain habitat and connectivity;

(B) Preserve large areas of contiguous habitat and avoid habitat fragmentation;

(C) Preserve and improve connectivity for wildlife between riparian corridors and upland wildlife habitat; and

(D) Preserve and improve special habitats of concern such as native oak habitats, native grasslands, wetlands, bottomland hardwood forests, and riverine islands.

(2) Implementation objectives:

(A) Increase the use of habitat-friendly development throughout the region; and

(B) Increase restoration and mitigation actions to compensate for adverse effects of new and existing development on ecological function.

(b) Program Monitoring and Evaluation.

(1) Metro will monitor the region's progress toward meeting the vision of conserving, protecting, and restoring the region's fish and wildlife habitat and the intent of this title by:

(A) Developing and monitoring regional indicators and targets as set forth in Table 3.07-13e to evaluate progress in achieving the four performance objectives described in subsection (a)(1) of this section;

(B) Developing and monitoring regional indicators as set forth in Table 3.07-13e to evaluate progress in achieving the two implementation objectives described in subsection (a)(2) of this section;

(C) Collaborating with local, state, and federal agencies and non-governmental organizations in carrying out field studies and data sharing to increase understanding of the health of the region's watersheds and to identify restoration opportunities and priorities; and

(D) Preparing and presenting monitoring and program evaluation reports to Metro Council no later than December 31, 2006, and by December 31 of each even-numbered year thereafter.

(2) Metro will practice adaptive management by using the results of monitoring studies and the availability of new information to assess whether the goals, objectives, and targets of this title are being achieved.

(c) Reporting Requirements for Cities and Counties.

(1) Cities and counties shall report to Metro no later than December 31, 2007, and by December 31 of each odd-numbered year thereafter on their progress in using voluntary and incentive-based education, acquisition, and restoration habitat protection efforts; and

(2) At least 45 days prior to a city's or county's final public hearing on a proposed new or amended ordinance or regulation relating to protection of, or mitigation of damage to, habitat, trees or other vegetation, cities and counties shall mail written notice of the proposed ordinance or regulation to Metro. Cities and counties that require applications for land use approvals or building, grading, or tree removal permits to include documentation that the development meets habitat, tree, or vegetation protection and mitigation requirements adopted by a special district, including any county service district established pursuant to ORS chapter 451, shall mail written notice to Metro of any proposed new or amended ordinance or regulation relating to protection of, or mitigation of damage to, trees or other vegetation that is proposed by such a special district at least 45 days prior to the special district's final public hearing on the proposed new or amended ordinance or regulation.

(d) Regional Data Coordination and Maintenance.

(1) Metro will act as the regional coordinator for Geographic Information System (GIS) data used to create and maintain the Regionally Significant Fish and Wildlife Habitat Inventory Map and other data relevant to

program implementation, monitoring, and evaluation. To carry out this role cities and counties shall provide Metro with local data in a timely fashion and in a form compatible with Metro's GIS program. To the extent that such data is collected by county service districts established pursuant to ORS chapter 451, then the county in which the county service district operates shall comply with this section. Such data shall include:

(A) Adopted and revised Local Wetland Inventories approved by the Division of State Lands and those determined to be locally significant under ORS 197.279(3)(b);

(B) Wetland mitigation sites approved by the Division of State Lands or U.S. Army Corps of Engineers;

(C) For cities and counties that have not carried out Local Wetland Inventories, wetland boundaries delineated using accepted protocols by Division of State Lands or U.S. Army Corps of Engineers;

(D) Revised or updated local surface stream inventories;

(E) Revised or updated 100-year Federal Emergency Management Act (FEMA) flood area maps or revisions to the 1996 area of inundation maps to incorporate FEMA-approved floodplain map revisions or floodplain fills approved by the U.S. Army Corps of Engineers;

(F) Completed restoration and enhancement projects; and

(G) Revised or updated Metro Habitats of Concern data layer.

(2) Metro will periodically update its Regionally Significant Fish and Wildlife Habitat Inventory for use in program monitoring and evaluation. Metro will maintain a study area boundary one mile beyond the perimeter of the Metro boundary and Metro Urban Growth Boundary. [Ord. 05-1077C, Sec. 5. Ord. 15-1357.)

3.07.1370 Future Metro Urban Growth Boundary Expansion Areas

The Metro Inventory Map identifies regionally significant fish and wildlife habitat within the entire Metro boundary, including areas outside of the Metro UGB at the time this title was adopted. As described in Metro Code Section 3.07.1320, the Metro Council has designated as Habitat Conservation Areas the regionally significant fish and wildlife habitat that has been identified as riparian Class I and II habitat within the Metro boundary. In addition, the Metro Council has also determined that the regionally significant fish and wildlife habitat identified as upland wildlife Class A and B habitat that is currently outside of the Metro UGB shall be designated as Habitat Conservation Areas at such time that those areas are brought within the Metro UGB. Territory where the Metro UGB may expand includes both areas within the current Metro boundary and areas outside of the current Metro boundary.

(a) New Urban Territory that was Previously Within the Metro Boundary.

The Metro Inventory Map already identifies the regionally significant upland wildlife Class A and B habitat in territory within the current Metro boundary but outside the current Metro UGB. At the time such territory is brought within the Metro UGB, consistent with Title 11 of this functional plan, Metro Code Sections 3.07.1110 et seq., Metro shall update its inventory of regionally significant fish and wildlife habitat for such territory using the same methodology used by Metro to establish the Metro Inventory Map. Based on the updated Metro Inventory Map, Metro shall prepare a Habitat Conservation Areas Map for such new territory, as described in Metro Code Section 3.07.1320(c), using the 2040 Design Types that are assigned to such territory to determine the area's urban development value.

(b) New Urban Territory that was Previously Outside of the Metro Boundary.

At the time such territory is brought within the Metro UGB, consistent with Title 11 of this functional plan, Metro Code Sections 3.07.1110 et seq., Metro shall prepare an inventory of regionally significant fish and wildlife habitat for such territory using the same methodology used by Metro to establish the Metro Inventory Map. Upon adoption of such inventory, Metro shall update its Metro Inventory Map to include such information. Based on the updated Metro Inventory Map, Metro shall prepare a Habitat Conservation Areas Map for such new territory, as described in Metro Code Section 3.07.1320(b), using the 2040 Design Types that are assigned to such territory to determine the area's urban development value.

(c) Metro recognizes that the assigned 2040 Design Types may change as planning for territory added to the Metro UGB progresses, and that the relevant Habitat Conservation Area designations will also change as a result of the 2040 Design Type changes during such planning. [Ord. 05-1077C, Sec. 5.]

Table 3.07-13a: Method for Identifying Habitat Conservation Areas ("HCA")

Fish & wildlife habitat classification	High Urban development value[1]	Medium Urban development value[2]	Low Urban development value[3]	Other areas: Parks and Open Spaces, no design types outside UGB
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+[4]
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+[4]
Class A Upland Wildlife	No HCA	No HCA	No HCA	No HCA / High HCA[5] / High HCA+[4]
Class A Upland Wildlife	No HCA	No HCA	No HCA	No HCA / High HCA[5] / High HCA+[4]

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an adjustment pursuant to Metro Code Section 3.07.1340(e)(5).

[1] Primary 2040 design types: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

[2] Secondary 2040 design types: Main Streets, Station Communities, Other Industrial Areas, and Employment Centers

[3] Tertiary 2040 design types: Neighborhoods, Corridors

[4] Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas, as provided in Metro Code Section 3.07.1340(a)(5).

[5] All Class A and B upland wildlife habitat in publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, shall be considered High HCAs.

Table 3.07-13b: Method for Identifying Habitat Conservation Areas ("HCA") in Future Metro Urban Growth Boundary Expansion Areas

Fish & wildlife habitat classifi-cation	High Urban development value[1]	Medium Urban development value[2]	Low Urban development value[3]	Other areas: Parks and Open Spaces, no design types outside UGB
Class I Riparian	Moderate HCA	High HCA	High HCA	High HCA / High HCA+[4]
Class II Riparian	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA+[4]
Class A Upland Wildlife	Low HCA	Moderate HCA	Moderate HCA	High HCA / High HCA[5] / High HCA+[4]
Class B Upland Wildlife	Low HCA	Low HCA	Moderate HCA	Moderate HCA / High HCA[5] / High HCA+[4]

NOTE: The default urban development value of property is as depicted on the Metro Habitat Urban Development Value Map. The Metro 2040 Design Type designations provided in the following footnotes are only for use when a city or county is determining whether to make an adjustment pursuant to Metro Code Section 3.07.1340(e)(5).

[1] Primary 2040 design types: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas.

[2] Secondary 2040 design types: Main Streets, Station Communities, Other Industrial Areas, and Employment Centers.

[3] Tertiary 2040 design types: Neighborhoods, Corridors

[4] Cities and counties shall give Class I and II riparian habitat and Class A and B upland wildlife habitat in parks designated as natural areas even greater protection than that afforded to High Habitat Conservation Areas, as provided in Metro Code Section 3.07.1340(a)(5).

[5] All Class A and B upland wildlife habitat in publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was acquiring the property to develop it for active recreational uses, shall be considered High HCAs.

Table 3.07-13c. Habitat-friendly Development Practices

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts	
1.	Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2.	Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.
3.	Incorporate stormwater management in road right-of-ways.
4.	Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
5.	Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6.	Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7.	Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8.	Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.
9.	Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10.	Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11.	Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12.	Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13.	Use shared driveways.
14.	Reduce width of residential streets, depending on traffic and parking needs.
15.	Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16.	Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
17.	Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
18.	Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
19.	Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.
20.	Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.

Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage	
1.	Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2.	Use bridge crossings rather than culverts wherever possible.
3.	If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4.	Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5.	Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.
Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices	
1.	Use native plants throughout the development (not just in HCA).
2.	Locate landscaping (required by other sections of the code) adjacent to HCA.
3.	Reduce light-spill off into HCAs from development.
4.	Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

Table 3.07-13d: Locating Boundaries of Class I and II Riparian Areas

Distance from Water Feature	Development/Vegetation Status[1]			
	Developed areas not providing vegetative cover[2]	**Low structure vegetation or open soils[3]**	**Woody vegetation (shrub and scattered forest canopy)[4]**	**Forest Canopy (closed to open forest canopy)[5]**
Surface Streams				
0-50'	Class II [6]	Class I [7]	Class I	Class I
50'-100'		Class II [6]	Class I	Class I
100'-150'		Class II if slope>25% [6]	Class II if slope>25% [6]	Class II [6]
150'-200'		Class II if slope>25% [6]	Class II if slope>25% [6]	Class II if slope>25% [6]
Wetlands (Wetland feature itself is a Class I Riparian Area)				
0-100'		Class II [6]	Class I	Class I
100'-150'				Class II [6]
Flood Areas				
Within 300' of river or surface stream		Class I	Class I	Class I
More than 300' from river or surface stream	[8]	Class II [6]	Class II [6]	Class I
0-100' from edge of flood area			Class II [6, 9]	Class II [6]

[1] Development/vegetative cover status is identified on the Metro Vegetative Cover Map (on file in the Metro Council office). The vegetative cover type assigned to any particular area was based on two factors: the type of vegetation observed in aerial photographs and the size of the overall contiguous area of vegetative cover to which a particular piece of vegetation belonged.

[2] "Developed areas not providing vegetative cover" are areas that lack sufficient vegetative cover to meet the one-acre minimum mapping unit for any type of vegetative cover.

[3] "Low structure vegetation or open soils" means areas that are part of a contiguous area one acre or larger of grass, meadow, crop-lands, or areas of open soils located within 300 feet of a surface stream (low structure vegetation areas may include areas of shrub vegetation less than one acre in size if they are contiguous with areas of grass, meadow, crop-lands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 feet of a surface stream and together form an area of one acre in size or larger).

[4] "Woody vegetation" means areas that are part of a contiguous area one acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of a surface stream.

[5] "Forest canopy" means areas that are part of a contiguous grove of trees of one acre or larger in area with approximately 60% or greater crown closure, irrespective of whether the entire grove is within 200 feet of the relevant water feature.

[6] Areas that have been identified as habitats of concern, as designated on the Metro Habitats of Concern Map (on file in the Metro Council office and copies available from the Metro Data Resource Center), shall be treated as Class I riparian habitat areas in all cases, subject to the provision of additional information that establishes that they do not meet the criteria used to identify habitats of concern as described in Metro's Technical Report for Fish and Wildlife. Examples of habitats of concern include: Oregon white oak woodlands, bottomland hardwood forests, wetlands, native grasslands, riverine islands or deltas, and important wildlife migration corridors.

[7] Except that areas within 50 feet of surface streams shall be Class II riparian areas if their vegetation status is "Low structure vegetation or open soils," and if they are high gradient streams. High gradient streams are identified on the Metro Vegetative Cover Map. If a property owner believes the gradient of a stream was incorrectly identified, then the property owner may demonstrate the correct classification by identifying the channel type using the methodology described in the Oregon Watershed Assessment Manual, published by the Oregon Watershed Enhancement Board, and appended to the Metro's Riparian Corridor and Wildlife Habitat Inventories Report, Attachment 1 to Exhibit F to this ordinance.

[8] If development prior to the effective date of this title within a contiguous, undeveloped flood area (to include contiguous flood areas on adjacent properties) that was not mapped as having any vegetative cover has reduced the size of that contiguous flood area to less than one half of an acre in size, then the remaining flood area shall also be considered a developed flood area and shall not be identified as habitat.

[9] Only if within 300 feet of a river or surface stream**.**

Table 3.07-13e: Performance and Implementation Objectives and Indicators

Performance Objectives	Targets	Targeted Condition Based on 2004 Metro Inventory	Example Indicators
Performance Objective 1: Preserve and improve streamside, wetland, and flood area habitat and connectivity.	1a. *10% increase in forest and other vegetated acres within 50 feet* of streams (on each side) and wetlands in each sub-watershed over the next 10 years (2015).	1a. 2004 Baseline Condition (regional data): 64% vegetated 14,000 vegetated acres	Percentage of acres within 50 feet of streams (on each side) and wetlands with any vegetation
		10% increase: 70% vegetated 1,400 acre increase in vegetation over 10 years	Percentage of acres within 50 feet of streams (on each side) and wetlands with forest canopy
	1b. 5*% increase in forest and other vegetated acres within 50 to 150 feet of streams* (on each side) and wetlands in each subwatershed over the next 10 years (2015).	1b. 2004 Baseline Condition (regional data): 59% vegetated 15,250 vegetated acres	Percentage of acres between 50 and 150 feet of streams (on each side) and wetlands with any vegetation
		5% increase: 62% vegetated 760 acre increase in vegetation over 10 years	
	1c. No more than *10% increase in developed flood area acreage* in each subwatershed over the next 10 years (2015).	1c. 2004 Baseline Condition (regional data): 10% of all flood area acres are developed 3,450 total acres of developed flood areas	Percentage of acres between 50 and 150 feet of streams (on each side) and wetlands with forest canopy

Performance Objectives	Targets	Targeted Condition Based on 2004 Metro Inventory	Example Indicators
		10% increase: 3,800 total acres of developed flood areas	Number of acres of Class I and II Riparian Habitat Percentage of flood area acres that are developed* * "Developed" for purposes of this indicator means the methodology used in Metro's Fish and Wildlife Inventory to identify developed flood areas.
Performance Objective 2: Preserve large areas of contiguous habitat and avoid fragmentation.	2a.*Preserve 75% of vacant Class A and B* upland wildlife habitat in each subwatershed over the next 10 years (2015).	2a. 2004 Baseline Condition: 15,500 acres of vacant Class A and B upland wildlife habitat 5% retention: 11,600 acres of vacant Class A and B upland wildlife habitat remaining	Number of acres of Class A habitat Number of acres of Class B habitat Number of wildlife habitat patches that contain 30 acres or more of upland wildlife habitat
	2b. Of the upland habitat reserved, retain 80% of the number of patches 30 acres or larger in each subwatershed over the next 10 years (2015).	2b. 2004 Baseline Condition: 23,400 acres of upland habitat in 133 patches that contain 30 acres or more of upland wildlife habitat	

Performance Objectives	Targets	Targeted Condition Based on 2004 Metro Inventory	Example Indicators
		80% retention: 106 upland habitat patches that contain 30 acres or more of upland habitat	
Performance Objective 3: Preserve and improve connectivity for wildlife between riparian corridors and upland wildlife habitat.	3a. *Preserve 90% of forested wildlife habitat acres located within 300 feet of surface streams* in each subwatershed over the next 10 years (2015).	3a. 2004 Baseline Condition: 28,300 acres within 1,453 patches of forested wildlife habitat located within 300 feet of surface streams 90% retention: 25,500 acres of forested wildlife habitat located within 300 feet of surface streams	Number and miles of all wildlife corridors Corridor quality: % of habitat acres within corridors with a vegetative width of 200 ft Acres of wildlife patches with a connectivity score of 3 or greater Acres and number of forested wildlife habitat patches (forest canopy or wetland with a total combined size greater than 2 acres) within 300 feet of surface streams compared to acres of the patches located outside of 300 feet of surface streams.

Performance Objectives	Targets	Targeted Condition Based on 2004 Metro Inventory	Example Indicators
Performance Objective 3 (continued):	3b. *Preserve 80% of non-forested wildlife habitat acres located within 300 feet of surface streams* in each subwatershed over the next 10 years (2015).	3b. 2004 Baseline Condition: 14,400 acres within 1,633 patches of non-forested wildlife habitat located within 300 feet of surface streams 80% retention: 11,500 acres of non-forested wildlife habitat located within 300 feet of surface streams	Acres and number of non-forested wildlife patches (shrub or low structure/open soils with a total combined size greater than 2 acres) located within 300 feet of a surface streams.
Performance Objective 4: Preserve and improve special habitats of concern.	4a. *Preserve 95% of habitats of concern acres* in each subwatershed over the next 10 years (2015).	4a. 2004 Baseline Condition: 33% of all habitat designated as HOCs 26,700 total acres of HOCs 95% retention: 25,400 total acres of HOCs	Number of acres of wetland Number of acres of white oak woodland Number of acres of bottomland hardwood forest Number of acres of vegetated riverine islands Number of acres of key connector habitat (list out HOC connectors)

Performance Objectives	Targets	Targeted Condition Based on 2004 Metro Inventory	Example Indicators
Implementation Objectives	Example Indicators		
Implementation Objective A: Increase the use of habitat-friendly development throughout the region	Number of jurisdictions that allow or require LID Number of jurisdictions providing LID incentives Percentage of region in forest canopy Percentage of impervious area B-IBI (benthic index of biological integrity) scores		
Implementation Objective B: Increase restoration and mitigation actions to compensate of adverse effects of new and existing development on ecological function	Number of restoration projects in one year Number of mitigation projects in one year Acres and distribution by resource class of habitat inventory Number of culverts that need improvement Number of watersheds in region with adopted action plans		

[Ord. 05-1077C, Sec. 5.]

TITLE 14: URBAN GROWTH BOUNDARY

3.07.1405 Purpose

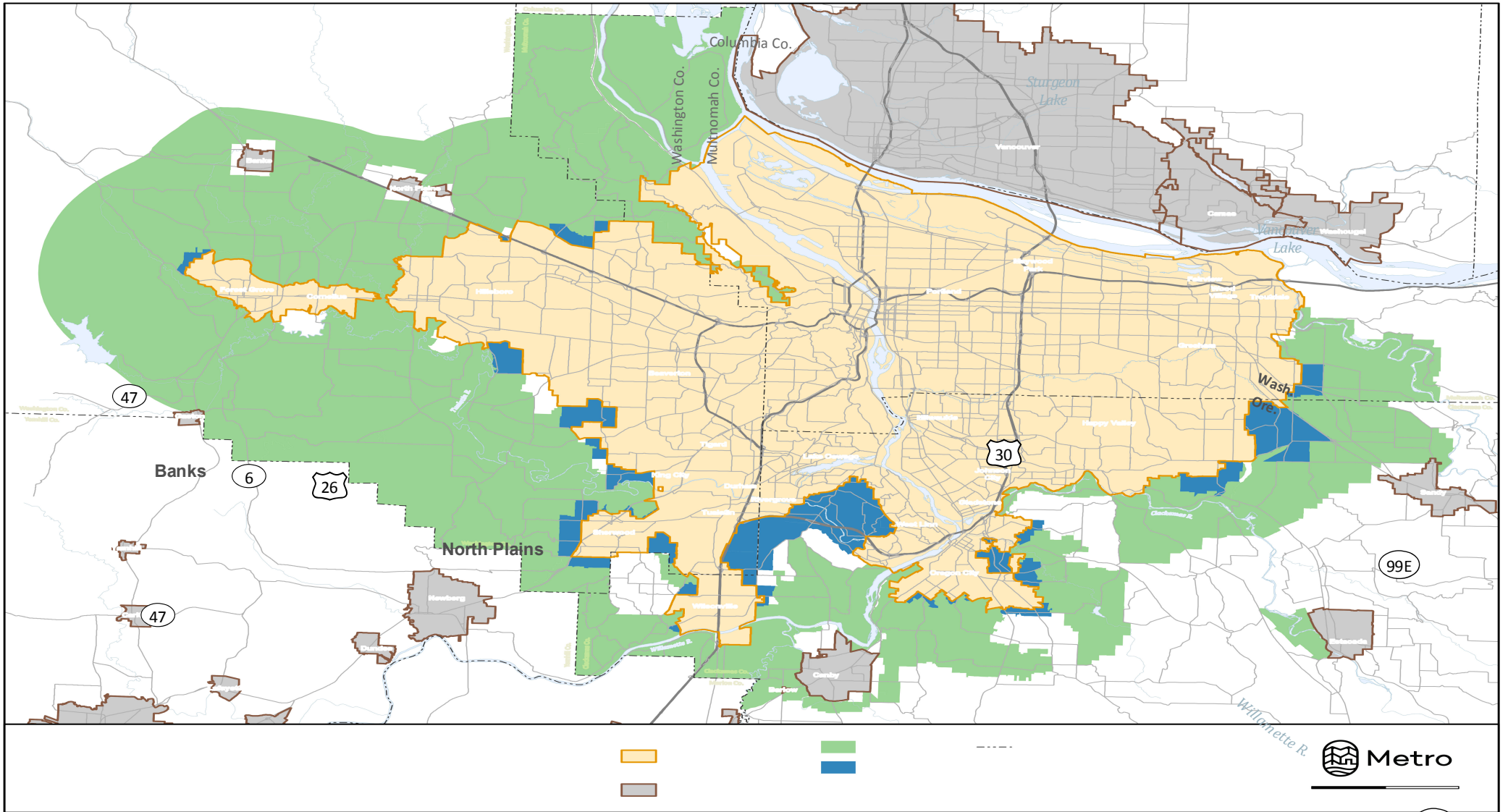
The Regional Framework Plan (RFP) calls for a clear transition from rural to urban development, an adequate supply of urban land to accommodate long-term population and employment, and a compact urban form. Title 14 prescribes criteria and procedures for amendments to the urban growth boundary (UGB) to achieve these objectives. [Ord. 10-1244B, Sec. 12.]

3.07.1410 Urban Growth Boundary

(a) The UGB for the metropolitan area is incorporated into this title and is depicted on the Urban Growth Boundary and Urban and Rural Reserves Map. Cities and counties within the Metro boundary shall depict the portion of the UGB, if any, that lies within their boundaries on their comprehensive plan maps. Within 21 days after acknowledgment of an amendment to the UGB under this title, the COO shall submit the amended UGB to the city and county in which the amended UGB lies. The city and county shall amend their comprehensive plan maps to depict the amended UGB within one year following receipt of the amendment from the COO.

(b) Urban and Rural Reserves are depicted on the Urban Growth Boundary and Urban and Rural Reserves Map. Amendments to the UGB made pursuant to this title shall be based upon this map. [Ord. 10-1244B, Sec. 12. Ord. 11-1264B, Sec. 3. Ord. 15-1357.]

Title 14 Urban Growth Boundary Map as of August 10, 2017. [Ord. 17-1407.]


Columbia Co.
Washington Co.
Multnomah Co.
Sturgeon Lake
Vancouver
Vancouver Lake
Banks
North Plains
47
6
26
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99E
Wash.
Ore.
Willamette R.
Metro

3.07.1420 Legislative Amendment to UGB - Procedures

(a) Legislative amendments follow periodic analysis of the capacity of the UGB and the need to amend it to accommodate long-range growth in population and employment. The Metro Council shall initiate a legislative amendment to the UGB when required by state law and may initiate a legislative amendment when it determines there is a need to add land to the UGB.

(b) Except as otherwise provided in this title, the Council shall make legislative amendments to the UGB by ordinance in the manner prescribed for ordinances in Chapter VII of the Metro Charter. For each legislative amendment, the Council shall establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other advisory committees and the general public.

(c) Notice to the public of a proposed legislative amendment of the UGB shall be provided as prescribed in section 3.07.1465.

(d) Prior to the final hearing on a proposed legislative amendment of the UGB in excess of 100 acres, the COO shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods. The COO shall provide copies of the report to all households located within one mile of the proposed amendment area and to all cities and counties within the district at least 20 days prior to the hearing. The report shall address:

(1) Traffic patterns and any resulting increase in traffic congestion, commute times and air quality;

(2) Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory; and

(3) The cost impacts on existing residents of providing needed public facilities and services, police and fire services, public schools, emergency services and parks and open spaces. [Ord. 10-1244B, Sec. 12.]

3.07.1425 Legislative Amendment to the UGB - Criteria

(a) This section sets forth the factors and criteria for amendment of the UGB from state law and the Regional Framework Plan. Compliance with this section shall constitute compliance with statewide planning Goal 14 (Urbanization) and the Regional Framework Plan.

(b) The Council shall determine whether there is a need to amend the UGB. In determining whether a need exists, the Council may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. The Council's determination shall be based upon:

(1) Demonstrated need to accommodate future urban population, consistent with a 20-year population range forecast coordinated with affected local governments; and

(2) Demonstrated need for land suitable to accommodate housing, employment opportunities, livability or uses such as public facilities and services, schools, parks, open space, or any combination of the foregoing in this paragraph; and

(3) A demonstration that any need shown under paragraphs (1) and (2) of this subsection cannot reasonably be accommodated on land already inside the UGB.

(c) If the Council determines there is a need to amend the UGB, the Council shall evaluate areas designated urban reserve for possible addition to the UGB and shall determine which areas better meet the need considering the following factors:

(1) Efficient accommodation of identified land needs;

(2) Orderly and economic provision of public facilities and services;

(3) Comparative environmental, energy, economic and social consequences; and

(4) Compatibility of proposed urban uses with nearby agricultural and forest activities occurring on land outside the UGB designated for agriculture or forestry pursuant to a statewide planning goal.

(5) Equitable and efficient distribution of housing and employment opportunities throughout the region;

(6) Contribution to the purposes of Centers and Corridors;

(7) Protection of farmland that is most important for the continuation of commercial agriculture in the region;

(8) Avoidance of conflict with regionally significant fish and wildlife habitat; and

(9) Clear transition between urban and rural lands, using natural and built features to mark the transition.

(d) If the Council determines there is a need to amend the UGB for housing, in addition to consideration of the factors listed in subsection (c) of this section, the Council shall also consider the following factors in determining which urban reserve areas better meet the housing need:

(1) Whether the area is adjacent to a city with an acknowledged housing needs analysis that is coordinated with the Metro regional growth forecast and population distribution in effect at the time the city's housing needs analysis or planning process began;

(2) Whether the area has been concept planned consistent with section 3.07.1110 of this chapter;

(3) Whether the city responsible for preparing the concept plan has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas;

(4) Whether the city responsible for preparing the concept plan has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas; and

(5) Whether the city responsible for preparing the concept plan has taken actions to advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.

(e) The Council may not add land designated rural reserve to the UGB.

(f) The Council may not amend the UGB in such a way that would create an island of urban land outside the UGB or an island of rural land inside the UGB. [Ord. 10-1244B, Sec. 12; Ord. 17-1408.]

3.07.1427 Mid-Cycle Amendments – Procedures

(a) The Metro Council may consider a mid-cycle amendment to the UGB for residential needs between legislative UGB amendments, as provided in ORS 197.299(6). Cities may initiate a mid-cycle amendment to the UGB for areas adjacent to the city by filing a proposal on a form provided by Metro.

(b) The COO will accept proposals from cities for mid-cycle UGB amendments during the period that is between 24 and 30 months after the date of the Council's adoption of its most recent analysis of the regional buildable land supply under ORS 197.296.

(c) The COO shall provide written notice of the deadline for proposals for mid-cycle amendments not less than 90 days before the first date proposals may be accepted to each city and county within the Metro region and to anyone who has requested notification.

(d) Proposals must indicate that they have the support of the governing body of the city making the proposal.

(e) As part of any proposal, the city shall provide the names and addresses of property owners for notification purposes, consistent with section 3.07.1465.

(f) The proposing city shall provide a concept plan for the urban reserve area that includes the proposed expansion area consistent with section 3.07.1110.

(g) The proposing city shall provide written responses to the criteria listed in 3.07.1428(b).

(h) Proposals from cities under this section shall be initially reviewed by the COO and the Metro Planning Department. No later than 60 days after the final date for receiving proposals under subsection (b) of this section, the COO shall submit a recommendation to the Metro Council regarding the merits of each proposal, including consideration of the criteria listed in Section 3.07.1428.

(i) The Metro Council is not obligated to take action on proposals submitted by cities or on the recommendation of the COO. If the Council chooses to expand the UGB in accordance with one or more of the proposals, it may add no more than 1000 acres total.

(j) If the Council elects to amend the UGB under this section, it shall be accomplished by ordinance in the manner prescribed for ordinances in Chapter VII of the Metro Charter. For each mid-cycle amendment, the Council shall establish a schedule of public hearings that allows for consideration of the proposed amendment by MPAC, other relevant advisory committees, and the public.

(k) Any decision by the Council to amend the UGB under this section must be adopted not more than four years after the date of the Council's adoption of its most recent analysis of the regional buildable land supply under ORS 197.296.

(l) Notice to the public of a proposed amendment to the UGB under this section shall be provided as prescribed in section 3.07.1465. [Ord. 17-1408.]

3.07.1428 Mid-Cycle Amendments – Criteria

(a) In reviewing city proposals for mid-cycle UGB amendments, the Metro Council shall determine whether each proposal demonstrates a need to revise the most recent analysis of the regional buildable land supply as described in ORS 197.299(5). The Council's decision shall include consideration of:

(1) Need to accommodate future population, consistent with the most recently adopted 20-year population range forecast; and

(2) Need for land suitable to accommodate housing and supporting public facilities and services, schools, parks, open space, commercial uses, or any combination thereof.

(b) If, after revising its most recent analysis of the buildable land supply under paragraph (a) of this subsection, the Council concludes that expansion of the UGB is warranted, the Council shall evaluate those areas that have been proposed by cities for possible addition to the UGB. Any expansion(s) under this section may not exceed a total of 1000 acres. Cities proposing mid-cycle UGB amendments shall demonstrate that:

(1) The city has an acknowledged housing needs analysis that was completed in the last six years and is coordinated with the Metro regional growth forecast and population distribution in effect at the time the city's housing needs analysis or planning process began;

(2) The housing planned for the city's proposed UGB expansion area is likely to be built in fewer than 10 years. As part of any proposal, cities must provide a concept plan that is consistent with section 3.07.1110 of this chapter. Cities may also provide evidence of property owner support for the proposed UGB

expansion, and/or other evidence regarding likelihood of development occurring within 10 years;

(3) The city has demonstrated progress toward the actions described in section 3.07.620 of this chapter in its existing urban areas;

(4) The city has implemented best practices for preserving and increasing the supply and diversity of affordable housing in its existing urban areas. Such practices may include regulatory approaches, public investments, incentives, partnerships, and streamlining of permitting processes; and

(5) The city has taken actions in its existing jurisdiction as well as in the proposed expansion area that will advance Metro's six desired outcomes set forth in Chapter One of the Regional Framework Plan.

(c) The land proposed for UGB expansion must be a designated urban reserve area.

(d) Mid-cycle UGB amendments made under this section are exempt from the boundary location requirements described in Statewide Planning Goal 14. [Ord. 17-1408.]

3.07.1430 Major Amendments - Procedures

(a) A city, a county, a special district or a property owner may initiate a major amendment to the UGB by filing an application on a form provided by Metro. The COO will accept applications for major amendments between February 1 and March 15 of each calendar year except that calendar year in which the Council is completing its analysis of buildable land supply under ORS 197.299. Upon a request by a Metro Councilor and a finding of good cause, the Metro Council may accept an application at other times by a vote of five members of the Council.

(b) Except for that calendar year in which the Council is completing its analysis of buildable land supply, the COO shall give notice of the March 15 deadline for applications for major amendments not less than 120 days before the deadline and again 90 days before the deadline in a newspaper of general circulation in Metro and in writing to each city and county in Metro and anyone who has requested notification. The notice shall explain the consequences of failure to file before the deadline and shall specify the Metro representative from whom additional information may be obtained.

(c) With the application, the applicant shall provide the names and addresses of property owners for notification purposes, consistent with section 3.07.1465. The list shall be certified as true and accurate as of the specified date by a title company, a county assessor or designate of the assessor or the applicant.

(d) The applicant shall provide a written statement from the governing body of each city or county with land use jurisdiction over the area and any special district that has an agreement with that city or county to provide an urban service to the area that it recommends approval or denial of the application. The Council may waive this requirement if the city, county or special district has a policy not to comment on

major amendments, or has not adopted a position within 120 days after the applicant's request for the statement. The governing body of a local government may delegate the decision to its staff.

(e) The COO will determine whether an application is complete and will notify the applicant of the determination within seven working days after the filing of the application. The COO will dismiss an application and return application fees if a complete application is not received within the 14 days after the notice of incompleteness.

(f) Within 14 days after receipt of a complete application, the COO will:

(1) Set the matter for a public hearing before a hearings officer for a date no later than 55 days following receipt of a complete application; and

(2) Notify the public of the public hearing as prescribed in section 3.07.1465 of this title.

(g) The COO shall submit a report and recommendation on the application to the hearings officer not less than 15 days before the hearing and send copies to the applicant and others who have requested copies. Any subsequent report by the COO to be used at the hearing shall be available to the public at least seven days prior to the hearing.

(h) If the proposed major amendment would add more than 100 acres to the UGB, the COO shall prepare a report on the effect of the proposed amendment on existing residential neighborhoods in the manner prescribed in subsection (d) of section 3.07.1420.

(i) An applicant may request postponement of the hearing within 20 days after filing a complete application. The COO may postpone the hearing for no more than 60 days. If the applicant fails to request rescheduling within 90 days after the request for postponement, the application shall be considered withdrawn and the COO will return the unneeded portion of the fee deposit assessed pursuant to section 3.07.1460.

(j) Participants at a hearing before a hearings officer need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.

(k) Failure of the applicant to appear at the hearing shall be grounds for dismissal of the application unless the applicant requests a continuance prior to the hearing. The applicant has the burden of demonstrating that the proposed amendment complies with the criteria.

(l) The hearings officer shall provide the following information to participants at the beginning of the hearing:

(1) The criteria applicable to major amendments and the procedures for the hearing;

(2) A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal; and

(3) A statement that failure to raise an issue in a manner sufficient to afford the hearings officer and participants an opportunity to respond to the issue precludes appeal of that issue.

(m) The hearing shall be conducted in the following order:

(1) Presentation of the report and recommendation of the COO;

(2) Presentation of evidence and argument by the applicant;

(3) Presentation of evidence and argument in support of or opposition to the application by other participants; and

(4) Presentation of rebuttal evidence and argument by the applicant.

(n) The hearings officer may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the hearings officer grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. A reasonable opportunity shall be provided at the continued hearing for persons to present and rebut new evidence.

(o) If new evidence is submitted at the continued hearing, the hearings officer may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the hearings officer grants the request, the record shall be left open for at least seven (7) days. Any participant may respond to new evidence during the period the record is left open.

(p) Cross-examination by parties shall be by submission of written questions to the hearings officer, who shall give participants an opportunity to submit such questions prior to closing the hearing. The hearings officer may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.

(q) A verbatim record shall be made of the hearing, but need not be transcribed unless necessary for appeal.

(r) The hearings officer may consolidate applications for hearing after consultation with Metro staff and applicants. If the applications are consolidated, the hearings officer shall prescribe rules to avoid duplication or inconsistent findings, protect the rights of all participants, and allocate the charges on the basis of cost incurred by each applicant.

(s) Within 15 days following the close of the record, the hearings officer shall submit a proposed order, with findings of fact and conclusions of law and the record of the hearing, to the COO, who shall make it available for review by participants.

(t) Within seven (7) days after receipt of the proposed order from the hearings officer, the COO shall set the date and time for consideration of the proposed order by the Council, which date shall be no later than 40 days after receipt of the proposed order. The COO shall provide written notice of the Council meeting to the hearings officer and participants at the hearing before the hearings officer, and shall post notice of the hearing at Metro's website, at least 10 days prior to the meeting.

(u) The Council shall consider the hearings officer's report and recommendation at the meeting set by the COO. The Council will allow oral and written argument by those who participated in the hearing before the hearings officer. Argument must be based upon the record of those proceedings. Final Council action shall be as provided in section 2.05.045 of the Metro Code. The Council shall adopt the order, or ordinance if the Council decides to expand the UGB, within 15 days after the Council's consideration of the hearings officer's proposed order. [Ord. 10-1244B, Sec. 12.]

3.07.1435 Major Amendments – Expedited Procedures

(a) The COO may file an application at any time to add land to the UGB for industrial use, pursuant to section 3.07.460, by major amendment following the expedited procedures in this section. The application under this section remains subject to subsections (c), (d), (h), (m) and (q) of section 3.07.1430.

(b) Within 10 days after receipt of a complete application, the Council President will:

(1) Set the matter for a public hearing before the Council for a date no later than 55 days following receipt of a complete application; and

(2) Notify the public of the public hearing as prescribed in section 3.07.1465.

(c) The COO shall submit a report and recommendation on the application to the Council not less than 15 days before the hearing and send copies to those who have requested copies. Any subsequent report by the COO to be used at the hearing shall be available to the public at least seven (7) days prior to the hearing.

(d) Participants at the hearing need not be represented by an attorney. If a person wishes to represent an organization orally or in writing, the person must show the date of the meeting at which the organization adopted the position presented and authorized the person to represent it.

(e) The Council President shall provide the following information to participants at the beginning of the hearing:

(1) The criteria applicable to major amendments and the procedures for the hearing;

(2) A statement that testimony and evidence must be directed toward the applicable criteria or other criteria the person believes apply to the proposal.

(f) The Council President may grant a request to continue the hearing or to leave the record open for presentation of additional evidence upon a demonstration that the evidence could not have been presented during the hearing. If the Council President grants a continuance, the hearing shall be continued to a date, time and place certain at least seven (7) days from the date of the initial evidentiary hearing. A reasonable opportunity shall be provided at the continued hearing for persons to present and rebut new evidence.

(g) If new evidence is submitted at the continued hearing, the Council President may grant a request, made prior to the conclusion of the continued hearing, to leave the record open to respond to the new evidence. If the Council President grants the request, the record shall be left open for at least seven (7) days. Any participant may respond to new evidence during the period the record is left open.

(h) The Council President may set reasonable time limits for oral testimony and may exclude or limit cumulative, repetitive, or immaterial testimony.

(i) Within 15 days following the close of the record, the Council shall adopt:

(1) An ordinance, with findings of fact and conclusions of law, that amends the UGB to add all or a portion of the territory described in the application; or

(2) A resolution adopting an order, with findings of fact and conclusions of law that denies the application. [Ord. 10-1244B, Sec. 12.]

3.07.1440 Major Amendments - Criteria

(a) The purpose of the major amendment process is to provide a mechanism to address needs for land that cannot wait until the next analysis of buildable land supply under ORS 197.299. Land may be added to the UGB under sections 3.07.1430 and 3.07.1440 only for public facilities and services, public schools, natural areas and other non-housing needs and as part of a land trade under subsection (d). An applicant under section 3.07.1430 must demonstrate compliance with this purpose and these limitations.

(b) The applicant shall demonstrate that the proposed amendment to the UGB will provide for an orderly and efficient transition from rural to urban land use and complies with the criteria and factors in subsections (b), (c), (d), (e), and (f) of section 3.07.1425. The applicant shall also demonstrate that:

(1) The proposed uses of the subject land would be compatible, or through measures can be made compatible, with uses of adjacent land;

(2) If the amendment would add land for public school facilities, the coordination required by subsection (c)(5) of section 3.07.1120 of this chapter has been completed; and

(3) If the amendment would add land for industrial use pursuant to section 3.07.1435, a large site or sites cannot reasonably be created by land assembly or reclamation of a brownfield site.

(c) If the application was filed under section 3.07.1435, the applicant shall demonstrate that the amendment is consistent with any concept plan for the area developed pursuant to section 3.07.1110 of this chapter.

(d) To facilitate implementation of the Metropolitan Greenspaces Master Plan of 1992, the Council may add land to the UGB in a trade that removes a nearly equal amount of land from the UGB. If the Council designates the land to be added for housing, it shall designate an appropriate average density per net developable acre. [Ord. 10-1244B, Sec. 12. Ord. 15-1357.]

3.07.1445 Minor Adjustments - Procedures

(a) Minor adjustments make small changes to the UGB so that land within the UGB functions more efficiently and effectively. A city, a county, a special district, Metro or a property owner may initiate a minor adjustment to the UGB by filing an application on a form provided by Metro. The application shall include a list of the names and addresses of owners of property within 100 feet of the land involved in the application. The application shall also include the positions on the application of appropriate local governments and special districts, in the manner required by subsection (d) of section 3.07.1430.

(b) The COO will determine whether an application is complete and shall notify the applicant of the determination within ten working days after the filing of the application. If the application is not complete, the applicant shall complete it within 14 days of notice of incompleteness. The COO will dismiss an application and return application fees if a complete application is not received within 14 days of the notice of incompleteness.

(c) Notice to the public of a proposed minor adjustment of the UGB shall be provided as prescribed in section 3.07.1465.

(d) The COO shall review the application for compliance with the criteria in section 3.07.1450 and shall issue an order with analysis and conclusions within 90 days of receipt of a complete application. The COO shall send a copy of the order to the applicant, the city or county with jurisdiction over the land that is the subject of the application, to each member of the Council and any person who requests a copy.

(e) The applicant or any person who commented on the application may appeal the COO's order to the Council by filing an appeal on a form provided by Metro within 14 days after receipt of the order. A member of the Council may request in writing within 14 days of receipt of the order that the decision be reviewed by the Council. The Council shall consider the appeal or Councilor referral at a public hearing held not more than 60 days following receipt of a timely appeal or referral.

(f) Notice to the public of a Council hearing on a proposed minor adjustment to the UGB shall be provided as prescribed in section 3.07.1465.

(g) Following the hearing, the Council shall uphold, deny or modify the COO's order. The Council shall issue an order with its analysis and conclusions and send a copy to the appellant, the city or county with jurisdiction over the land that is the subject of the application and any person who requests a copy. [Ord. 10-1244B, Sec. 12.]

3.07.1450 Minor Adjustments – Criteria

(a) The purpose of this section is to provide a mechanism to make small changes to the UGB in order to make land within it function more efficiently and effectively. It is not the purpose of this section to add land to the UGB to satisfy a need for housing or employment. This section establishes criteria that embody state law and Regional Framework Plan policies applicable to minor adjustments.

(b) Metro may adjust the UGB under this section only for the following reasons: (1) to site roads and lines for public facilities and services; (2) to trade land outside the UGB for land inside the UGB; or (3) to make the UGB coterminous with nearby property lines or natural or built features.

(c) To make a minor adjustment to site a public facility line or road, or to facilitate a trade, Metro shall find that:

(1) The adjustment will result in the addition to the UGB of no more than two net acres for a public facility line or road and no more than 20 net acres in a trade;

(2) Adjustment of the UGB will make the provision of public facilities and services easier or more efficient;

(3) Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;

(4) Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;

(5) The adjustment will help achieve the 2040 Growth Concept;

(6) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB; and

(7) If the adjustment is to facilitate a trade, the adjustment would not add land to the UGB that is designated rural reserve or for agriculture or forestry pursuant to a statewide planning goal.

(d) To approve a minor adjustment to make the UGB coterminous with property lines, natural or built features, Metro shall find that:

(1) The adjustment will result in the addition of no more than two net acres to the UGB;

(2) Urbanization of the land added by the adjustment would have no more adverse environmental, energy, economic or social consequences than urbanization of land within the existing UGB;

(3) Urbanization of the land added by the adjustment would have no more adverse effect upon agriculture or forestry than urbanization of land within the existing UGB;

(4) The adjustment will help achieve the 2040 Growth Concept; and

(5) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

(e) Where the UGB is intended to be coterminous with the 100-year floodplain, as indicated on the map of the UGB maintained by Metro's Data Resource Center, Metro may adjust the UGB in order to conform it to a more recent delineation of the floodplain. To approve such an adjustment, Metro shall find that:

(1) The delineation was done by a professional engineer registered by the State of Oregon;

(2) The adjustment will result in the addition of no more than 20 net acres to the UGB;

(3) The adjustment will help achieve the 2040 Growth Concept; and

(4) The adjustment will not result in an island of urban land outside the UGB or an island of rural land inside the UGB.

(f) If a minor adjustment adds more than two (2) acres of land available for housing to the UGB, Metro shall designate an appropriate average density per net developable acre for the area.

(g) The COO shall submit a report to the Council at the end of each calendar year with an analysis of all minor adjustments made during the year. The report shall demonstrate how the adjustments, when considered cumulatively, are consistent with and help achieve the 2040 Growth Concept. [Ord. 10-1244B, Sec. 12.]

3.07.1455 Conditions of Approval

(a) Land added to the UGB pursuant to sections 3.07.1420, 3.07.1430 and 3.07.1435 shall be subject to the requirements of sections 3.07.1120 and 3.07.1130 of this chapter.

(b) If the Council amends the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435, it shall:

(1) In consultation with affected local governments, designate the city or county responsible for adoption of amendments to comprehensive plans and land use regulations to allow urbanization of each area added to the UGB,

pursuant to Title 11 of this chapter. If local governments have an agreement in a concept plan developed pursuant to Title 11 that establishes responsibility for adoption of amendments to comprehensive plans and land use regulations for the area, the Council shall assign responsibility according to the agreement.

(2) Establish the 2040 Growth Concept design type designations applicable to the land added to the UGB, including the specific land need, if any, that is the basis for the amendment. If the design type designation authorizes housing, the Council shall designate an appropriate average density per net developable acre consistent with the need for which the UGB is expanded.

(3) Establish the boundaries of the area that shall be included in the planning required by Title 11. A planning area boundary may include territory designated urban reserve, outside the UGB.

(4) Establish the time period for city or county compliance with the requirements of Title 11, which shall be two (2) years following the effective date of the ordinance adding the area to the UGB unless otherwise specified.

(c) If the Council amends the UGB pursuant to any of the sections of this title, it may establish other conditions it deems necessary to ensure the addition of land complies with state planning laws and the Regional Framework Plan. If a city or county fails to satisfy a condition, the Council may enforce the condition after following the notice and hearing process set forth in section 3.07.850 of this chapter. [Ord. 10-1244B, Sec. 12. Ord. 15-1357.]

3.07.1460 Fees

(a) Each application submitted by a property owner or group of property owners pursuant to this title shall be accompanied by a filing fee in an amount to be established by the Council. Such fee shall not exceed Metro's actual cost to process an application. The fee may include administrative costs, the cost of a hearings officer and of public notice.

(b) The fee for costs shall be charged from the time an application is filed through mailing of the notice of adoption or denial to the Department of Land Conservation and Development and other interested persons.

(c) Before a hearing is scheduled, an applicant shall submit a fee deposit. In the case of an application for a minor adjustment pursuant to section 3.07.1445, the applicant shall submit the fee deposit with the application.

(d) The unexpended portion of an applicant's deposit, if any, shall be returned to the applicant at the time of final disposition of the application. If hearings costs exceed the amount of the deposit, the applicant shall pay to Metro an amount equal to the costs in excess of the deposit prior to final action by the Council.

(e) The Council may, by resolution, reduce, refund or waive the fee, or portion thereof, if it finds that the fee would create an undue hardship for the applicant. [Ord. 10-1244B, Sec. 12.]

3.07.1465 Notice Requirements

(a) For a proposed legislative amendment under section 3.07.1420, the COO shall provide notice of the public hearing in the following manner:

(1) In writing to the Department of Land Conservation and Development and local governments of the Metro region at least 35 days before the first public hearing on the proposal; and

(2) To the general public at least 35 days before the first public hearing by an advertisement no smaller than 1/8-page in a newspaper of general circulation in the Metro area and by posting notice on the Metro website.

(b) For a proposed mid-cycle amendment under section 3.07.1427, the COO shall provide notice of the first public hearing on the proposal in the following manner:

(1) In writing at least 35 days before the first public hearing on the proposal to:

(A) The Department of Land Conservation and Development;

(B) The owners of property that is being proposed for addition to the UGB; and

(C) The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designated for agriculture or forestry pursuant to a statewide planning goal.

(2) In writing at least 30 days before the first public hearing on the proposal to:

(A) The local governments of the Metro area;

(B) A neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by the cities and counties whose jurisdictional boundaries include or are adjacent to the site; and

(C) Any other person who requests notice of amendments to the UGB.

(3) To the general public by posting notice on the Metro website at least 30 days before the first public hearing on the proposal.

(c) For a proposed major amendment under the Sections 3.07.1430 or 3.07.1435, the COO shall provide notice of the hearing in the following manner:

(1) In writing at least 35 days before the first public hearing on the proposal to:

(A) The applicant;

(B) The director of the Department of Land Conservation and Development;

(C) The owners of property that is being considered for addition to the UGB; and

(D) The owners of property within 250 feet of property that is being considered for addition to the UGB, or within 500 feet of the property if it is designed for agriculture or forestry pursuant to a statewide planning goal.

(2) In writing at least 30 days before the first public hearing on the proposal to:

(A) The local governments of the Metro area;

(B) A neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes or is adjacent to the subject property and which is officially recognized as entitled to participate in land use decisions by cities and counties who jurisdictional boundaries include or are adjacent to the site, and to any other person who requests notice of amendments to the UGB; and

(C) To the general public by posting notice on the Metro website at least 30 days before the first public hearing on the proposal.

(d) The notice required by subsections (a), (b) and (c) of this section shall include:

(1) A map showing the location of the area subject to the proposed amendment;

(2) The time, date and place of the hearing;

(3) A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available;

(4) A statement that interested persons may testify and submit written comments at the hearing;

(5) The name of the Metro staff to contact and telephone number for more information;

(6) A statement that a copy of the written report and recommendation of the COO on the proposed amendment will be available at reasonable cost 20 days prior to the hearing; and

(7) A general explanation of the criteria for the amendment, the requirements for submission of testimony and the procedure for conduct of hearings;

(8) For proposed major amendments only:

(A) An explanation of the proposed boundary change;

(B) A list of the applicable criteria for the proposal; and

(C) A statement that failure to raise an issue at the hearing, orally or in writing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes an appeal based on the issue.

(9) For the owners of property described in subsection (c)(1)(C) of this section, the information required by ORS 268.393(3).

(e) For a proposed minor adjustment under section 3.07.1445, the COO shall provide notice in the following manner:

(1) In writing to the director of the Department of Land Conservation and Development at least 35 days before the issuance of an order on the proposal;

(2) In writing at least 20 days before the issuance of an order on the proposal to:

(A) The applicant and the owners of property subject to the proposed adjustment;

(B) The owners of property within 500 feet of the property subject to the proposed adjustment;

(C) The local governments in whose planning jurisdiction the subject property lies or whose planning jurisdiction lies adjacent to the subject property;

(D) Any neighborhood association, community planning organization, or other organization for citizen involvement whose geographic area of interest includes the area subject to the proposed amendment and which is officially recognized as entitled to participate in land use decisions by the city or county whose jurisdictional boundary includes the subject property; and

(E) Any other person requesting notification of UGB changes.

(f) The notice required by subsection (e) of this section shall include:

(1) A map showing the location of the area subject to the proposed amendment;

(2) A description of the property reasonably calculated to give notice as to its actual location, with street address or other easily understood geographical reference if available;

(3) A statement that interested persons may submit written comments and the deadline for the comments;

(4) The name of the Metro staff to contact and telephone number for more information; and

(5) A list of the applicable criteria for the proposal.

(g) The COO shall notify each county and city in the district of each amendment of the UGB. [Ord. 10-1244B, Sec. 12. Ord. 15-1357; Ord. 17-1408.]

South End Concept Plan

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South End Concept Plan

March 2014

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Thank you to all participants in the Concept Plan development process, including these community and civic leaders, staff and consultants.

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EXECUTIVE SUMMARY

The South End Concept Plan preserves what residents value most about South End today while planning for those who will live there in the future. The Concept Plan area is located adjacent to the southwest corner of Oregon City, south of Rose Road and extending approximately one mile south along both sides of South End Road. A robust and comprehensive community engagement process formed the basis of the Concept Plan. A variety of strategies were used to define a community vision and values and engage the community early and frequently with the broadest possible participation. Today, South End is a predominantly residential area of low density single-family homes, with a mix of larger lot of county subdivisions and newly developed city subdivisions. The South End Concept Plan establishes a series of walkable and diverse new neighborhoods that are modeled after the most valued and beloved historic neighborhoods in Oregon City and throughout the region.

Community Vision and Values

Vision

Oregon City's South End is a safe, vibrant and diverse community. Parks, plazas and other public gathering places strengthen the sense of community and connectedness. A variety of housing choices and amenities are the foundation of great neighborhoods for people of all ages. South End's historic rural character is retained through a variety of means. Streams, trees, wetlands and wildlife habitat are protected and enhanced through a network of natural areas. As one center of community, McLoughlin Elementary is a hub of learning and information exchange. Paths, trails and family friendly streets provide safe travel for all. Several transportation options are available and connect South End to downtown Oregon City and the region.

Values

Rural Character
South End is a peaceful community whose pastoral nature is indicated by small farms, large fields and expansive views.

Livable
Homes and neighborhoods in South End are safe, attractive and family-friendly.

Sense of Place
South End residents respect the unique culture and history of the area.

Environmental Quality
South End residents care deeply for the streams, trees, clean air and water and other natural features.

Excellent Schools
The South End community takes pride in and supports the high quality of its schools.

Key Elements

Natural Features

- Preservation of contiguous natural spaces and wildlife corridors.
- Preservation of most wetland areas with several road connections across streams/wetlands at narrow points.
- Improved access to natural areas and views.

Parks and Trails

- Network of new parks, open spaces and gathering places.
- Larger park sufficient for ball fields and other recreational opportunities.
- Trail connections to parks, natural areas, regional trails, neighborhood retail and residential neighborhoods.
- Use of utility corridors for new trails.
- Preservation of private open space for non-public uses.
- Civic uses envisioned in various parks and public spaces.

Housing

- Housing choice—a mix of single family (large, medium and small lots), multi-family and mixed-use designations.
- Small lot residential located in two neighborhood centers along South End Road.

Retail

- Limited neighborhood commercial uses along South End Road at Forest Ridge Lane and Navajo Way.

Transportation

- Complete road network promotes connectivity and increases travel options.
- Pedestrian and bicycle improvements, including new sidewalks, pathways and bike lanes.
- South End Road as three-lane arterial.
- Two family-friendly roads parallel to South End Road; the eastern-most designated a collector.
- A slow, narrow road along the bluffs to provide public access and views.
- Roundabouts to safely accommodate through-traffic at major intersections.
- Optimized number of new street connections to South End Road to preserve capacity.

Infrastructure

what residents value most about South End today while planning for those who will live there in the future. The South End Concept Plan project area is located adjacent to the southwest corner of Oregon City, south of Rose Road and extending approximately one mile south along both sides of South End Road. Today, South End is a predominantly residential area of low density single-family homes, with a mix of larger lot of county subdivisions and newly developed city subdivisions.

Sample quotes from participants are included in boxes such as this throughout the document.

The Metropolitan Service District (Metro) requires governing jurisdictions to adopt comprehensive plan provisions for areas brought into the urban growth boundary (UGB) to guide the orderly and efficient conversion from rural to urban uses. The South End Concept Plan establishes a framework of policies and implementing ordinances before annexation can take place and urban-level development can occur. A product of extensive community engagement and technical analysis, the South End Concept Plan is adopted as an amendment to the City's comprehensive plan and zoning code, which must comply with Metro code and DLCD requirements. In compliance with Title 11 of *Metro's Urban Growth Management Functional Plan*, elements of the South End Concept Plan include housing, transportation, natural resources, parks and trails, public facilities and services, schools and financing. In accordance with the Oregon City Comprehensive Plan, the South End Concept Plan also includes commercial designations in an amount sufficient to serve the needs of the South End neighborhood.

Process

A robust and comprehensive community engagement process formed the basis of the South End Concept Plan. A variety of strategies were used to define a community vision and values and engage the community early and frequently with the broadest possible participation. The community engagement process was designed to:

- Encourage dialogue and provide opportunities to participate meaningfully throughout the planning process.
- Identify and communicate potential Concept Plan benefits.
- Build understanding and trust in the planning process through clarity and transparency.
- Create a framework for implementation.

Thank you for all the hard work that everyone is doing to keep us all in the loop and asking for our input.

A 19-member Community Advisory Team (CAT) representing a variety of interests was convened to guide development of the South End Concept Plan. The CAT met seven times throughout the course of the project to review and comment on work products, advise on public involvement and community engagement efforts, act as liaisons to specific constituencies or interest groups, host public events and encourage community members to participate in the Concept Plan process. A Technical Advisory Team (TAT) also was established to review the key deliverables for technical adequacy and jurisdictional conformance. The TAT consisted of City staff and representatives from Metro, Clackamas County and other local service

In addition to a host of more traditional public engagement, the City also used a variety of social media forums to enhance community engagement, including an interactive website, email blasts, and regular posts/tweets on Facebook and Twitter.

The community engagement process consisted of two phases. Phase 1 (Community Vision and Values) was designed to 1) provide South End community members with information about the project, including the history of the Urban Growth Boundary, land use planning in Oregon, and reason for concept planning; and 2) engage residents in a discussion about community values, preferred methods of participation, and desired outcomes including potential benefits of concept planning and eventual urbanization. The effort began with eight in depth interviews of residents and key stakeholders to better understand the unique qualities of South End and refine the community engagement approach. The other primary tool for achieving the Phase 1 goals was a series of Community Conversations. The CAT, with support from the City, hosted 17 Community Conversations with various community and civic organizations throughout the city of Oregon City and in the South End area. Participants were asked to respond to these questions:

1. What do you like best about South End?
2. Is there anything you would change about South End to make it better?

What people like about South End now:

• South End is a nice, safe community where you can enjoy the scenery and overall feel of the area.

• South End is one step into the country from a neighborhood. Amazing!

• I feel very safe in my neighborhood. It is very quiet. It's an easy drive to downtown Oregon City and Portland. At the same time, I'm a minute away from the beauty of the farms where I can cut my Christmas tree, buy farm fresh eggs or ride horses.

An online survey was used to augment the interviews and provide an opportunity for expanded engagement. The City received 40 responses to the same questions of what people like about South End and what they would change to make it better.

Phase 1 results were used to establish a preliminary community vision and values to guide the Concept Plan process. The vision and values were be used to develop evaluation criteria for the draft and final Plan. The vision and values were reviewed during a public open house on December 13, 2012. This was one of four community meetings to engage the broader Oregon City and South End communities. The open house also was used to identify opportunities for future enhancements to preserve South End's key attributes of the natural and built environments. An interactive online forum or "virtual open house" was launched in conjunction with open house and allowed participants to answer the same questions asked at that event. In total, more than 300 people participated in the open house and online forum.

The purpose of Phase 2 (Concept Plan Development) of the community engagement process was to translate the vision and values into a Concept Plan for South End. The City invited community participation through a video hosted on the project website (www.southendconceptplan.org). The first activity of Phase 2 was the February 27, 2013 community workshop where approximately 100 participants learned about best practices in planning and urban design then took part in a land use planning game to envision their ideal land use patterns for the future of South End, including parks, trails, roads, housing, retail and civic uses. The 18 community design maps were used to develop three design alternatives for the future of South End.

The three land use alternatives were presented at Part 1 of the Forum for the Future of South End April 12-13, 2013 where TAT, CAT and community members reviewed the alternatives through two days of events. An online forum was launched April 15th and continued throughout the month. Forum participants identified aspects of the three alternatives they most liked and disliked. These comments were used to develop a preferred community design concept that incorporated the most favored elements of the three alternatives. Community members reviewed the preferred concept Part 2 of the Forum on the Future of South End on June 1, 2013 and accompanying online survey. Participant comments were used to refine the preferred concept resulting in the draft Concept Plan and map. In total, more than 250 people participated in the Forum.

Buildings should blend with the current character of South End.

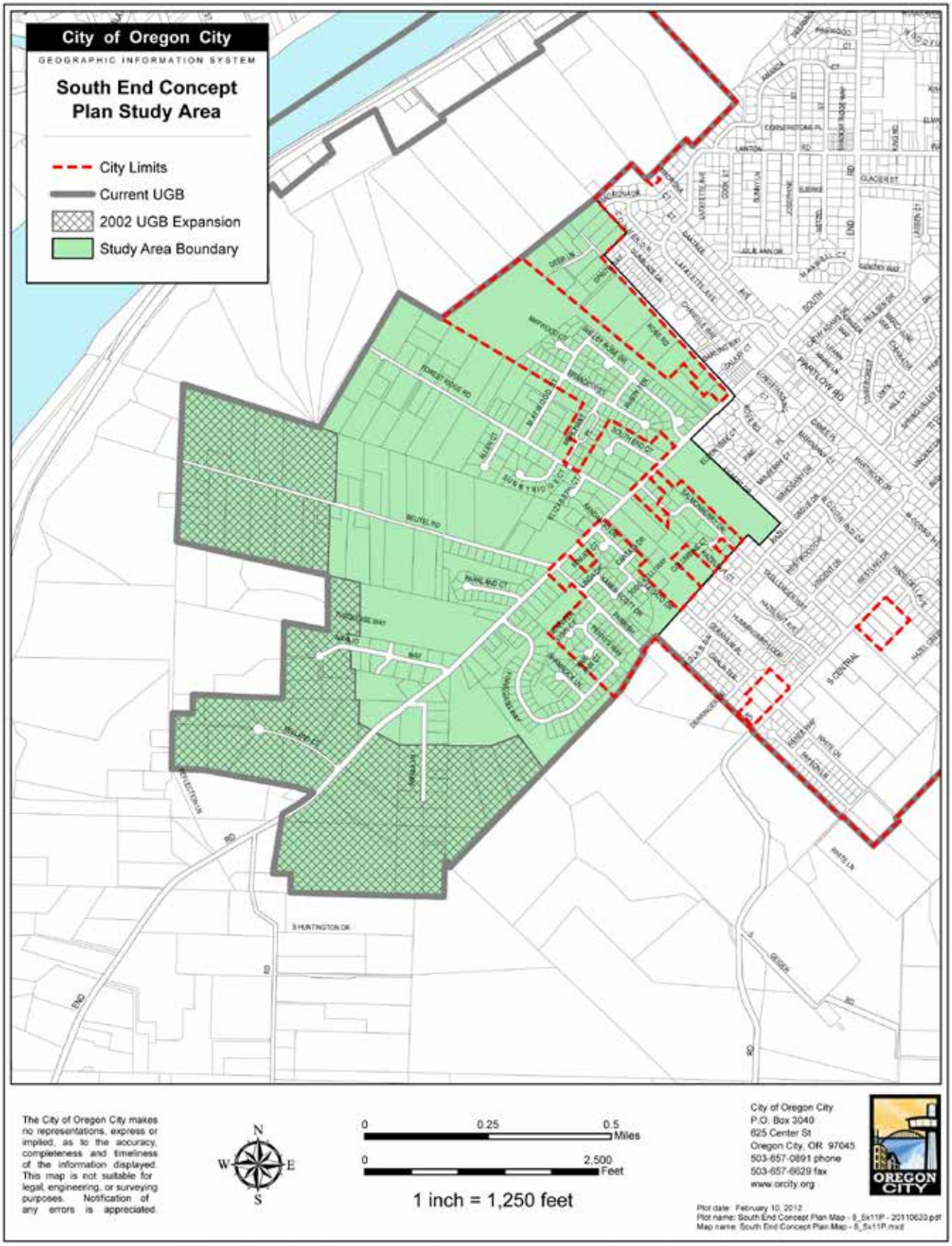
Existing Conditions

The 611-acre South End Concept Plan study area consists of 133 acres currently in the limits of Oregon City, as well as the 478 acres in unincorporated Clackamas County. The unincorporated area is comprised of approximately 188 acres brought into the Urban Growth Boundary (UGB) in 2002 and another 290 acres added to the UGB prior to 2002. That 290-acre area has not been annexed to the city. The Concept Plan Area is bordered by the City of Oregon City to the north and Clackamas County Urban and Rural Reserves to the east, west, and south. More detailed descriptions of existing conditions in South End can be found in Appendix A.

Land Use

The predominant land use in the concept plan area is low density residential subdivisions developed in the 1970s, interspersed with some limited farm and forest uses, pastures and a few institutional uses. The majority of the housing within the plan area is located along the long access roads which intersect South End Road. The northern end of the planning area, from Forest Ridge Road south, is comprised of a network of county subdivisions interspersed with larger acreage lots developed primarily between the 1970s through the 1990s. Fingers of incorporated city subdivisions interweave with these unincorporated areas.

Figure 1. South End Concept Plan Area



Beutel Road and Forest Ridge Road are long straight spine roads which both run to the east away from South End Road. The housing along these roads consists of a mix of some one or more-acre rural estate-styled housing and several dozen quarter- to half-acre lots in various configurations. The homes are a mixture of newer and older styles with a predominance of single-story, single-family houses with side and rear yard outbuildings.

At the southern end of the planning area is the Kelland Court neighborhood. Lots here tend to be larger and more spread out than the northern end of the planning area. Moving north up Sound End Road leads to several county subdivisions which consist of half to quarter-acre single-family lots and are separated from one another by fields which have yet to develop and in some cases, are privately-owned open space.

Lands in the planning area within the city limits are designated as one of two Oregon City single-family residential zoning districts. Lands within the planning area that fall under the County's jurisdiction are in one of two county zoning designations as shown in Table 1.

Table 1. Zoning within the Planning Area, Oregon City South End, 2012

Zoning	Abbreviation	Jurisdiction	Acres
R-8	Single Family Dwelling District 8,000 SF Minimum	City of Oregon City	43.2
R-10	Single Family Dwelling District, 10,000 SF Minimum	City of Oregon City	62.0
FU-10	Future Urban 10-Acre District	Clackamas County	314.1
RRFF-5	Rural Residential Farm Forest 5-Acre District	Clackamas County	191.5

Source: City of Oregon City Municipal Code, Title 17 / Clackamas County Zoning and Development Ordinance

Buildable Land Analysis[1]

Buildable lands are those within the urban growth boundary that are suitable, available, and necessary for residential or employment uses. Buildable lands include both vacant land and land that is likely to be redeveloped, and are not severely constrained by natural hazards or subject to natural resource protection measures. The amount of buildable land within the planning area is described in Table 2. The 283 net buildable acres identified in this preliminary analysis are the maximum acres projected to be available for development, as shown in Figure 2.

Table 2. Buildable Areas, Oregon City South End, 2012

Gross Area in UGB Area	498.7 Acres
Developed Land	101.8 Acres
Unbuildable Land	27.7 Acres
Buildable Land	369.2 Acres
New Roads and Utilities (25%)	92.3 Acres
Net Buildable Area	276.9 Acres

[1] Definitions related to the Buildable Land Analysis can be found in Appendix A, Existing Conditions Report.

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Figure 2. Buildable Lands Analysis – replace this sheet with 11x17 map

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Transportation

Located at the top of Canemah Bluff, the planning area is characterized by disconnected streets with large block lengths despite the relatively flat terrain. The only street providing for higher capacity motor vehicle movement through the study area is South End Road, running north-to-south connecting the study area to McLoughlin Boulevard (Highway 99E) at two locations, located roughly two miles north and south of the study area. The southerly route towards Canby has a connection at 99E that is designed for rural operating conditions, and may need to be upgraded to adequately serve higher levels of traffic. Most of the remaining streets in the planning area are non-through routes and connect directly to South End Road.

South End Road and Salmonberry Drive are generally the only routes that provide dedicated bicycle and pedestrian access in and out of the Plan area. South End Road lacks continuous sidewalks. While motor vehicle traffic volumes are not very high, the posted speed is 40 miles per hour and this section of South End Road abuts John McLoughlin Elementary School, a significant source of walking and driving trips. Continuous bike lanes along South End Road north of Beutel Road connect the study area to Warner Parrott Road. As an east-to-west through street with bike lanes, Warner Parrott Road is an important connection for bicycle travel in Oregon City, linking bicyclists to other key routes in the City, including Linn Avenue, Beavercreek Road and Molalla Avenue.

We need to make sure the roads are safe for walkers and bikers. Currently, there is nowhere to walk in many places.

While transit service is not currently provided in the study area, it is provided in Oregon City by TriMet via seven fixed bus routes connecting Oregon City to the rest of the Portland Metropolitan area.[2] An Americans with Disabilities Act (ADA) paratransit service is also available within the study area. In addition, seasonal transit service is provided to residents and tourists via the Oregon City Trolley, and regional service is provided via the Canby Area Transit system, South Clackamas Transportation District, and Amtrak. Also, the Oregon City Pioneer Community Center runs a transit bus service for seniors to access essential services through a contract with Ride Connect, which is funded with federal grant funding.

Public Infrastructure and Services

Water

As shown in the City's 2012 Water Master Plan, the South End Concept Plan area is served by Boynton and Henrici Reservoirs and the Mountainview Pump Station. Water services within the planning area are served by both the City of Oregon City and Clackamas River Water (CRW). Transmission mains within South End Road are owned by the City of Oregon City and Clackamas River Water. There is a master service meter located just southwest of S. Impala Lane and South End Road intersection, which delineates the two service districts. The City and CRW have a joint access agreement for special situations for areas outside of the City limits. A majority of the study area is serviced by CRW under this agreement as these areas

[2] TriMet discontinued service on South End Road in 2009, due to low ridership and budget reductions for local bus services.

are intermixed with unincorporated and incorporated properties. Areas outside of the City limits are serviced by Clackamas River Water District (CRW).

Stormwater

The planning area falls within the Amanda Court, Allen Court, and South End drainage basin areas as shown in the City of Oregon City Drainage Master Plan (January 1988). These basins are part of tributaries that drain to the Beaver Creek. Stormwater within the study area is currently being managed by a combination of roadside ditches, natural drainage channels, and underground storm conveyance systems. Additionally, there are a handful of existing detention ponds within the City's boundaries that service existing subdivisions and a privately owned detention pond located along the southeast side of South End Road and Kelland Court.

Sanitary Sewer

The only areas serviced by City wastewater collection are the lands located within the City limits in the northeast and east sections of the planning area. The majority of the homes within the planning area are outside city limits and currently on septic systems. The City Sanitary Sewer Master Plan indicates that the areas within the Plan boundary will drain to the South End Basin and appear to be able to handle the load at build out to urban densities. Areas within the Plan area that are inside City limits convey flows to the Parish Pump Station to the wastewater treatment plant.

Natural Resources

I really like emphasizing access for everyone to the views and beauty of the area.

Two potentially jurisdictional wetlands and seven other waters of the State/United States comprising approximately 3.7 acres and 2.38 acres respectively were identified within the Plan area. Most of the wetland acreage is comprised of a somewhat linearly-shaped depression along a stream channel located in the northernmost portion of the study area. The other wetland area is east of the intersection of Forest Ridge Road and South End Road, near the confluence of two channels.

There are no significant natural areas in South End as defined under Oregon Statewide Land Use Planning Goal 5. However, the Canemah Bluffs Natural Area is directly adjacent to South End and overlook the Willamette River. The Willamette River is an American Heritage River and the Willamette River Water Trail is one of 14 nationally recognized water trails. There are several existing wildlife habitat types in the area, including approximately 102 acres of forested area and 43 acres of open grass space.

Parks and Trails

There are no public parks within the South End study area—existing open space is privately owned and maintained and signed as restricted access. Residents living in South End can utilize nearby Madrona Open Space, owned by the City, and John McLoughlin Elementary School open space, owned by the Oregon City School District. Currently in South End, there is a precedent for privately maintained open spaces serving particular residential subdivisions. South Park Estates, Finnegan's

Terrace and Merchant Meadows are examples of subdivisions that maintain private open space areas.

The Metro-owned and maintained Canemah Bluff Natural Area, outside the urban growth boundary, provides residents of South End with opportunities for engaging in hiking, nature viewing, and other recreational activities. This 308-acre natural area is split into two distinct sections and serves as a significant wildlife habitat resource for the region. Metro anticipates developing a formal master plan for the southern section of Canemah Bluffs within the next few years. This section of Canemah Bluffs is closest in proximity to the residents of South End. Filbert Run Park is a planned 3.5-acre park site that will be located just two blocks northeast of the South End study area. Park amenities have yet to be determined.

Currently, the South End study area does not have any publicly designated walking or biking trails. The Trails Master Plan (2004) identifies several trail projects that would improve active transportation access in South End, including the proposed Oregon City Loop Trail and Canemah Bluff Trail and BPA Powerline Trail. Planned inter-neighborhood trails include Finnegan's Trail and Parkland Trail.

This area is residential and people have bought homes in this area for that reason.

Housing and Commercial Market

Oregon City had approximately 14,388 employees within the local service area in 2010, according to Metro. Metro forecasts indicate that Oregon City will add another 5,073 new households and 8,098 new jobs between 2010 and 2035, including 2,337 retail jobs, 3,263 service jobs and 2,498 other (industrial and government) jobs. Primary locations for new employment include downtown Oregon City as well as planned development areas such as Beavercreek, and locations in and around the Clackamas Community College campus. The South End area is expected to add approximately 1,539 households and 76 jobs.

Single-family detached housing units have traditionally dominated Oregon City's residential development patterns. Recent housing developments along South End Road include a mix of single-family detached homes, small lot detached homes, townhomes and duplexes.

I like the clusters of commercial areas as opposed to "strip" areas.

Oregon City has had relatively high vacancy rates for general retail and has shown negative absorption levels for both general retail and shopping center space over the past 12 months. Within the Primary Market Area for the South End area there is significant retail trade leakage, which occurs as households travel outside the area to make retail purchases. By adding a neighborhood or community shopping center, South End could be positioned to intercept a portion of the retail trade leakage and benefit from long-term growth in household buying power that would occur as additional people move into Oregon City.

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Figure 3. Opportunities and Constraints – replace this sheet with 11x17 map

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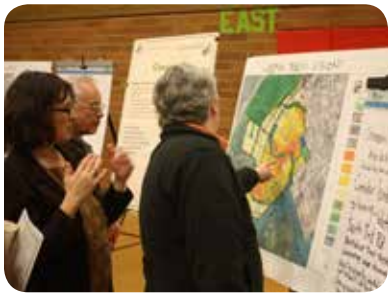
Opportunities and Constraints

Opportunities and constraints were developed based on comments received at the December 13 Community Open House and are illustrated in Figure 3.



Opportunities

- Large lot sizes within the planning area allow for large assemblages of property.
- Existing properties can be consolidated into a regionally managed stormwater system to and preserve natural resources and sensitive areas.
- New roadways, paths and trails can link homes to local and regional amenities.
- Preserve views as a lasting amenity for future residents.
- High potential for successful residential development due to a preference for suburban neighborhoods, increasing householder income levels and South End's proximity to schools and parks
- Lack of neighborhood amenities may be addressed through a combination of appropriate zoning and adequate site planning.

Constraints

- Existing development pattern and ownership fragmentation makes property assembly difficult.
- Established linear road network makes it difficult to provide new connections between existing roads.
- Large existing developments reduce the ability to link roads and trails.
- Fragmented development along main roadways has low redevelopment potential.
- Public infrastructure (sewer, water, and stormwater) are currently lacking or built to a county standard.

SOUTH END CONCEPT PLAN

Community Vision and Values

Vision

Oregon City's South End is a safe, vibrant and diverse community. Parks, plazas and other public gathering places strengthen the sense of community and connectedness. A variety of housing choices and amenities are the foundation of great neighborhoods for people of all ages. South End's historic rural character is retained through a variety of means. Streams, trees, wetlands and wildlife habitat are protected and enhanced through a network of natural areas. As one center of community, McLoughlin Elementary is a hub of learning and information exchange. Paths, trails and family friendly streets provide safe travel for all. Several transportation options are available and connect South End to downtown Oregon City and the region.

Increase the diversity, but not necessarily the density, by promoting a few small retail businesses, more housing types and more options in transportation than just the private automobile.

Values

Rural Character

South End is a peaceful community whose pastoral nature is indicated by small farms, large fields and expansive views.

Livable

Homes and neighborhoods in South End are safe, attractive and family-friendly.

Sense of Place

South End residents respect the unique culture and history of the area.

Environmental Quality

South End residents care deeply for the streams, trees, clean air and water and other natural features.

Excellent Schools

The South End community takes pride in and supports the high quality of its schools.

Figure 4. Concept Plan Diagram – replace this sheet with 11x17 map

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Concept Plan Overview

The South End Concept Plan establishes a series of walkable and diverse new neighborhoods that are modeled after the most valued and beloved historic neighborhoods in Oregon City and throughout the region.

Residents have a choice of places to work, shop, recreate and learn within a short walk or drive from their homes. Community-serving retail stores, workshops and businesses cluster in two small neighborhood centers along a new South End main street, where the greatest number of social and economic interactions occur. Most homes are within a five to ten minute (1/4 to ½ mile) walk to the neighborhood centers, where they can pick up some essentials from a small grocer or meet friends for coffee in a local deli or café.

Public parks and open spaces provide places to gather, recreate and enjoy the area's scenic beauty. These green spaces also preserve and protect sensitive resources. Small neighborhood parks are dispersed throughout the neighborhoods, just a two to three-minute walk from most residences. A large, eight-acre park has the potential to provide ball fields, group picnic areas, a dog park and other recreational facilities to users throughout the city. Natural wetlands in drainages and small creeks combine with boulevards to create several looping greenways surrounding the neighborhoods. These greenways provide a circuit that eventually joins with the John McLoughlin Elementary School open space and meet up with the new Metro Regional Canemah Bluff Natural Area with preserved natural habitat and extensive hiking trails.

Homes are grouped close together in the blocks surrounding the neighborhood centers, while lots further from the centers, toward the neighborhood edges, are increasingly larger. Many of the lots in the new neighborhoods will have rear service alleyways for accessing garages behind houses and shops. By eliminating garages from the street, houses can be designed to orient front porches and stoops to the streets, which in turn contribute to "eyes on the street" or natural surveillance of passersby. Neighbors knowing one another and keeping a watchful eye on the streets, sidewalks and parks are the best security for a community.

South End utilizes a network of streets connecting convenient destinations to which residents can walk, bike or drive. New local streets and lanes are added incrementally from one branch to the next to help disperse travelers, provide parallel routes to South End Road, and maintain slow speeds throughout the neighborhood. Eventually these "capillary" streets will form a web of ways to travel throughout the community. Some proposed roadways within the concept plan will utilize a center island which may be used for tree planting, pedestrian features, and art installations while also providing stormwater management functions.

Key Elements

Natural Features

Preservation of contiguous natural spaces and wildlife corridors.

Preservation of most wetland areas with several road connections across streams/wetlands at narrow points.

Improved access to natural areas and views.

Parks and Trails

Network of new parks, open spaces and gathering places.

Larger park sufficient for ball fields and other recreational opportunities.

Trail connections to parks, natural areas, regional trails, neighborhood retail and residential neighborhoods.

Use of utility corridors for new trails.

Preservation of private open space for non-public uses.

Civic uses in various parks and public spaces.

Housing

Housing choice—a mix of single family, multi-family and mixed use designations.

Small lot residential located in two neighborhood centers along South End Road.

Retail

Limited neighborhood commercial uses along South End Road at Forest Ridge Lane and Navajo Way.

Sidewalks and pathways on both sides of every street provide the means to travel the neighborhoods safely. Narrow street widths and on-street parking reduce traffic speeds throughout South End. Children can walk or bike safely to school on this network of interconnected paths, sidewalks and streets. The interface between the neighborhoods and the Urban and Rural Reserves at their edges is of particular interest. In most locations, a narrow, slow moving road runs along the edge of the neighborhood allowing residents throughout the community to enjoy natural parks and scenic views.

Civic uses, such as libraries, community centers, park pavilions, post offices, senior centers and interpretive centers, are places where people gather in addition to stores and cafes. While these places fit well in the neighborhood centers along the main street, they can also disperse in the neighborhoods, depending on their functions. Since civic uses are community-gathering places, they are best to be in highly visible places, perhaps at the end of an important street, or overlooking a park, plaza or square. These become the symbolic icons that people use to remain oriented and grounded in their communities.

The timing and extent of new improvements depends on many factors, including market conditions and the desire of owners to develop their properties. New development pays the majority of infrastructure costs through Systems Development Charges and other fees. The costs of large capital infrastructure such as sewer mains and pumps stations necessary to support private redevelopment of the plan area are thoroughly analyzed and properly financed before development occurs.

Land Use

Property owners must apply for annexation of lands within the plan area to the City before any new development may take place. Upon voters' approval the concept plan can slowly start to take form. South End currently serves primarily residential frontages. The proposed concept adds two small neighborhood commercial centers populated by several main street-oriented retail and mixed use opportunity sites. The northernmost commercial district is centered around the intersections of South End Road and S Forest Ridge Lane. The southernmost neighborhood commercial site is located around the intersections of South End Road and S Impala Lane and S Navajo Way. The remainder of the South End Road Corridor continues to provide opportunities for residential development. New developments are encouraged to limit vehicular access to South End Road, instead favoring access from a series of new local streets created as the periphery of the planning area is developed.

The concept plan is designed to retain as much of the existing rural character as possible in the outer edge of the area through large lot residential land use. The plan also reflects this notion by applying the City's large lot land use designations throughout the majority of the planning area.

Key Elements

Transportation

Complete road network promotes connectivity and increases travel options.

Opportunities for new sidewalks, pathways and bike lanes.

South End Road as three-lane arterial.

Two family-friendly roads parallel to South End Road; the eastern-most designated a collector.

A slow, narrow road along the bluffs to provide public access and views with safe pedestrian crossings to Cahemah Bluffs Natural Area.

Roundabouts to safely accommodate through-traffic at major intersections.

Optimized number of new street connections to South End Road to preserve capacity.

Infrastructure

New water and sewer infrastructure constructed with roads to meet community needs.

Stormwater retention ponds and swales along natural features at

While the outer edge of the plan is large lot residential, a mixture of districts provide for a diverse range of housing opportunities. A few portions of the plan are available for attached and multi-family housing. Small lot residential districts are clustered around the community's activity centers where they are supported by urban services and eventual access to transit. Large lot areas radiate out from the centers, providing a gradual transition in density to the community's edges.

Large lot residential zoning makes up the majority of the planning area with more than 245 acres of low density residential lands. A total of 132 acres of medium lot and 23 acres of small lot residential zoning is located in and near the activity centers along South End Road. Again, zoning only applies when properties are annexed to the city.

Housing

By far, the largest allotment of lands within the concept planning area is residential. Approximately 400 acres are identified within the conceptual planning area as residential lands. When annexed to the City, the lands will be assigned a variety of existing large lot zoning designations (R-10, R-8, and R-6) with 10,000, 8,000, and 6,000 square foot lots. The plan area will also contain selected medium and small lot residential areas. The City's existing R-5 and or R-3.5 zoning designations will be applied to medium lot areas resulting in parcels which range between 5,000 and 3,500 square feet. The medium lot designation will support detached residential homes as well as townhome or multiplex styled housing products. The City's existing R-2 zoning designations will be applied to the small lot residential district, resulting in average lot sizes of 2,000 square feet.

The residential mix proposed within the planning area will eventually result in a wide range of dwelling unit types and densities providing housing choice for all income levels. Table 3 illustrates the number of potential dwelling units within each residential category, ranging from a high of 2,637 units to a low of 1,747 units.

Table 3. Potential South End Dwelling Units

Residential Category	Potential Zoning	Gross Area (Acres)	Net Area (Acres)	High Density Estimate (Units)	Low Density Estimate (Units)
Large Lot Residential	R-10, R-8, or R-6	244.7	195.8	1,193	716
Medium Lot Residential	R-5 or R-3.5	132.3	105.9	1,106	774
Small Lot Residential	R-2	23.0	18.4	336	256
Neighborhood Commercial / Mixed Use	MUR	11.2	9.0	No Assumed Density	No Assumed Density
Total		400	322	2,637	1,747

Note: See Appendix B for detailed density calculations.

Oregon City is required by the Metro Urban Growth Management Functional Plan to provide for an average density of 10 units per acre in the 2002 UGB expansion area. The area added prior to 2002 is governed by the Metropolitan Housing Rule and requires the City to provide for 8 units per acre. The net acreage of the 2002 UGB expansion area is approximately 133 acres resulting in the need to provide for 1,330 units. The net acreage of the pre-2002 UGB expansion area is approximately 196 acres, resulting in the need to provide for 1,568 units. Therefore, Oregon City is required to provide for approximately 2,898 homes, 261 more units than provided at the high end of the South End Concept Plan density range.

While the proposed Comprehensive Plan amendments do not achieve the numerical density requirement within the 2002 expansion area of the plan, Metro recognizes that "the City's effort to successfully plan for a larger area, including developable land within the original 1980 UGB, has resulted in a well-integrated and higher density area overall. For this reason, Metro concludes that Oregon City L13-03 and L13-04 and associated Findings of compliance meet the intent of and demonstrate substantial compliance with Title 11 of the Functional Plan as well as the conditions of addition of Metro Ordinance No. 02-969B."

Neighborhood Commercial

Retain more open space and working landscape, such as farms and forest.

Areas of the plan designated as neighborhood centers are assigned the City's Neighborhood Commercial zoning designation upon annexation. The implementation of the Neighborhood Commercial zoning results in an urban services and trading zone with opportunities for smaller scaled community convenience facilities. Permitted uses within the neighborhood commercial zone include a variety of residential and commercial uses.

Parks and Trails

The South End Concept Plan provides access to a network of parks and open space within easy walking distance of residents and offers a variety of opportunities for recreation. The South End area can be organized into roughly four neighborhoods based on a quarter-mile (five-minute) walking radius. The plan utilizes bands of open space consisting of sensitive habitat and drainage areas, park land and roadways with landscaped central parkways to connect each of these neighborhoods to each other and the adjacent regional natural area at Canemah Bluffs. Neighborhood commercial uses are focused along South End Road, with several opportunities to connect to park sites adjacent to these higher density areas, including creating a village center in the form of a plaza or green space.

Also key to the development of the South End Concept Plan is an eight-acre community park. The 1999 Oregon City Park and Recreation Master Plan indicated a critical need for the City to acquire a park in this area as this portion of the City does not have access to community park facilities, is experiencing increased growth and has a limited supply of developable land. Oregon City community members were surveyed in 2008 as part of the Parks and Recreation Master Plan Update. At the top of the list of needed parks and recreation facilities were: walking and biking

trails (77%), small neighborhood parks (70%), open space and natural areas (61%), large group picnic areas and shelters (59%), large community parks (59%), and nature trails and nature center (56%). The most common reason residents traveled outside the City for recreation purposes was to participate in soccer, baseball and basketball. The overall variety of facility types in the South End should be carefully considered as part of any site specific development plan.

The Oregon City Park and Recreation Master Plan, National Recreation and Park Association's park and recreation facility guidelines provide the following standards for park development: 1-3 acres of neighborhood parks per 1,000 residents; 2-4 acres of community parks per 1,000 residents; and 6-10 acres of developed park facilities per 1,000 residents. These standards indicate the need for a minimum of 19.8 acres of developed parks, including neighborhood and community or other developed park facilities in the planning area, assuming a minimum buildout population of approximately 2,200 residents. As currently proposed, the South End Concept Plan provides 24 acres of parks and an additional 51 acres of open space, as shown in Figure 5.

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Figure 5. Proposed Parks and Open Space Improvements – replace this sheet with 11x17 map

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Natural Resources

Important natural resources occur within the South End Concept Plan area. These resources are predominately associated with unnamed stream channels located on the eastern portion of the plan area, and the area of western bluffs overlooking the Willamette River. The South End Concept Plan takes great care to preserve and integrate natural resources. An inventory map showing streams, wetlands and their buffers, and a vegetation classification map showing forest canopy and open spaces are used to inform decisions on where to plan development and where to preserve open space and natural resources. Most development is concentrated outside of and away from natural resources, while recreational areas such as trails and parks are designed to complement and preserve those resources.

Transportation

South End has an interconnected network of multi-modal streets that take advantage of the relatively flat terrain at the top of the bluff and build upon and connect with existing streets in the area. The design of the streets reflects the character of the neighborhood, reinforcing its rural nature while accommodating all modes of travel and users of all ages and abilities. The streets are more than just places for automobile travel; they are also where people gather, walk, bike, access transit, and park their vehicles. As such, they are designed to safely connect people to where they need to go, giving residents, and visitors more travel choices to destinations.

Public transportation is desperately needed, particularly as the population ages.

Multi-Modal Street System and Function

The 2013 Oregon City Transportation System Plan (TSP) street classification system consists of a scale and design appropriate to adjacent properties and land uses in South End as illustrated in Figure 6. These multi-modal classifications also provide for and balance the needs of all travel modes including pedestrians, bicyclists, transit riders, motor vehicles and freight. Within these street classifications unique circumstances may lead to alternative context sensitive designs. The Oregon City multi-modal street system standards adopted in the 2013 Oregon City TSP are further modified to reflect proposed land uses in the South End Concept Plan area, shown in Figure 7.

Figure 6. Street Design Type

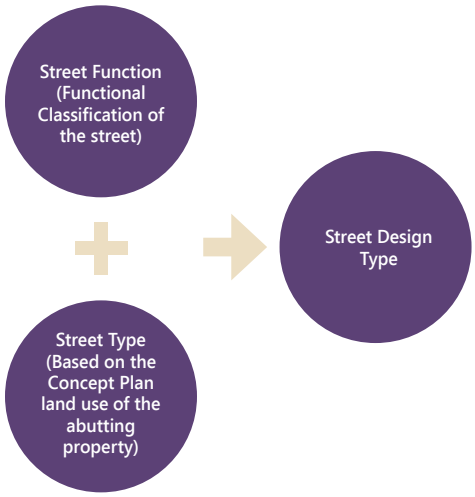

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Figure 7: Multi-Modal Street System – replace this sheet with 11x17 map

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The functional classification of a roadway defines its design characteristics (such as minimum amount of travel lanes), level of access and usage within the City and region. The street functional classification system forms a network that works together to serve travel needs on a local and regional level. Roadways with a higher intended usage generally provide more efficient motor vehicle traffic movement (or mobility) through the City, while roadways with lower intended usage provide greater access for shorter trips to local destinations. The three classifications designated for the South End Concept Plan area, include Minor Arterial Street (South End Road), Collector Streets (Beutel Road-Parrish Road, Rose Road, and Deer Lane extension), and local streets (all other streets in the South End Concept Plan area).

As the major street through the area, South End Road connects residents, commuters, and visitors to downtown and the regional transportation system. It is designed in a manner to serve the through-travel demand, while still being viewed as an asset to the neighborhood rather than a barrier. Bicyclists are accommodated with an exclusive on-street bike facility that is physically separated from motor vehicle traffic with a parking lane and/or a buffer. Where on-street parking is allowed, the cycle track is located to the curb-side of the parking (in contrast to bike lanes). Those walking are accommodated with sidewalks buffered from the street with landscaping and/or street furnishings. Safe and comfortable pedestrian and bicycle crossings are provided where facilities cross South End Road.

To the east and west of South End Road are networks of streets and shared-use paths providing on and off street connections to schools, parks, housing and shopping. Primary street connections to South End Road for those driving in the Concept Plan area are via Deer Lane-Madrona Drive, Beutel-Parrish Road, and Rose Road. These streets employ design techniques to create safe, slow streets without diminishing vehicle capacity, mitigating the impacts of the traffic on the adjacent housing and providing greater balance between safety and mobility.

I would like improvements of the street design to be simple, affordable, and therefore doable.

Street Design Types

The street types in Oregon City require a balance between street functional classification, adjacent land use, designation and the competing travel needs by prioritizing various design elements. Overall, there are 10 different design types for Streets in the South End Concept area ranging from Mixed-Use Minor Arterial to Shared Local Street as illustrated in Figures 3a to 3j of Appendix C. The applicable design type for each street section can be seen in Figure 8.

Three street types designated for the South End Concept Plan area are:

- **Mixed-Use Streets** typically have a higher amount of pedestrian activity and are often on a transit route. These streets should emphasize a variety of travel choices such as pedestrian, bicycle and transit use to complement the development along the street. Since mixed-use streets typically serve pedestrian oriented land uses, walking receives the highest priority of all travel modes. They are designed with features such as wider sidewalks, traffic calming, pedestrian amenities, transit amenities, attractive landscaping, on- street parking, pedestrian crossing enhancements and bicycle lanes.

An example of permeable pavers

An example of a planter box adjacent to the sidewalk

Preserve open space, not just in parks, but in gardens and areas of working landscapes where small farming and woodlots provide more options to wildlife than just suburban housing.

- **Residential Streets** are generally surrounded by residential uses, although various small shops may be embedded within the neighborhood. These streets often connect neighborhoods to local parks, schools and mixed-use areas. They are designed to emphasize walking, while still accommodating the needs of bicyclists and motor vehicles. A high priority is given to design elements such as traffic calming, landscaped buffers, green street treatments, walkways/ pathways/ trails, on-street parking and pedestrian safety enhancements.
- **Family Friendly Streets** to help encourage active transportation by providing comfortable, low-stress routes between neighborhoods and local parks, schools, and shopping areas. The network generally serves as a greenway that links parks, schools, jobs and other destinations in the City through a network of shared-use streets and off-street shared-use paths. These routes are considered walking and biking streets that are also used by motor vehicles for local access.

  Family friendly streets area local streets, modified to prioritize the through-movement of bicyclists and pedestrians while maintaining local access for automobiles. These routes include wayfinding signage and pavement markings, and commonly make use of traffic calming features that reduce motor vehicle speeds and discourage through traffic. Where these facilities cross major roadways, safe and comfortable pedestrian and bicycle crossings are provided. Further enhancements may include "green street" features such as bioswales and street trees, pervious concrete or asphalt, in addition to wider sidewalks and improved pedestrian amenities, such as benches and pedestrian-scale lighting.
- **Shared Streets** are roadways where bicyclists and motorists share the same travel lane. The most suitable roadways for shared bicycle use are those with low speeds (25 mph or less) and low traffic volumes (3,000 vehicles per day or fewer). These streets serve to provide continuity to other bicycle facilities (e.g. bicycle lanes) and should include shared lane markings. Common practice is to sign the route with standard Manual on Uniform Traffic Control Devices (MUTCD) green bicycle route signs with directional arrows. Shared roadways can also be signed with innovative signing that provides directional information in terms of bicycling minutes or distance (e.g., "South End Road, 3 minutes, ½ mile").

Design Elements for Streets

To better represent and strengthen the rural character of the South End Concept Plan area, and to further enhance planned driving, walking and biking infrastructure, the City should implement the following design elements as appropriate:

- Permeable pavement
- Bioswales
- Stormwater planter boxes
- Green parking
- Traffic calming

Figure 8: Street Design Types – replace this sheet with 11x17 map

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Walking and Biking

Residents of South End can travel safely and efficiently between destinations via any number of active transportation modes, such as walking, biking, or skating. A system of Family Friendly Routes, on-street sidewalks and bikeways, and shared use paths provide quality access to key destinations—improving the overall health and livability of the neighborhood. Both the trail and on-street pedestrian and bicycle network are context sensitive, addressing the rural character of South End, while also meeting the expressed community desire to have increased opportunities for walking and biking. Moreover, these networks are fully integrated with the existing trail and bikeway network and the planned active transportation projects in the Oregon City TSP. These measures help ensure that residents of South End can access goods and services without the need for an automobile within and outside of the South End area.

Proximity to the Canemah Bluffs Natural Area and potential for the development of many smaller neighborhood and larger community parks, are significant assets for the future of South End. A high quality network of low-stress pedestrian and bicycle facilities provides residents with better access to these scenic natural and recreational areas. Many streets in the South End area include large vegetated medians and/or buffers to help maintain a natural, rural feel to the street. In addition to serving a traffic calming function, these streets provide informal areas for social activity, recreation and play.

Those walking in South End are accommodated primarily through street-side sidewalks or pathways. On arterial and collector streets, sidewalks are installed on both sides of the roadway. Local streets are more flexible and could include pervious pavers or other surface types as a sidewalk or sidepath. Sidepaths maintain physical separation from motor vehicle traffic via split-rail fence and/or landscaped buffer and help to retain the rural character of South End. Off the main street system, a web of safe, comfortable walking and biking routes provides access between neighborhoods and local parks, schools, and shopping areas. This network serves as a de facto linear park system linking the Concept Plan area to other parts of the City through on-street bikeways and off-street shared-use paths.

For bicyclists, dedicated facilities vary based on roadway classification. On collector and arterial streets, where traffic speeds and volumes are higher, bicyclists are provided with physically separated facilities. However, the majority of streets in South End are local streets, with lower traffic speeds and volumes. Some of these streets accommodate pedestrians and bicyclists through their designation as Family Friendly Routes (Figure 8). The Family Friendly streets prioritize the through-movement of bicyclists with shared lane markings (SLMs) to demonstrate where bicyclists should operate on the roadway—outside the parking lane door zone. SLMs also alert motorists to expect bicyclists on the roadway. Bicyclist wayfinding signage highlights key destinations, such as parks and community centers, and the best routes on which to bike. These signs improve destination and route finding for residents and visitors alike, encouraging exploration and activity.

parking is allowed, the cycle track is located to the curb-side of the parking (in contrast to bike lanes). To improve visibility of the bicyclists, the cycle track drops to a buffered bike lane and on-street parking is prohibited 30 feet in advance of the cycle track termination when approaching intersections. The cycle track either remains curb-tight or bend-in towards the roadway with curb-extensions to improve visibility of the bicyclists at the intersections.

Pedestrians are accommodated with sidewalks buffered from the street with landscaping and/or street furnishings. Safe and comfortable pedestrian and bicycle crossings are placed where facilities cross South End Road.

We need more amenities like open spaces and trails but also some neighborhood retail/ commercial so residents do not have to travel across town.

Example of a cycle track bending in towards the roadway and parking restrictions when approaching an intersection

Trails

Figure 9 also illustrates the potential active transportation network for South End. The emphasis of this network is on connecting residents to existing and future trails, as defined in the most recent Oregon City Transportation System Plan, as well as key destinations within and near to South End. Trail access also connects residents to important viewsheds in the South End area. The types of trails vary by context, from walking paths made of pervious paver walking paths to concrete shared use paths for pedestrians and bicyclists. Some streets also have a dedicated path through the wide landscaped median. User comfort on these trails is maximized due to the physical distance and separation from motor vehicle traffic.

Figure 9: Walking and Biking Network – replace this sheet with 11x17 map

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Transit

The Concept Plan sets the stage for the provision of transit, recognizing that the type and extent of service improvements will play out over time. The specifics of transit service will depend on the actual rate and type of development built, provider resources and policies, and, consideration of local options. Future redevelopment in the South End Concept Plan area may make transit a viable option in the future.* As shown in Figure 10, two conceptual options for future transit include:

- A route modification to the existing TriMet bus service between the Oregon City Transit Center and Clackamas Community College (Route 33) that would extend the route from Clackamas Community College west down Meyers Road, then south down Leland Road, and west down McCord Road and Partlow Road to South End Road. At South End Road, the route would travel south to serve the South End Concept Plan area, before heading north again returning to the Oregon City Transit Center via the Deer Lane extension, Madrona Drive, Lawton Road and South End Road.
- New local loop route that connects to the Oregon City Transit Center and serves the South End Concept Plan area, and the residential areas along South End Road, Partlow Road, Central Point Road, Warner Parrott Road, Canemah Road, Telford Road, and Center Street not currently served by transit.
- A third option would be to work with another transit provider, such as Canby Area Transit. Candy Area Transit's Orange Line (99E) currently travels from the Canby Transit Center to the Oregon City Transit Center.

* TriMet is currently exploring transit service and access improvements for the southeast area of the Portland region, of which Oregon City and South End are a part.

Reserve most of the area for open space, natural areas and parks. Densify the remaining areas and create a 15-minute community that emphasizes active transportation.

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Figure 10: Transit Options for the South End Concept Plan Area – replace this sheet with 11x17 map

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Public Infrastructure and Services

Water

The existing Oregon City water system is expanded to serve the entire South End Concept Plan area. Based on the 2002 UGB, stated and delineated within the 2012 City of Oregon City Water Distribution System Master Plan, all existing and proposed water mains, lines and services are incorporated under the ownership of Oregon City. Ownership of the Clackamas River Water (CRW) system is incorporated into Oregon City's water distribution system. CRW facilities may not be designed to handle urban levels of development and will need to be improved, expanded or replaced to continue to provide water service to corresponding customer areas. The existing CRW water system should be analyzed further to determine the need for replacement. The Master Plan forecasted sufficient water supply to accommodate build out in the South End Zone. However, the South End Concept Plan proposes development beyond what is shown in the Master Plan. Maximum Daily Demand (MDD) available pressure and available fire flow should be re-evaluated to account for the zoning densities shown on the current concept plan. As the annexation process occurs, the City will notify and work with CRW and its customers to assure transfer to the city water system transpires in a methodical way and rate payers are aware and informed of the process.

Distribution Improvements

The proposed water main system improvements are shown in Figure 11. Water main improvements consist of new water mains ranging from 8-inches to 12-inches, unless stated otherwise. Several connections are made to both the existing City of Oregon City water main and CRW main, located along South End Road. The most significant extension is the connection to the existing 12-inch main, located northwest of South End Road at the intersection of South Rose Road and South Deer Lane. A new 12-inch main runs southwest along the concept plan boundary. The 12-inch main connects back to South End Road within a street located southwest of the intersection of South Impala Lane and South End Road. Numerous 8-inch mains are constructed within the proposed street layout. The grid network created by this new system layout provides a looped distribution system, reducing the chances of pressure issues. All pipe size estimates are preliminary and should be revised with detailed flow modeling. The pipe sizes assume that the flow velocities are kept at or below 10 feet per second. Site specific studies should be performed as development occurs to test and confirm available fire flows and minimum pressures can be achieved, as outlined in the *2012 Water Master Plan, Table 4-1: City of Oregon City Planning and Design Criteria*.

Stormwater

The City Engineering Division is creating a new series of Low Impact Design (LID) standards. Therefore, a low impact stormwater approach is recommended for the planning area. Providing LID standards to the planning area limits the impact to existing and aging storm systems and reduces the infrastructure required to service the area. LID approaches mimic the natural hydrology of the catchment area. The approach manages stormwater within each basin, separating the basin into several smaller sub-basins. The stormwater within each basin can be managed utilizing the following categories: individual sites, streets and regional facilities. Figure 12 shows

where each of these approaches can be used in the South End Concept Plan. Site specific LID designs need to take the topography and soil conditions of the site into account. Specific site studies should be required to ensure that appropriate LID designs are implemented.

Individual sites include all residential areas (single family and multi-family), commercial and open spaces. Stormwater runoff is minimized by using less impervious surfaces wherever possible and integrating stormwater management facilities within the properties. Impervious areas are minimized by utilizing porous pavements (i.e. pervious concrete, and eco-roofs). Stormwater management facilities are incorporated into the landscape. For instance, a vegetated bioswale can be used in a parking lot in a landscape isle, while a small rain garden can be incorporated into a residential yard.

Runoff from roads and streets is managed utilizing 'green streets,' where possible. Green streets utilize landscape street-side planters or swales that capture and detain or infiltrate stormwater runoff. The soil and vegetation within the planter or swale filter pollution. They are designed to accommodate the traffic needs while providing a fully functional stormwater management system and landscaping. If the native soil does not allow for infiltration of the stormwater, a sub-surface detention system can decrease the size of a downstream stormwater facility. Green streets are also used to convey runoff rather than utilizing an underground conveyance system. Conceptual locations of regional stormwater ponds are shown in Figure 12 in the low spots of the basin, but can be relocated once site specific information is obtained. If a regional facility is proposed, further studies should be performed to confirm ultimate location, design, size, soil condition and over all site conditions and constraints. In addition, downstream analysis should be performed to analyze and mitigate impacts to the regional system. Potential alternate locations for regional stormwater facilities could be within power line corridors in coordination with the Portland General Electric and Bonneville Power Administration.

When soils or grading constrain the use of individual site management and green streets, a regional approach to stormwater management should be explored. Regional facilities should be located in low points within open spaces to manage large flows for both treatment and detention before releasing to a creek or river. Regional facilities are usually operated and maintained by the City.

Stormwater Conveyance

Two methods for stormwater conveyance both utilize gravity flow to either a creek or river or a regional stormwater facility. The first is surface conveyance consisting of street-side planter or swales and ditches. Surface conveyance contains ditch inlets and culverts. Some manholes may be required to link the systems together. Whenever possible, this should be the first approach to stormwater conveyance. A certain amount of treatment and retention occurs when stormwater is conveyed through a system that is vegetated.

The second is an underground system that includes many more catch basins and manholes than a surface conveyance system. Underground systems can be more expensive to construct since they are conventionally three feet or more below ground. On busier streets such as South End Road, an underground conveyance system is likely more practical.

Sanitary Sewer

The three drainage basins in the study area require pump stations and gravity sewer lines. Each pump station pumps discharge a short distance to gravity lines from each basin that convey discharge to the intersection of South End Road and Beutel Road. A new pump station and force main pump the effluence to the South End Road Interceptor, located at the intersection of South end Road and Glacier Court. An alternate to pump the entire area to the Parrish Pump Station was analyzed but not favored because it would require improvements to increase the capacity of the Parrish Pump Station as well as the associated pressure mains.

Collection Improvements

Proposed sanitary sewer system improvements are shown in Figure 13 and are described in greater detail in Appendix D. Due to the existing municipal system and topography of the future serviced area, the conveyance options for the discharge of basins E6, E7 and X1, as outlined in the Sewer Master Plan are quite limited. Basin E6 is pumped north to Beutel Road where it discharges to a proposed gravity line, then flows southeast to the proposed pump station at the intersection of South End Road and South Parrish Road. Discharge from Basin E7 utilizes two pump stations located west of South Kelland Court and approximately 1,300 feet south of the intersection of South End Road and South Kelland Court. Both pumps within basin E7 utilize discharge to a proposed gravity line located along South End Road, where it intersects the UGB. The proposed gravity line flows northeast along South End Road to the proposed pump station at the intersection of South End Road and South Parrish Road. Future developments within Basin X1 could be routed to the proposed pump station at the intersection of South End Road and South Parrish Road, utilizing the proposed gravity lines along Beutel Road and South End Road. The proposed pump station at the intersection of South End Road and South Parrish Road pumps the discharge from basins E6, E7 and X1 through a proposed forcemain along South End Road northeast to the existing gravity line at the intersection of South End Road and South Glacier Court.

Routing basins E6, E7 and X1 to the existing Parrish Road Pump Station would require upsizing the existing gravity lines, constructing a parallel force main along the existing force main and would leave a spare capacity to serve only an additional 375 people. Additional service would require upsizing the pump station or routing discharge directly to the South End Road Interceptor. Basin E7 will be serviced by two pump stations, due to its topography. The proposed pump station at the

intersection of South End Road and South Parrish Road will accommodate the peak flow of all three basins. Sizing of the proposed pump stations is based on the buildout peak flow for the average density for the UGB expansion area. Further flow monitoring is recommended to verify previous Inflow/Infiltration assumptions for basins E6, E7 and X1. Locations of proposed pump stations and sewer lines are preliminary and can be relocated based on further studies and site specific information.

Figure 11. Proposed Water System Improvements – replace this sheet with 11x17 map

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Figure 12. Proposed Stormwater Improvements – replace this sheet with 11x17 map

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Figure 13. Proposed Sanitary Sewer Improvements – replace this sheet with 11x17 map

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Public Services

Police

Upon annexation, responsibility for providing police services to new City properties is transferred from the Clackamas County Sheriff's Department to the Oregon City Police Department. The Police Department workforce consists of approximately 1.3 officers per 1,000 residents. Therefore, the Police Department will need an additional six to nine officers to maintain that rate at buildout of the South End area. Transfer of service from Clackamas County to Oregon City will result in an increased police presence and decreased response times.

Extend sidewalks further down South End Road for kids to safely walk to the elementary school.

Fire

Clackamas County Fire District #1 serves within and outside Oregon City city limits and therefore continues to provide fire protection services to the South End. The Concept Plan area is served by Fire Station 17, located 0.2 miles to the north on South End Road. The South End Fire Station 17 currently is staffed with a minimum of two firefighters at all times and responds to approximately 50-60 calls for service per month within its own response area. The Fire District's current standard for response time in the Concept Plan area is approximately seven minutes. It is the long-term intent of the Fire District to staff that station with a minimum of three firefighters at all times.

Schools

The Oregon City School District indicates John McLoughlin Elementary School, located within the South End Plan area, currently enrolls 560 students and can accommodate 30 more for a total capacity of 590 students. If future enrollment exceeds the capacity at McLoughlin Elementary, the School District plans to re-open King Elementary School, located less than one mile north on South End Road. King Elementary provides an initial capacity of 400 students with a plan to add capacity if necessary.

The nearest middle and high schools are Gardiner Middle School and Oregon City High School, two and four miles away respectively. Current enrollment at Gardiner is 777 students for grades 6-8. Total capacity for the school is 930 students. Ogden Middle School has a capacity for 960 6-8 students. Oregon City High School has a capacity of 2,510 students based on an average of 25 students per classroom. Maximum capacity is 2,800 with current enrollment at slightly more than 2,300 students.

Based on the methodology used by the School District and Portland State University's Population Research Center, development in the study area at buildout will result in the addition of approximately 988 students: 456 elementary school, 228 middle school and 304 high school students. These increases in enrollment are expected to occur gradually over the next thirty or more years, depending on the pace of annexation and development in the planning area. Moreover, future enrollment for these elementary schools is projected to remain relatively flat, as new households in their service area are projected to include fewer young children. Therefore, No new school sites are identified in the South End Concept Plan. The City and School District will continue to coordinate as the South End area develops.

IMPLEMENTATION

Title 11 of Metro's *Urban Growth Management Functional Plan*, "Planning for New Urban Areas," governs growth within the region. The Functional Plan requires changes to city and county comprehensive plans and associated ordinances to implement regional goals and objectives for bringing needed land into the regional UGB. It "calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities." Concept plans set the framework for governing jurisdictions' eventual adoption of comprehensive plan policies and implementing ordinances for these additional lands.

Extend sidewalks further down South End Road for kids to safely walk to the elementary school.

The Concept Plan is adopted as an amendment to the City's Comprehensive Plan and its documents.

In Oregon City, the South End Concept Plan guides the orderly and efficient conversion of land in the South End area from rural to urban uses. The Plan consists of the following elements in accordance with Metro title 11:

- Annexation
- Housing (density, diversity, and affordability)
- Transportation
- Natural resources
- Public facilities
- Public schools
- Parks and trails
- Funding and Finance Sources
- Overall urban growth diagram
- Agency Coordination

To facilitate implementation of the South End Concept Plan, the following goals, policies and strategies have been developed by a team of staff, consultants and citizen advisors for consideration for adoption by reference into the City's Comprehensive Plan. Appendix H includes a more detailed descriptions of specific revisions to the Oregon City Municipal Code.

South End Concept Plan

Goal

The orderly and efficient conversion of the South End area from rural to urban land uses as guided by the South End Concept Plan.

Policies

- Ensure that annexation of land within the planning area is consistent with other goals, policies and strategies in the Concept Plan.

Implementation Strategies

Review annexations proposals for adherence to the vision, values, goals and policies identified in the Concept Plan, including adequacy of existing and planned services.

Subdivisions

Goal

Development takes place in a manner that results in a cohesive South End community.

Policies

- Create an interconnected local street network through incremental subdivision of land.

Implementation Strategies

- Incentivize larger subdivisions through changes to the City's fee structure or other means.
- "Stub" new streets to adjacent parcels so that future development can complete the connections.
- Whenever possible, locate streets in the midline of long parcels or straddling property lines.
- Create a "T" street at the back end of long parcels so that a new east/west street network can be established.

Housing

Goal

A diversity of housing types and densities that meets the needs of households with a range of incomes.

If more neighborhoods are developed, we will need more community park spaces.

Policies

- Zone land to allow for a mix of single family, multi-family and neighborhood commercial/mixed use designations, including those typically more affordable to households with low and moderate incomes.
- Incorporate an "urban-to-rural transect" approach, where more "urban" conditions are closer to the center of the community, while more rural conditions are located at the more natural edges.
- Design housing to enhance the quality of the streetscape experience and promote neighborly interaction and local surveillance of the streets.
- Require the inclusion of private outdoor space on each lot, primarily in the rear or side of the houses.
- Require landscaped features along the edges of private lots to help maintain rural character.

Implementation Strategies

- Adopt the South End urban growth diagram found on page 43 of the Concept Plan.
- Create flexibility in development standards to allow for cluster housing, accessory dwelling units and other alternative housing types.
- Encourage architectural elements to present lively building frontages to the street.
- Create a Frontage Zone between the sidewalk and primary building façade to accommodate street-facing elements.

I would like to see additional retail services. It's walkable in neighborhoods, but not to anything.

- Require entry floor levels be raised as in proportion to its proximity to the sidewalk. The closer the house is to the sidewalk, the higher the entry floor level should be raised.
- When rear alleys are present, limit garage setbacks and require additional parking be located beside the garage.
- Encourage the use of detached garages.
- Recommend urban and rural "edge types," such as low fences, hedges and walls, for placement around residential lots.

Neighborhood Retail

Goal

Small clusters of retail stores and businesses within a ten minute walk of most homes provide essential services and community meeting places.

Policies

- Create an active retail environment and streetscape experience along South End Road within the Neighborhood Commercial (NC) zone.
- Encourage neighborhood retail that serves local and area customers.
- Provide for meeting places and opportunities for social gathering.

Implementation Strategies

- Consider limiting allowed NC uses along South End Road at Forest Ridge Lane and Navajo Way in accordance with community vision and values.
- Require retail on the first floor of any development in the NC zone within 200 feet of the intersections of South End Road and Forest Ridge Road and Navajo Lane.
- Provide on-street parking for easy and convenient access and visibility to shop front.
- Locate retail on both sides of South End Road in order to provide a "main street" retail format.
- Require on-street parking with additional on-site parking in the rear of building accessed by alleys.
- Create a Frontage Zone between the sidewalk and primary building façade to accommodate street-facing elements.
- Site retail buildings within 0' to 10' of the South End Road right-of-way.
- Encourage retail buildings that have a more distinct storefront retail character.

Transportation

Goal

A connected transportation system that provides a variety of travel options, allowing people to move safely within the community and to other parts of the city and region.

Policies

- Use a complete road network to promote connectivity and increase travel options.
- Create a safe, friendly environment for walkers and cyclists.

Implementation Strategies

- Identify updates to City, County and regional transportation plans to incorporate proposed improvements to major facilities.
- Include proposed transportation improvements in the City's Capital Improvement Plan (CIP).
- Apply appropriate road standards as development occurs and facilities are designed and constructed.
- Coordinate with Clackamas County in planning for improvements to county facilities.
- Reference the multi-model street system plan and specify that the City's planned level of service on all public streets includes planned connections as identified in the Concept Plan.
- Optimize the number of new street connections to South End Road to slow traffic speeds on South End and increase access to neighborhood retail.
- Use roundabouts to safely accommodate through-traffic at major intersections.
- Encourage rear alleyways to provide additional connectivity for cyclists and pedestrians and break up overly-long blocks.
- Review and refine the municipal code to resolve potential conflicts between sidewalk, street and accessway design codes and the South End Concept Plan (e.g., walking throughway, cycle track, accessways).
- Use more urban and hardscape elements (e.g., curbs and gutters) closer to the neighborhood center, and more rural and natural characteristics (e.g. gravel and bioswales) in the residential and outer edge zones.

Parks and Natural Resources

Goal

Streams, trees, wetlands and wildlife habitat are protected and enhanced through a network of natural areas.

Policies

- Preserve contiguous wetland areas, natural spaces and wildlife corridors.
- Improve access to natural areas and views.

My dream park, if I were a kid, would be one that has a covered playground. The area would be dry all year and cool during those hot summer afternoons.

Implementation Strategies

- Apply the Natural Resource Overlay District (NROD) to the two potentially jurisdictional wetlands and waters of the State/United States within the Plan area upon annexation, recognizing that development applications will be required to submit site specific delineations for these features to confirm their exact location.
- Adopt a habitat conservation plan (HCP) that identifies and describes habitat areas and prescribes voluntary measures to protect and preserve those resources.
- Protect Canemah Bluff extensions (OS1 and OS2) by identifying them on an official inventory map or adopt the Concept Plan by reference as an official inventory.
- Amend the Oregon City Parks, Open Space and Trails Master Plans to preserve views provided by trails within or adjacent to natural resources.

Public facilities

Goal

Public water, wastewater and stormwater services meet the needs of current and future residences, businesses and institutions.

Policies

- Construct new water and sewer infrastructure with roads to meet community needs.
- Treat stormwater with retention ponds and swales along natural features at edges of plan area.

Implementation Strategies

- Develop and implement Low Impact Design (LID) standards in South End.
- Re-evaluate Maximum Daily Demand (MDD) for water and available fire flow to account for the zoning densities shown on the current concept plan.

Parks and Trails

We need some small community play grounds or green spaces to keep nature in our lives.

Goal

Parks, plazas and other public gathering places strengthen the sense of community and connectedness.

Policies

- Provide a network of new parks, open spaces and gathering places, including a facility sufficient for ball fields and other recreational opportunities.
- Incorporate trail connections to parks, neighborhood amenities and the regional trails system.
- Use utility corridors for new trail opportunities.
- Incorporate civic uses in various parks and public spaces.

Implementation Strategies

- Update City the Oregon City Park and Recreation Master Plan to include all South End Concept Plan parks so that their costs are adequately factored into the Capital Improvement Program and System Development Charge charges.
- Require subdivision applicants to review the South End Concept Plan and identify the location of future parks, open spaces and trails on their preliminary plat.

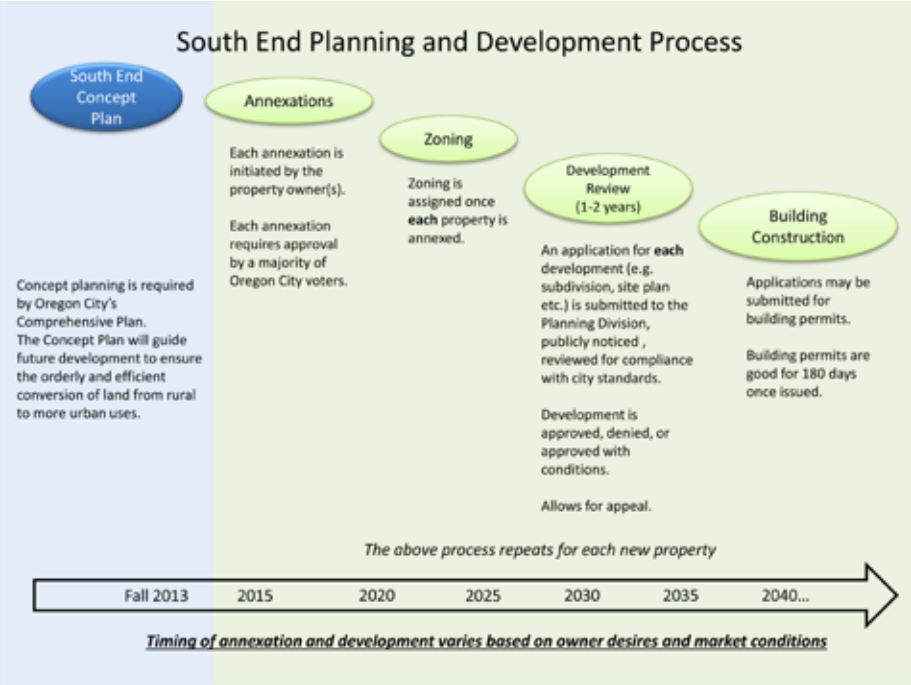
Planning and Development Process

Once this Concept Plan is adopted, the development process can begin. The actual process of development is driven by willing property owners and sellers. Oregon City annexations are subject to a vote of approval by city residents following approval by the City Commission pursuant to the City Charter. This process includes multiple elements: an application for annexation, annexation vote by the voters of Oregon City, application of an Oregon City zoning designation and the development review process (land division and site planning). Each element is a separate process subject to review and approval with the opportunity for public comment through at the Planning Commission and City Commission.

The timing and location of improvements required through the development process is difficult to predict since it depends on individual private owners interest in annexing and developing their property. The Concept Plan serves as a guide for these improvements if and when they occur. Figure 14 illustrates shows how these processes relate to one another.

Annexation of any portion of any portion of South End will be dependent upon the availability, capacity and status of existing water, wastewater, drainage, transportation, park and school facilities; increased demand for such facilities to be generated by the proposed development; additional facilities required to meet the increased demand and the method and source of financing required to provide additional facilities. Areas adjacent to existing city boundaries, facilities, and services are likely to be annexed first.

Figure 14. Planning and Development Process



I support well planned unit development that mixes housing types in a more natural, less traditional way. For instance, a small senior housing facility which includes some single family residences, some townhomes, a recreation center and possibly some neighboring small farm use.

The official urban growth diagram is on page 11 of the Concept Plan. The Proposed Implementation Map, Figure 15, illustrates one scenario in which the South End area could develop in accordance with the Concept Plan. The locations of the features shown on this map, including future land uses, roads and open areas are for concept planning purposes. The final location of these features will be determined when a site specific development plan is proposed following annexation initiated by property owners. Existing lawfully established land uses and structures within the UGB are regulated by Clackamas County and are permitted to remain until such time as the property owners decides to annex to Oregon City and develop their property subject to Oregon City zoning and development regulations.

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Figure 15. Proposed Implementation Map – replace this sheet with 11x17 map

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FUNDING AND FINANCE

This section addresses funding considerations for the Concept Plan including identification of major infrastructure capital improvement costs and funding options. Potential implementation action strategies are also identified.

Provision of Urban Services

The South End Concept Plan will serve as a framework for delivering urban services and public facilities and guiding private development. Developers will generally be responsible for dedicating required pubic facility right-of-way easements and providing local streets and utility connections to trunk line systems. Hence, this funding strategy focuses primarily on collector and arterial roadway improvements, and water and sewer trunk lines, and storm water collection systems, and parks/trails, which will require significant levels of public investment.

A combination of existing and potential new funding sources will be required to ensure that the South End area is developed over time in a manner that is fiscally sustainable and consistent with the objectives set forth in the Concept Plan. The primary service providers that are identified for the South End Concept Plan area are listed in Table 4. The Existing Conditions report, located in Appendix A of the Concept Plan, includes a more detailed discussion of each service provider.

Table 4. Primary Service Providers

Public Facility/Service	Primary Service Providers After Annexation
Annexation & General Government Administration	Oregon City, with voter-approval
Land Use	Oregon City
Transportation	Oregon City, Clackamas County, ODOT, TriMet
Stormwater and Natural Resources	Oregon City
Water	Oregon City and Clackamas River Water
Sanitary Sewer	Oregon City, Tri-City Service District
Schools	Oregon City School District
Energy/Power	Portland General Electric
Police Services	Oregon City
Fire and Emergency Services	Clackamas County Fire District #1

Public Facility Capital Costs

Total capital costs for major roads, sewer, water, stormwater and parks/trails systems have been estimated for build-out of the South End area and are summarized in this section. A more detailed description of these costs is provided in Appendices C, F and G. Unit costs were prepared based on local and regional experience with a variety of capital projects. The preliminary capital cost estimates do not include extraordinary cost for right-of-way acquisition, permitting or geotechnical soils work. Such extraordinary costs may include special environmental mitigation, subsurface soil enhancements, structural engineering systems, and business/residential relocation assistance.

In addition to water and sewer trunk line improvements, the Concept Plan envisions the South End area to be developed with new public parks/trails and storm water improvements needed to serve planned development in the area. The transportation elements assume "Family Friendly Collector" design standards for a segment of Madrona Drive and "Mixed Use Minor Arterial" design standards for segments of South End Road, along with several pedestrian-oriented intersections. As defined in the City's Transportation System Plan, Family Friendly Collector streets consist of multiple travel lanes with landscaped buffer strips, on-street parking, and wide paths for bicycles and pedestrians.

The total estimated capital cost for the major public facility improvements needed in the South End Area is shown in Table 5. While these costs are stated in 2013 dollars, the improvements are expected to be phased over 20-30 years, depending upon market conditions for development and the availability of funds.

Table 5. Capital Infrastructure Costs for South End Concept Plan Area

Public Facility System	Capital Cost	Primary Funding Area	Likely Funding Sources5
Transportation (collectors, arterials, traffic signals)[1]	**$20,235,000**		SDCs, Grants, LIDs, Street Utility rates, Developer Financing, Road Fund
South End Road Improvements	$ 3,870,000	City/County	
Other Collectors & Arterials	$16,365,000	South End	
Parks & Trails[2]	**$19,334,190**		SDCs, Grants, General Fund, Local Parks Utility Rates, Developer Dedications, Public/Private Partnerships, Voter-approved GO Bond
Shared-Use Paths	$6,045,375	South End	
Family-Friendly Street Pathways	$2,193,815	South End	
Community Park with Community Center	$7,500,000	City/South End	
Village Center Park	$1,450,000	South End	
Neighborhood Park	$765,000	South End	
PGE/BPA Corridor Greenway Trail	$1,380,000	City/South End	Agency partnerships
Water (mainline system)[3]	**$5,156,600**	South End	SDCs, Connection Charges, Utility rates, Developers
Sanitary Sewer (trunk system)[3]	**$4,056,800**		SDCs, Connection Charges, Utility rates, Developers
Stormwater System[3]	**$21,164,950**		SDCs, Connection Charges, Utility rates, Developers; Regional Mitigation Bank
Stormwater collection	$ 3,126,000	South End	
Green streets	$11,343,950	South End	
Regional Ponds	$ 6,695,000	City/Drainage Basin	
Subtotal	$ 69,947,540		
Other (planning/legal/admin.)[4]	**$2,798,000**	South End	General Fund, Planning fees, Grants
Total	**$72,745,540**		

[1] Derived from Table 3 of South End Concept Plan—Transportation Element Memorandum from DKS dated August 7, 2013.
[2] Based on preliminary conceptual cost estimates by Alta.
[3] Based on preliminary cost estimates by 3J Consulting.
[4] Preliminary estimate based on 4% of capital cost requirements.
[5] These existing funding sources may be supplemented with new funding mechanisms, such as urban renewal districts or parks utility fees; to be determined during preparation of the Public Facility Plan for the South End Area.

It is important to note that certain major investments, such as improvements to South End Road, are major investments (e.g. $3,870,000) that would likely require some level of investment over the next 20 years even if the South End Concept Plan area was not fully developed. Table 6 shows how a preliminary allocation of general funding responsibilities can be based upon the area of benefit.

Table 6. Estimated Capital Costs by Area of Benefit

	South End Public Facilities (Low-end cost)	Other City/County Facilities	Total Cost (High-end cost)
Transportation	$16,365,000	$3,870,000	**$20,235,000**
Parks & Trails	$10,454,190	$8,880,000	**$19,334,190**
Water (mainline system)	$5,156,600		**$5,156,600**
Sanitary Sewer System	$4,056,800		**$4,056,800**
Stormwater System			
Stormwater Collection	$3,126,000		$3,126,000
Green Street Enhancements	$11,343,950		$11,343,950
Regional Ponds		$6,695,000	$6,695,000
Subtotal	**$50,502,540**	**$19,445,000**	**$69,947,540**
Other (administration)	$2,020,102	$777,800	$2,797,902
Total	**$52,522,642**	**$20,222,800**	**$72,745,442**
Equivalent Residential Units (ERUs)	**2,447**		
Cost Per ERU	**$21,464**		

Source: derived from preceding analysis; with preliminary Equivalent Residential Unit (ERU) estimates.

Funding Strategies: Existing and Potential Sources

As with most successful large urbanizing areas with multiple property owners, the South End Area is expected to be developed incrementally over time with a mix of public and private funding and financing sources.

Existing Funding Sources

It will be important for the City to utilize full capital-cost and operating-cost recovery methods to avoid unsustainable fiscal impacts to the City's General Fund. Hence, existing funding sources, including local System Development Charges (SDCs), utility fees, and connection charges and rates (and capital improvement programs) need to be updated prior to annexation and development.

The existing local SDCs that currently apply to the South End area (after annexation) would generate significant amounts of funding that would be used to pay for adequate public facilities over time. The level of funding generated by SDCs (upon build-out of the South End Concept Plan area) is summarized in Table 7.

Table 7. Schedule of SDC Charges and Revenues before Credits, Oregon City South End

	SDC per ERU	Gross Revenue (before credits)
Transportation	**$7,833.90**	**$19,169,561**
Vehicles	$7,616	$18,635,766
Bicycles and pedestrians	$218	$533,795
Sanitary sewer	**$3,864**	**$9,456,139**
Oregon City	$1,844	$4,513,199
Tri-City Sanitary District	$2,020	$4,942,940
Stormwater	**$701**	**$1,714,429**
Oregon City Charge on New Development	$701	
Water	**$4,840**	**$11,843,292**
Oregon City	$3,374	$8,256,634
South Fork Water Board	$1,466	$3,586,658
Parks	**$3,543**	**$8,669,154**
Oregon City	$3,543	$8,669,154
Total SDC and Agency Summary	**$20,782**	**$50,852,575**
Oregon City	$17,296	**$42,322,977**
South Fork Water Board	$1,466	$3,586,658
Tri-City Sanitary District	$2,020	$4,942,940

Source: derived from Oregon City SDC calculator; analysis by FCS GROUP, based on 2,447 equivalent residential units added in the South End area.

To illustrate the level of potential funding "gaps" for major infrastructure improvements in the South End area, an analysis comparing the required level of capital investment to the potential amount of SDC revenues collected assuming the existing regime of SDCs per unit of development, and a range in capital costs from low (reflects improvements that primarily serve the South End area) to high (reflects total capital costs) is summarized in Table 8 and based on the mid-point level of development that is anticipated to occur over the next 20 years, which assumes 2,447 ERUs.[3]

The results of the status quo funding analysis generally indicates that the City may need to consider additional funding sources to help cover the capital costs of transportation, parks and trails, and stormwater systems that are required to accommodate new development in the South End area. The facilities with the greatest funding challenge include:

- Transportation: funding gap of $1.87 million
- Parks and Trails: funding gap of $2.2 to $11.4 million
- Stormwater System: funding gap of $13.3 to $20.3 million

While the analysis indicates that the SDCs for water and sanitary sewer should be adequate to cover capital costs, the issue of advance financing required system up-sizing and new sewer lift stations will likely require some form of developer or City financing. Advance financing options are discussed in the following pages.

[3] The ERU estimates are based the midpoint of a range in development, including: 1,747 to 2,637 single family dwellings and 170,000 to 340,000 commercial/office floor area, with 1 job per 500 square feet, and 1 ERU per 2 employees.

Table 8. Potential Capital Funding Requirements, Oregon City South End

	Capital Cost [1]		Potential SDC Revenue at Build-out	Potential Net Revenue/(Gap) before SDC Credits		Funding Strategies
	Low-end Est.	High-end Est.		Low-end Est.	High-end Est.	
Transportation	$17,019,600	$21,044,400	$19,169,561	**$2,149,961**	**($1,874,839)**	New subarea SDC and/or LIDs and other sources may be required
Parks & Trails	$10,872,358	$20,107,558	$8,669,154	**($2,203,204)**	**($11,438,404)**	New subarea SDC and/or parks utility fee and/or LIDs and other sources may be required
Water (mainline system)	$5,362,864	$5,362,864	$8,256,634	**$2,893,770**	**$2,893,770**	Existing SDC appears adequate
Sanitary Sewer System	$4,219,072	$4,219,072	$4,513,199	**$294,127**	**$294,127**	Existing SDC appears adequate
Stormwater System	$15,048,748	$22,011,548	$1,714,429	**($13,334,319)**	**($20,297,119)**	New subarea SDC and/or stormwater utility fee and/ or LIDs may be required
Total	**$52,522,642**	**$72,745,442**	**$42,322,977**	**($10,199,665)**	**($30,422,465)**	

[1] Derived from preceding tables. Analysis by FCS GROUP.

A list of existing and potential funding sources and preliminary strategies to be considered as a means of meeting funding needs for the South End area is provided in Table 9.

Table 9. Potential Funding Strategies for South End Concept Plan Area

Funding Source	Existing or Potential Funding Source	Oregon City South End Funding Strategies
SDCs for water, transportation, sewer, stormwater and parks	Existing SDCs should cover about 60% of capital cost.	Consider updates to Oregon City SDC methodology reports; and/or consider South End subarea SDC charges.
Utility rates for transportation, water, sewer, stormwater	Rates should be adjusted to cover most water, sewer and stormwater facility needs.	Rate updates for stormwater now in process.
Parks utility rate	Potential	City could consider new city-wide funding source for parks O&M and capital improvements; to free up some general fund dollars for other uses.
General Fund (such as property tax revenues)	Existing	At build-out the South End area is estimated to generate over $9.8M in annual property tax revenues (all districts) and $2M in annual general funds to Oregon City though the state-shared tax contributions.[1] The City could dedicate general funds to South End area by issuing bonds backed by current and anticipated General Fund revenues.
Developers (Right-of-Way easement dedications and Advance Financing Agreements)	Potential	Developers should be required to dedicate right-of-way for planned public facility easements, and may provide advance funding/financing for required infrastructure, such as sewer lift stations, with compensation via SDC credits, local improvement districts, or reimbursement districts.
TriMet	Existing	TriMet funding through payroll tax, firebox, and other revenues would support Route 33 bus transit service.

[1] State shared tax assumptions are derived from the Oregon City Transportation System Plan, assuming $389 per capita and 5,612 people added (mid-point of development forecast, 2,192 dwellings with 2.56 persons per dwelling).

Funding Source	Existing or Potential Funding Source	Oregon City South End Funding Strategies
Grants	Potential	ODOT STIP funds for transportation enhancements could match portion of improvements to South End Road, and Metro funds may be available for constructing regional trails.
Full Faith and Credit Bonds, Revenue Bonds	Potential	Oregon City and/or local service providers could consider issuing Full Faith & Credit Bonds or revenue bonds with specified sources of dedicated revenues to pay interest and principle amounts for certain utilities (such as sewer, sewer, stormwater).
General Obligation Bonds	Potential	Local voter-approved general obligation bonds secured by ad valorem property taxes could provide funding for specific capital facilities. Parks and trail improvements are often good candidates for new local GO bond issue.
Loans (financing)	Existing	Loans from Oregon Special Public Works fund could be used to advance finance construction of roads and other infrastructure.

Other Potential New Funding Sources

Additional funding sources can be considered as a means to enhance General Fund revenues or as a means to pay for public facilities in the South End area. While some of these additional funding sources require public voter approval, they can be considered as potential means to pay for expanded urban services into the South End area as shown in Table 10.

Table 10. Additional Potential New Funding Sources

Funding Source	Voter Approval Required?	Eligible Pubic Facilities
Local sales tax	No	All
Franchise fees	No	All
Transient lodging tax	No	Up to 30 percent maximum can be used for transportation facilities.
Transportation Management Association (TMA; new non-profit entity)	No	Transit operations (local loop route) would require dedicated source of funding within a TMA District (could include parking fees or employer charges).
County Service District, Funding via property tax	Yes	All, per district formation per ORS 198. Requires city/county joint adoption and agreements.
Urban Renewal District	Yes[1]	All, per Urban Renewal Plan if adopted per ORS 457 and per County Measure 3-386.
Local fuel tax	Yes	Transportation

[1] Measure 3-386 was approved by Clackamas County voters in November 2011 and requires countywide voter approval to create or make a "substantial change" to urban renewal districts. The measure applies only to districts in unincorporated portions of the county, not within cities.

Development Phasing

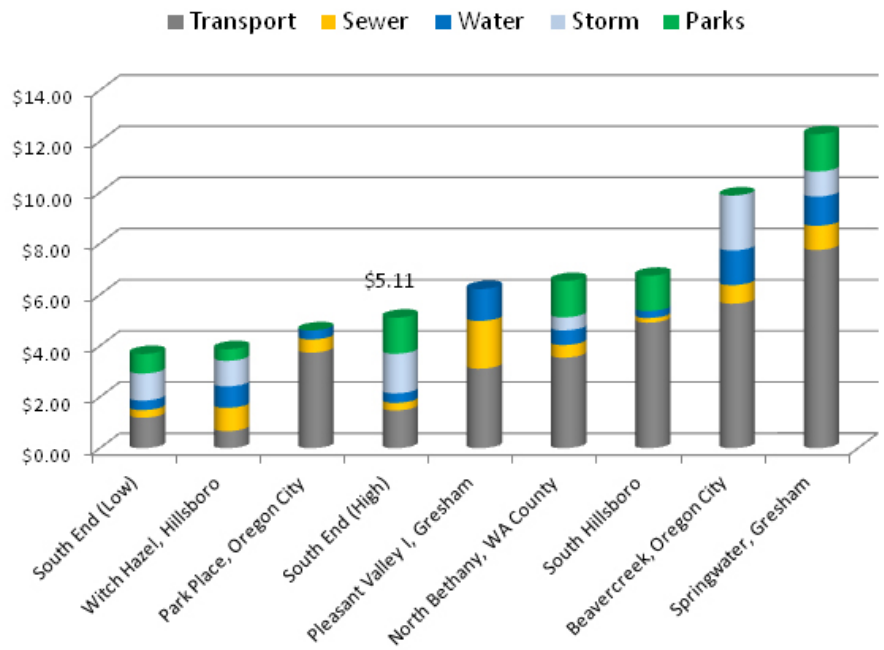
The South End Concept Plan area includes between 2,192 and 2,637 new dwelling units by year 2035. In addition, the South End area may also include a neighborhood commercial/office/mixed-use development of between 170,000 and 340,000 square feet of floor area.

The market analysis conducted as part of the Existing Conditions report expects short- and mid-term demand (years 1-15) to be focused on housing, which would be provided incrementally in accordance with the City's annexation policy.

The cost of public facilities within the South End area ranges from $3.69 to $5.11 per gross buildable square foot of land area. The expected public facility cost per square foot of buildable land area in the South End compares favorably with other urbanizing areas within the greater Portland Region, as indicated in Figure 16. This cost comparison takes into account other adopted cost plans, with costs converted to 2013 dollars. Given the ongoing private housing development underway in other urbanizing areas (including North Bethany and Pleasant Valley) which have higher public facility costs than South End Concept Plan area, it is likely that the public facilities that are planned within the South End area can be reasonably funded in a manner that results in an adequate development return on investment.

Major capital improvements required to serve the South End area will be constructed incrementally over time based on market conditions and permitted annexations. The City should require planned public facilities to be "reasonably funded" prior to allowing new development to occur. This entails updates to the City's Capital Improvement Program, with specific projects identified along with anticipated funding sources, as a condition of development within new annexation areas.

Figure 16. Comparative Public Facility Cost per Sq.Ft. of Buildable Land Area

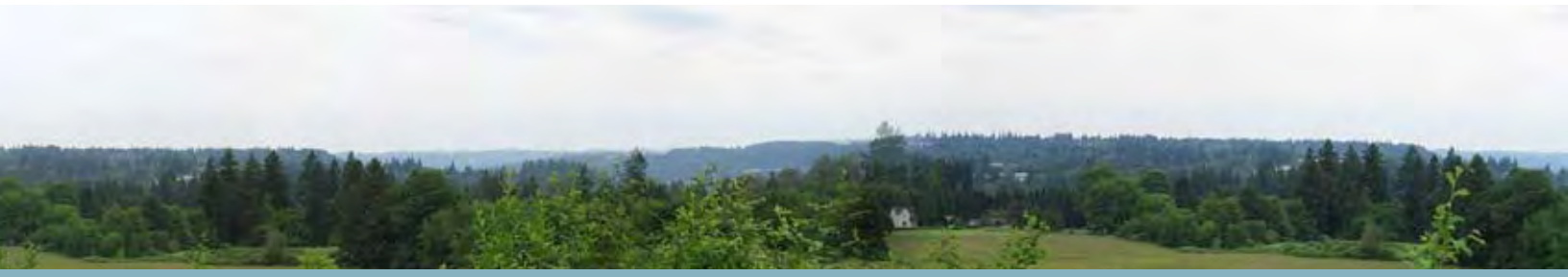


Source: compiled by FCS GROUP based on adopted concept plans, 2013 dollars.

Near-term Implementation Actions

Implementation of the South End Concept Plan area will require proactive work by Oregon City staff and leadership. Key steps to be undertaken over the next four years include:

- Adopt the South End Concept Plan.
- Prepare and adopt recommended local ordinance amendments.
- Document potential fiscal impacts to the city, county and service districts, including potential tax and fee revenues and service costs that are associated with South End annexation.
- Perform value engineering to scale down costs for green streets, parks and stormwater improvements.
- Consider public-private partnerships for providing community park facilities; and work with local citizens, property owners and service providers to further evaluate and adopt new funding sources that have been identified in this plan document.
- Prepare a detailed Public Facility Plan that refines project capital cost estimates, and identifies short-term public facilities and their funding sources.
- Revisit inter-local urban service agreements with Clackamas County and utility service providers to ensure that the roles and responsibilities for advance financing required public infrastructure and providing adequate operations and maintenance service levels are clarified.



Park Place Concept Plan

March 12, 2008
Version 1.4

Park Place Concept Plan Project Advisory Committee (PAC)

Jerry Herrmann – Oregon City Natural Resource Committee
Joe Marek – Clackamas County Transportation
Nancy Walters – Oregon City Historic Review Board
Tim Powell – Oregon City Planning Commission
Mike Riseling – Oregon City School District
Melanie Paulo - Oregon City Transportation Advisory Committee
Gary DiCenzo – Housing Authority of Clackamas County
Ted Schumaker – Oregon City Park and Recreation Advisory Committee
Linda Royer – Livesay Road
Karen Kelly – South of Holcomb Boulevard
Carter Stein – North of Holcomb Boulevard
Michael Kehoe – Holly Lane
Rod Moxley – Holly Lane
Ralph Kiefer – Park Place Neighborhood Association
Charlie Bottita – South of Holcomb Boulevard
Jackie Hammond-Williams – Livesay Road
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Park Place Concept Plan

March 12, 2008

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Acronyms

ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
CEG	Certified Engineering Geologist
CIP	Capital Improvement Plan
CRW	Clackamas River Water
EDU	Equivalent Dwelling Unit
EIS	Environmental Impact Statement
GIS	Geographic Information System
HCA	Habitat Conservation Area
HUD	U.S. Dept. of Housing and Urban Development
LF	Linear Foot
LID	Local Improvement District
LIDAR	Light Detection and Ranging
MDD	Maximum Daily Demand
MHI	Median Household Income
MSTIP	Major Streets Improvement Program
DOGAMI	Oregon Department of Geology and Mineral Industries
OCSD	Oregon City School District
ODOT	Oregon Department of transportation
ORS	Oregon Revised Statutes
PAC	Project Advisory Committee
PE	Public Engineer
SAFTEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SDC	System Development Charge
SFWB	South Fork Water Board
TSP	Transportation System Plan
TCSD	Tri-City Sewer District
UGB	Urban Growth Boundary
WWTP	Wastewater Treatment Plant

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1. Executive Summary

In 2002, nearly 500 acres of rural land located just east of Oregon City was brought into the Portland Metropolitan Urban Growth Boundary (UGB) to accommodate future growth. The Park Place Concept Plan was developed to help the City of Oregon City prepare for this growth by working with local citizens, area stakeholders, and local and regional jurisdictions to develop a common vision for the area. This vision provides a framework for growth that respects and augments the area's context, history, and natural systems. The Park Place Concept Plan emphasizes good urban design, multi-modal connectivity, opportunities for place-making and cultivating community, diversity, and, above all, a way to provide for future growth in a sustainable manner. Ultimately, the Park Place Concept Plan will ensure that the land brought in is planned in an efficient and sustainable manner that will maximize the use of the available lands while protecting the natural resources in the study area.

Key components of the Park Place Concept Plan include:

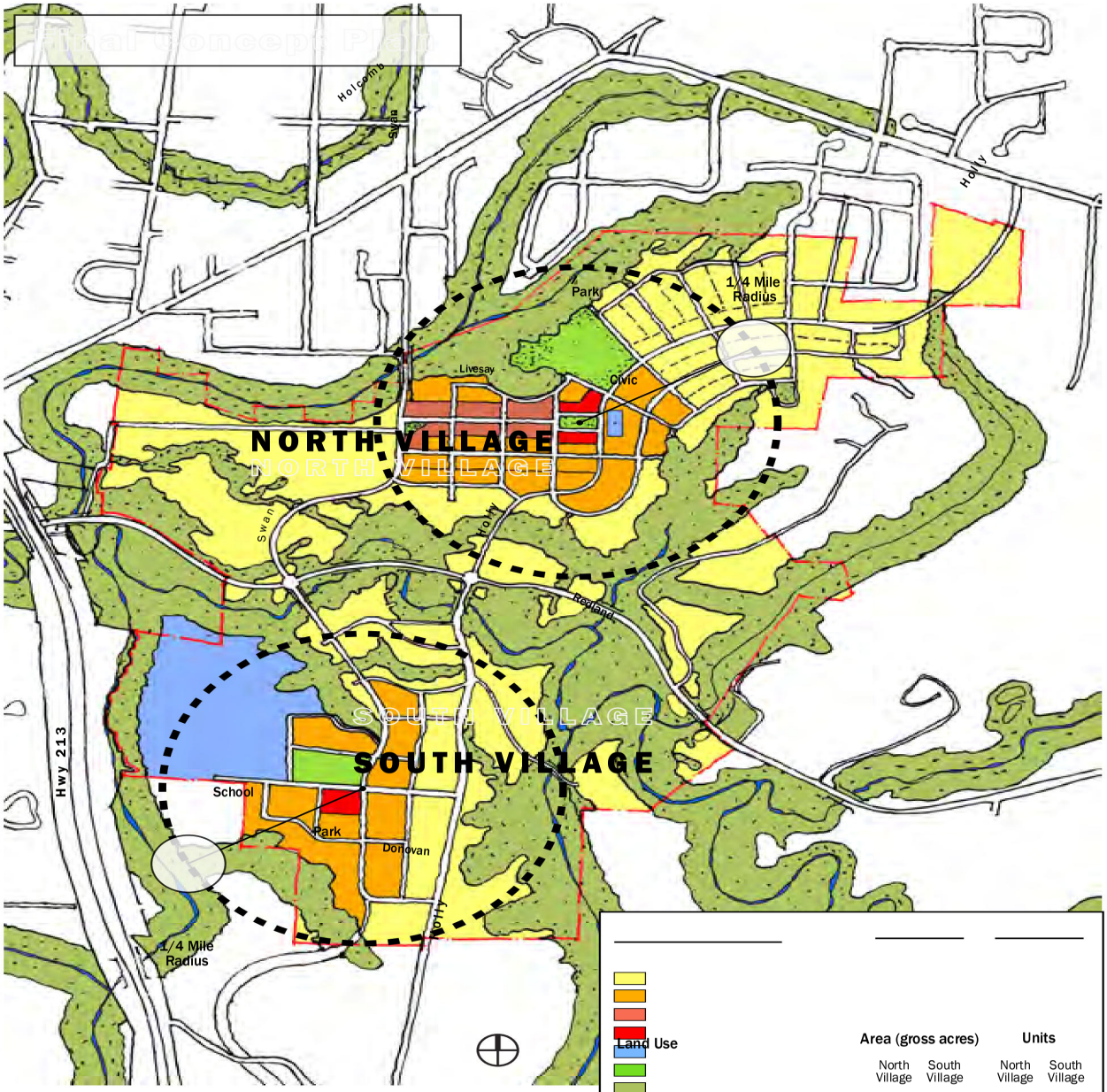
- Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
- Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
- Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space
- An area for a new civic institution, like a library or community center
- An 8-10 acre community park and a 3-5 acre neighborhood park
- A mix of housing types and ranges of affordability
- An extensive system of off-street and on-street trails and pedestrian/bicycle connections
- Innovative, green on-site stormwater treatment methods
- Protected sensitive areas, including drainages and steep slopes
- Streets and buildings oriented for solar access
- The use of green edges to define neighborhoods and buffer developments
- Integration of parks and open spaces into existing and future neighborhoods

The following list describes these components and how elements of the Park Place Concept Plan comply with the established evaluation criteria (see page 71 in Appendix). These planning principles are based on the core values developed during the planning process and applicable local and regional community development standards and practices.

Community Design

Identifiable centers and green edges: The preferred alternative includes two discrete mixed-use/commercial centers, one on Livesay Road and another in the southern portion of the study area near Donovan Road supported by the enhanced transportation system. Each center provides for a mix of civic and commercial uses and spaces to serve the planning area. Edges around and between residential areas and existing

Final Concept Plan



Land Use	Area (gross acres)		Units	
	North Village	South Village	North Village	South Village
~~Low/Medium-Density Residential~~	~~142~~	~~61~~	~~724~~	~~309~~
Medium/High-Density Residential	28	29	213	213
Mixed-Use Commercial	8	0	-	-
Retail	2	1.6	-	-
Civic	0.7	28	-	-
Park	8	3.2	-	-
Constrained Land	84.6	81.5	144	138

not to scale

neighborhoods are defined by open spaced (primarily corresponding to natural areas) and larger rear setbacks for new lots that border existing neighborhoods.

Existing low-density clusters: Properties along Lower Livesay Road and Holly Lane are expected to remain as low-density clusters in the foreseeable future. They will have the potential to transition to medium-density residential uses over time. However, in the near term they are expected to retain the lowest densities within the planning area.

Mix of housing types and densities: The Park Place Concept Plan recommends and provides for a mix of different Comprehensive Plan and zoning designations that allow and/or require different densities and housing types, including low, medium and high densities, single-family homes on a range of lot sizes, townhouses, duplexes, multi-family units and mixed commercial/residential uses. Section 4 describes recommended residential densities and housing types in more detail.

Housing affordable to range of incomes: As noted above, the Plan provides or allows for a range of housing types and densities, including those that are most likely to be affordable to households or families with lower incomes, including single-family homes on small lots, townhouses, duplexes and multi-family units. The Plan also identifies potential zoning or development code strategies for distributing less expensive housing units among different areas rather than concentrating them all in one place. Finally, the Plan also incorporates policies aimed at working with other local housing agencies and non-profit organizations to achieve housing goals.

Greenway, street lighting, street furnishings: The Park Place Concept Plan includes recommendations for street and other standards, including those for neighborhood commercial or mixed-use areas, and provisions for street lighting, furnishings, trees and other amenities, as well as public gathering places.

One or more mixed use centers: The Plan includes two mixed-use centers. One is located along upper Livesay Road in the approximate center of the northern portion of the planning area, and is surrounded by medium and higher density housing. The second center is located to the west of the Holly Lane area near Donovan Road and Swan Avenue. This center is proposed to be located near high density residential uses, across the road from a park and in conjunction with some type of civic use. Twin north/south street corridors link these centers to one another and the surrounding Plan area, increasing their attractiveness and viability.

Central public space: Public gathering spaces are recommended and illustrated within or directly adjacent to both of the mixed-use centers described above.

Future school sites: Metro's Title 11 requirements stipulate that school sites should be identified, if needed. A preliminary projection of school age children

in the planning area, in conjunction with a review of Oregon City School District enrollment data, indicates that there will not be a need for an entire elementary, middle or high school, and that in the short to medium term, existing surrounding schools will be able to accommodate school needs. This issue should continue to be monitored by the City and school district as the area continues to be developed.

Natural Resources

Parks and open space per guidelines: The Park Place Concept Plan incorporates a significant amount of open space, located in conjunction with environmentally constrained and natural areas within the planning area. The amount of open space exceeds Metro and City guidelines. Two developed neighborhood and/or community parks are proposed within the planning area, consistent with recommended local and national acreage guidelines and service areas.

Trail and open space connections: The Park Place Concept Plan identifies a substantial, interconnected network of trails corresponding to the open space system, and in some cases parallel to road corridors. Proposed trail locations are consistent with the City's adopted Trails Master Plan and other local and regional plans, help connect activity centers, and provide alternatives to travel by automobile.

Protect natural resources: As noted above, the Park Place Concept Plan identifies a significant open space network and natural resource protection areas. They will be protected by a range of local regulations, as well as public ownership or easements, where feasible, that will prohibit or limit development and related adverse effects.

Avoid development in stability hazard areas: The City's existing development regulations will be applied and enhanced to direct development away from or mitigate the impacts of development within slope stability hazard areas.

Water, Wastewater, and Stormwater Infrastructure

Mimic existing hydrology: The Park Place Concept Plan has been developed in a manner that minimizes impacts to the existing hydrological conditions of the study area. Moreover, the stormwater concept plan and recommendations seek to utilize existing natural drainage features and low-impact development best practices to most mimic existing hydrologic functions.

Consistent with capacity of infrastructure: Preliminary review of local public facility master plans indicates that sufficient wastewater and water capacity exists to accommodate projected levels of development within the study area. The Park Place Concept Plan identifies potential improvements to existing or future facilities to ensure that water, wastewater treatment and stormwater management needs can be met.

Optimize existing infrastructure: The water and stormwater infrastructure improvements of the Park Place Concept Plan have been developed to utilize existing infrastructure to the extent possible. Due to the nature and intensity of development forecasted within the Park Place Concept Plan area, water and stormwater infrastructure systems will need to be upgraded and upsized. Stormwater infrastructure improvements will seek to mimic existing drainage patterns minimizing the need for significant stormwater facility development.

Transportation

Streets sized to handle future growth: A network of local, collector, and arterial streets provide the area with sufficient capacity and connectivity to meet anticipated travel demands, well into the future. Access to HWY 213 and I-205 will be provided by an improved 5-lane Redland Road corridor, (unless a smaller cross section is proven adequate) designated as a Minor Arterial. Holcomb Boulevard will serve the area as a 2- to 3-lane Minor Arterial. Holly Lane and Swan Avenue, designated as Collectors, will both be extended and improved to provide pedestrian, bicycle, and auto/transit facilities from Holcomb Boulevard to south of Donovan Road. Donovan Road and the eastern half of Livesay Road are designated as Neighborhood Collectors with a 2-lane cross section and amenities to meet the needs of the adjacent land uses. Local streets will be sized appropriately to meet traffic needs while contributing to traffic safety and promoting use of alternative modes of travel.

Provide safe environment for all modes of travel: Safe travel by each mode of travel is inherent in the design and layout of the Plan's transportation system. Conflict points between autos and pedestrians/bicycles are minimized and treated appropriately, wherever they occur. Uses that generate large numbers of pedestrians and bicyclists are directly linked to neighborhoods with appropriately sized and designed facilities to safely meet the travel needs.

Opportunities for all modes of travel: The Park Place Concept Plan identifies facilities that provide for a full range of travel modes, including an adequate road system for automobiles, bicycle lanes, sidewalks and trails that provide multiple opportunities for bicycle and pedestrian travel, and a looped transit system that will enhance public transit travel opportunities. The network of streets is designed to easily disperse vehicular traffic, readily accommodate transit, and fully integrate pedestrian and bicycle travel.

Connectivity within and outside study area: The Park Place Concept Plan incorporates a well-connected transportation system with two primary north/south travel routes (Holly and Swan corridors) providing connectivity both within and outside of the planning area. Similarly, Redland Road serves the same purpose for east/west travel through the area, complemented by Holcomb Boulevard. Local streets in a grid pattern will provide strong connectivity within individual sub-areas of neighborhoods.

Minimize increases in impervious surfaces: Transportation network redundancy, interconnected streets, and an emphasis on pedestrian, bicycle, and transit

amenities work together to manage the need for impervious surface. Stormwater management techniques that store and treat transportation system run-off within the public right-of-way minimizes the adverse impact of impervious surfaces.

Minimize adverse impacts on existing properties: To the greatest extent possible, the Park Place Concept Plan minimizes impacts to existing properties. Strategies to do so include:

- Providing a parallel collector route to Holly to reduce impacts on properties along that street.
- Designing streets and intersections in the context of the land uses they serve.
- Considering development parameters, such as parcel size and access locations, while laying out the transportation network.
- Providing design flexibility in roadway alignments, while diligently preserving safety and capacity for all travel modes.

Financing and Other Criteria

Funding sources pay for facilities and services: The financing of public improvements needed for Park Place's urban development is projected for transportation, water, wastewater, stormwater, and parks. Once the Park Place Concept Plan is adopted, Oregon City and the regional agencies that fund or own elements of the services will have to amend their master plans and systems development charges.

Transportation improvements: ODOT, Metro, Clackamas County, and Oregon City own various elements of the transportation network. Many of the roadways that ODOT and Metro are responsible for, will have to be constructed regardless of Park Place developing. Areas adjacent to Park Place also are developing and creating the need for many of the roadway improvements that are also needed by Park Place development.

Water: The regional service provider already has capacity for water treatment, storage and delivery to Park Place. Development of a water distribution system in Park Place will largely be paid for by properties that develop.

Wastewater: The regional service provider already has wastewater treatment and transmission lines near Park Place. Developing a wastewater collection system in Park Place will largely be paid for by properties that develop.

Stormwater: Natural storm drainages exist in Park Place, so that as development occurs on-site, roadway improvements will include installation of stormwater management improvements. Developing properties in Park Place will be responsible for constructing these improvements.

Parks: The two parks identified in the Concept Plan have to be integrated into Oregon City's parks master plan and at that time decide how to fund the proposed parks. It may be funded entirely from system development charges or as an integral part of the master plan's financing strategies.

2. Background

1. Introduction

Concept plans describe how an area is expected to develop over time. In general, they identify the general location and intensity of land uses, including a variety of housing types (affordable and market-rate), commercial and industrial land uses, parks, open spaces, and schools. They describe how basic services, such as transportation facilities (streets, sidewalks, transit routes, etc.), utilities, and stormwater facilities, are provided. Additionally, they demonstrate how environmental resources and sensitive habitats will be protected. Finally, concept plans establish implementation, phasing, and financial strategies to help guide future growth.

The concept planning process is established by State legislation, specifically Senate Bill 100, which requires that all regional growth agencies (in this case Metro) review their existing urban growth boundary (UGB) every five years and adjust it accordingly to accommodate the latest 20-year growth projections. Metro brought the Park Place study area into the Portland UGB in 2002 after an extensive technical analysis of the region. As such, Oregon City was required to initiate a concept planning process for the UGB expansion areas to adequately plan for future growth. The outcome of this planning process is the Park Place Concept Plan ("Concept Plan").

The Park Place Concept Plan is organized as follows:

- The **Background** chapter summarizes the Plan's guiding core values, existing conditions, and opportunities and constraints.
- The **Concept Plan** chapter presents the vision and design principles for the area, and provides detailed descriptions of the Plan elements.
- The **Implementation** chapter recommends implementation strategies and regulatory amendments based on feedback from service providers and members of the consultant team.
- The **Finance and Funding** chapter summarizes the costs associated with new growth and proposes a variety of ways to pay for it.

The Park Place Concept Plan is supplemented with a Technical Appendix, which provides comprehensive descriptions and details of the Plan elements.

2. Core Values

Early in the concept planning process, the project team worked with community members to develop a set of "core values," or aspects of the community they think are important. Preliminary core values were drawn from *Envision Park Place* (2005) and then refined through an iterative process involving members of the Project Advisory Committee (PAC) and participants in the first two Community Forums.

Planning Process

Summer 2006

- *Public Outreach*
- *Background information collection and existing conditions analysis*
- *Core Values development*
- *Community Information Night*
- *Community Forums 1 and 2*

October 2006

Design Charrette

- *Day 1: Site Tour*
- *Day 2: Sketch Diagram Concepts*
- *Day 3: Refined Alternatives*
- *Day 4: Refine Preferred Alternative*
- *Day 5: Presentation of Preferred Alternative*

Winter - Spring 2006-07

- *Concept Refinement*
- *Develop Implementation Strategies*
- *Community Forum #4*
- *Planning Commission Hearing*
- *City Council Hearing / Adoption*

2007 and Beyond

- *Annexation*

Evaluation criteria were derived from the core values, which were then used to evaluate plan alternatives and the preferred plan. (Evaluation criteria can be found in Appendix D.) The core values are organized into three categories: Environment, Community Design, and Transportation/Traffic. A fourth category ("Other Core Values") captures core values that do not readily fit within the other categories. The Park Place Core Values are as follows:

Livesay Creek

Environment

- We value natural resources in our neighborhood, including streams, aquifers, wetlands, woods, mature trees, viewsheds, hillsides and wildlife habitat, including migratory corridors for wildlife. Such features should be incorporated in the design of neighborhoods and specific developments.
- We value distinguishing between developed and natural areas with buffers.
- We value an interconnected system of neighborhood and community parks, recreation areas, open spaces and pathways that provide recreational opportunities and allow residents to feel connected to the natural environment.
- We value connections among community-oriented facilities and other destinations.
- We value a sustainable approach to planning and development that minimizes negative impacts on the natural environment and property owners, including impacts associated with runoff, flooding, landslides, steep slopes, geologic hazards, erosion, street lighting, traffic and other factors.

Public Involvement

Community Design

- We value the rural character of the Park Place Concept Plan area and a planning approach that will allow us to maintain this rural feeling as the area develops and grows.
- We value a choice of housing types, densities and price ranges, including housing that is affordable to existing and future residents of all ages and incomes, and that complements existing landscapes, environments and architectural styles.
- We value our history and seek to preserve and incorporate historical and artistic elements in the design and development of our community.
- We value high quality design that makes efficient use of land, provides transitions between urban and rural areas and incorporates sustainable/"green" design principles and practices.
- We value having the civic and retail services that provide for the community's basic day-to-day needs located within the community.

Transportation/Traffic

- We value a safe, interconnected system of roads and other transportation facilities that allows people to move freely within the neighborhood and connects them to other parts of the city and region.
- We value a system of roads, trails and pathways that allow people to travel by a full range of transportation modes - bicycle, horse, walking, automobile and transit.
- We value a transportation system that safely connects residents to shopping, parks and other community facilities within the Park Place neighborhood.
- We value a transportation system that limits congestion without overbuilding roads and provides adequate facilities to address traffic conditions (intersection improvements, adequate road capacity, etc.).
- We value the use of traffic calming tools such as traffic islands, roundabouts, curvilinear streets, curb extensions and other methods.

Holcomb Boulevard

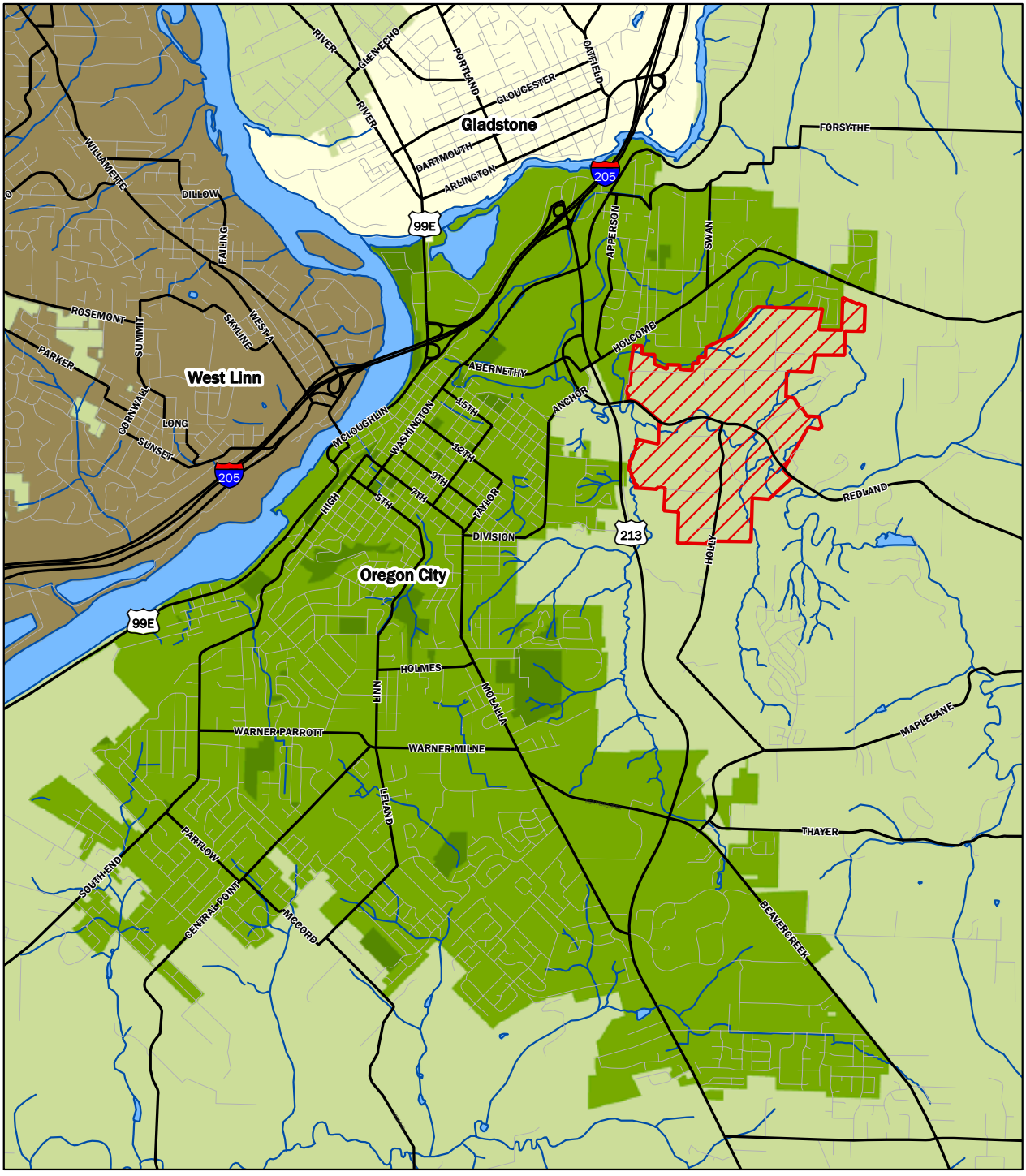
Other Core Values

- We value local shops (e.g., Steve's Market) and other employment opportunities.
- We value, clear, complete, timely and open communication, and meaningful opportunities for involvement in the planning process.
- We value protection of property owners' rights.
- We value security and safety.
- We value phased development that provides adequate public services and infrastructure such as police, fire protection and schools in place before, or as development is allowed to occur.
- We value adequate schools, teachers and other resources needed to educate our children.
- We value the use of innovative funding methods to pay for enhanced levels of public service.

3. Existing Conditions

The full Existing Conditions analysis for each of the Plan elements is provided in Appendix B of this document. A summary of the document follows.

The Park Place study area is adjacent to Oregon City's Park Place neighborhood on the eastern edge of the City (Figure 2-1). The total land area is approximately 480 acres, of which 180 acres are located immediately adjacent to Oregon City limits in the vicinity of Livesay Road. These 180 acres were brought into the UGB in the 1980's, but were not annexed into the City of Oregon City. The remaining approximate 300 acres were brought into the UGB in 2002.



Park Place Concept Plan

Area Context

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

Figure 2-1. Park Place Study Area

The study area is comprised of 138 individual property owners. To date, the largest amount of acreage under single ownership is approximately 48 acres. Thirty-eight acres are in public ownership, the majority of which comprise Ogden Middle School (Oregon City School District). Nearly half of the parcels in the study area are one acre or less. Consequently, any large-scale development based on a comprehensive vision for the area may take many years to be realized unless a significant number of people are compelled to sell property to a single entity.

Land Use

The primary existing land uses in the study area are rural farms, low-density residential housing, and civic uses (i.e., schools and churches). There are no commercial, office, or industrial land uses within the study area; the closest commercial nodes are located on Holcomb Boulevard near Front Avenue, and at the intersection of Redland Road and Holcomb Boulevard. A regional shopping center may be developed a half-mile from the western edge of the study area, which will influence the type and subsequent success of future land uses and traffic patterns in the study area.

The majority of the housing in the study area is located along Livesay Road and Holly Lane. These areas are generally characterized by low to moderately angled slopes and minimal wildlife habitat. Houses in the study area were constructed as early as 1900 and as recently as 2005; the majority of the housing was constructed between 1960 and 1980. Modest cottages, farm houses, and ranch style houses comprise the architectural styles in the study area. The study area is surrounded by pockets of higher-density, single-family residential subdivisions: Barlow Crest, Trailview Estates, Meadowridge Estates, and Holcomb Ridge.

Buildable Land

The term "buildable land" is defined by Metro as land that is suitable for development or redevelopment (after considering issues like steep topography, wetlands and waterways, habitat areas, easements, and land for public services, like roads, schools, and parks), and is used to calculate future land use densities. This calculation is required by Title 11 of Metro's *Urban Growth Functional Plan,* which states that new urban area plans must provide "for average residential densities of at least 10 dwelling units (du) per acre of net vacant buildable land." The average residential density is only applicable to areas added to the UGB in 2002; the area added to the UGB in the 1980s was calculated at the lower density of four dwelling units per acre.

The Park Place buildable lands methodology aggregates all of the vacant and developable land (as determined by Metro and real estate market experts) in the area and removes land that have slopes greater than 25%, a "high" or "moderate" Habitat Conservation Area rating (includes designated wetlands and essential riparian habitat), established easements, or a registered historic building. Twenty-four percent of the total is subtracted to account for new

Land Use

General Findings

- *Existing land uses are primarily rural farm, low-density residential and civic*
- *Majority of existing housing is located along Livesay Road and Holly Lane*
- *Most of the housing was built between 1960 and 1980*
- *Study area consists of varied topography with limited access points*
- *The study area must accommodate a minimum of 1,458 new dwelling units*

Table 2-1. Buildable Land Summary

2002 UGB Expansion Area	
Vacant + Developable Land	246.9 acres
Constrained Land	-103.4 acres
New Roads and Utilities	-34.4 acres
Net Buildable Land	109.1 acres
Units (10 du/acre)	*1,091 units*
1980 UGB Expansion Area (Livesay Area)	
Vacant + Developable Land	171.6 acres
Constrained Land	-48.7 acres
New Roads and Utilities	-31.2 acres
Net Buildable Land	93.4 acres
Units (4 du/acre)	*367 units*
Park Place Study Area Total	**1,458 units**

roads, stormwater facilities, and future civic uses, like schools and libraries. This final number is then multiplied by the required minimum densities for the area: 10 dwelling units for the area added to the UGB in 2002 and 4 dwelling units for the area added to the UGB in the 1980s.

The result of this analysis is that a minimum of **1,458 dwelling units** (Table 2-1) are required in the Park Place Concept Plan study area at build-out. For a more detailed description of the buildable lands methodology and analysis, please refer to Appendix E.

Regulatory Conditions

Development of a Concept Plan fulfills regional planning requirements as established in the Metro 2040 Plan and Urban Growth Management Functional Plan. These regional plans as well as local comprehensive plans and codes are responsible for complying with and implementing Statewide Planning Goals.

Regulatory Conditions

General Findings

- *Primary elements of the Concept Plan include: Governance, Housing, Transportation and protection of Natural Resources*
- *Elements of the plan are illustrated in an Urban Growth Diagram*
- *Majority of the study area is to consist of single family housing*
- *Upon adoption of the Concept Plan, the City will determine Comprehensive Plan designations and an annexation strategy*

The Concept Plan must include the following elements: governance, housing plans (including minimum density, diversity, and affordability), commercial and industrial land uses as needed, a conceptual transportation plan, natural resources and protection plan, a public facilities plan, and a plan for public schools. Conceptual plans for these elements must reflect and account for policies and projects established in the City's Comprehensive Plan, Transportation System Plan, Trails Master Plan, and Parks and Recreation Master Plan. Ultimately these element plans will be presented as a report and illustrated in an Urban Growth Diagram.

Following adoption of the Park Place Concept Plan and any necessary plan amendments by City Council, the next step in the process is for the City to determine the appropriate Comprehensive Plan designations based on the Preferred Concept Diagram, and to develop an Annexation Strategy. As part of annexation, the City will adopt zoning for the Park Place plan area according to the Comprehensive Plan designations. It is anticipated that most of the buildable land in the plan area will be designated for medium- and medium/low-density housing (e.g., single-family homes on medium-sized lots), which is compatible with existing uses and development patterns.

Livesay Road

However, Title 11 requirements from Metro's Functional Plan require a minimum density of 10 units per net buildable acre in new urban areas. Given an exception for land in Park Place that is not considered new urban area, buildable land in Park Place will need to accommodate 1,458 housing units. As a result, implementation measures in the study area will need to allow for mixed-use designations and more medium- and high-density housing. Creation of a new residential zone, modification of existing zones and regulations, including master planning requirements, and establishment of clear and strong policies in the Park Place Concept Plan are designed to meet housing targets and to implement the type and intensity of development that is envisioned in the Final Concept Plan.

Transportation

The study area is served by a multi-modal transportation system that includes roadway, transit, bicycle, and pedestrian facilities and services. Isolated locations on the roadway system experience congestion and delays. However, applicable agency standards are met at all study area intersections and road segments.

The Highway 213 corridor is approaching capacity, particularly on the segment between Redland Road and the I-205 interchange. Federal appropriations have been obtained through the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFTEA-LU) for the planning of improvements, including funding for an Environmental Impact Statement (EIS) and preliminary engineering for the I-205/OR 213 interchange.

The public transit system provides limited service to this low-density, suburban location. Additionally, the bicycle and pedestrian systems are incomplete, but plans exist to make incremental improvements. Until pedestrian, bicycle, and transit improvements are made, current conditions will make travel by these modes undesirable and will promote greater vehicular trip-making.

Transportation

General Findings:

- *Very limited transit service*
- *Incomplete pedestrian system*
- *Limited system does not promote walking*
- *Incomplete bicycle system*

Water, Wastewater, and Stormwater Infrastructure

Limited water service exists within the study area except for a small portion of Livesay Road, which is served by the Oregon City water distribution system. Capacity exists within the Oregon City system to be expanded within the study area. Transmission mains, owned by Clackamas River Water, run through the study area to serve communities outside the study area.

Limited wastewater collection exists within the study area. Many properties are on septic systems. Two-trunk interceptor lines, owned by the Tri-City Sewer District, pass through the study area and convey wastewater flows from Country Village and Ogden Middle School. These two interceptors connect within the study area and their flows are conveyed by the Highway 213/ Newell interceptor to the wastewater treatment plant. These interceptors and the treatment plant have capacity to serve future development within the study area.

Stormwater is presently managed in the study area with roadside ditches and natural drainage channels. No major stormwater infrastructure facilities exist beyond these surface facilities. All stormwater within the study area is conveyed to Abernethy Creek, Newell Creek, and Livesay Creek. Abernethy Creek and Newell Creek are subject to occasional flooding; however, no significant flood damage is known to have occurred in the study area since the 1996 flood.

Water Infrastructure

General Findings:

- *Limited water distribution*
- *Capacity exists in the water system to serve the study area*
- *Limited wastewater collection*
- *Wastewater Treatment Plant and interceptors have capacity to serve the study area*
- *A natural stormwater drainage system exists*

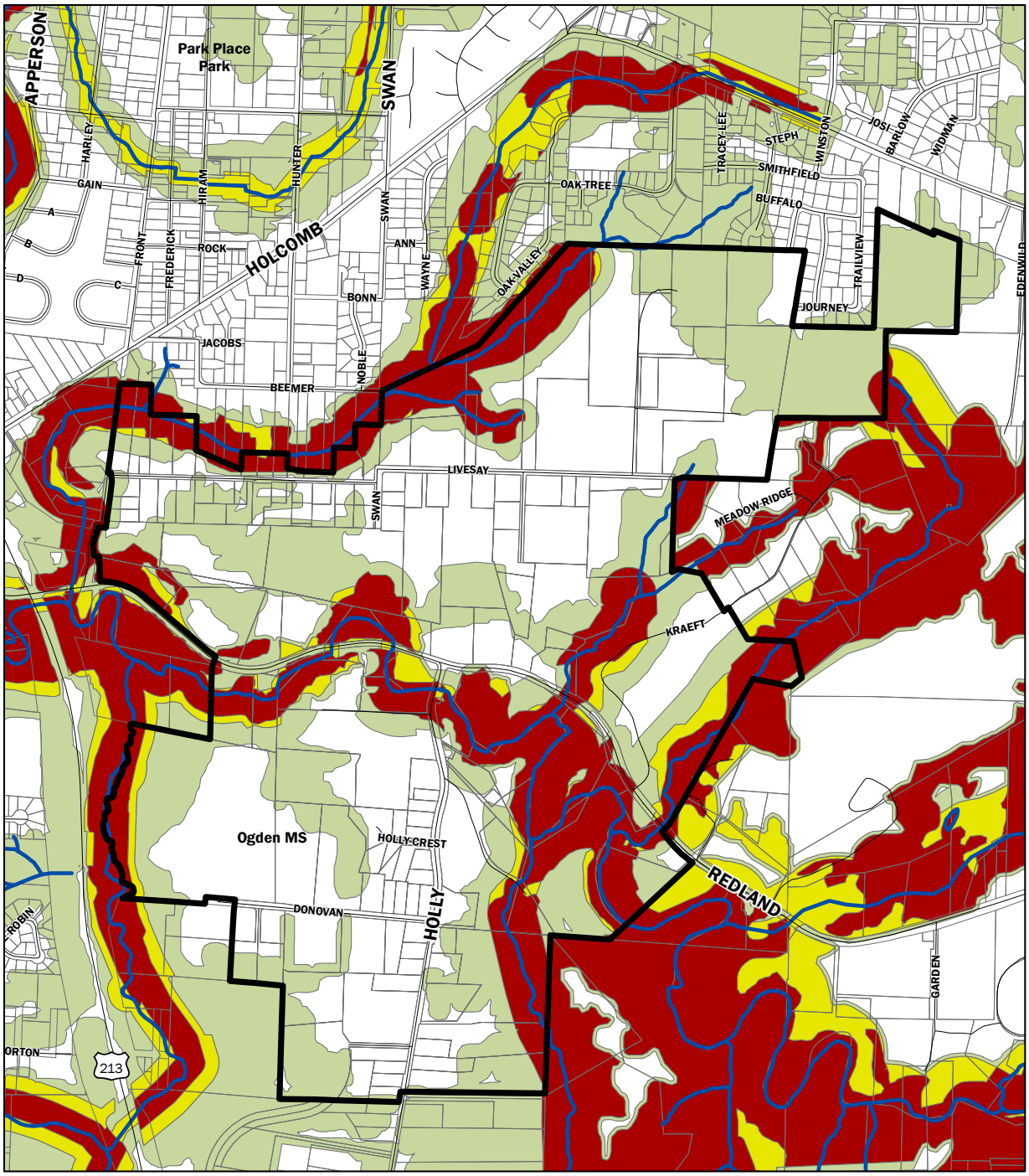


Figure 2-2. Habitat Conservation Areas

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

Natural Resources

Through evaluation and mapping efforts performed by Metro, Habitat Conservation Areas (HCA) in the study area have been established. Metro created an inventory map showing areas of greatest significance, called "regionally significant habitat," which includes riparian areas, wildlife habitat, and parks and open spaces. From this map, Metro established a Habitat Conservation Area Map (Figure 2-2) which identifies the highest value streamside habitat that will be subject to regulatory performance standards and best management practices. The Habitat Conservation Area Map also helped inform the buildable lands analysis.

Geologic Conditions

The study area is located in the Abernethy Creek drainage of the Willamette Valley. The Abernethy Creek drainage consists of a narrow meandering creek fed by Newell and Holcomb Creeks and flows directly into the Willamette River, immediately northwest of the study area. The drainage is characterized by steep canyons that are subject to ongoing slope processes (Figure 2-3). The local geology is dominated by the fine-grained facies of the Missoula Flood deposits (Madin, in press) primarily comprised of silt, sand, and gravel of late Pleistocene age. These deposits generally form terraces at the lower extent of the local creeks and mantle slopes up to about elevation 200 to 250 ft. In the low-lying areas within the floodplain of Abernethy Creek is alluvium and Pleistocene-age Willamette Silt, which consists of fine-grained sands, silt and clay with scattered lenses of fine- to medium-grained sand. At the north edge of the study area (along Holcomb Boulevard, at the south end along Holly Lane and at the southwest edge, adjacent to Newell Creek Canyon), mudstone, claystone, and sandstone of the Troutdale Formation are present, typically in steep canyons and ridges. Geomorphic and geologic evidence indicates these tributary canyons of Abernethy Creek have been modified by ongoing, large-scale landslides (Figure 2-4). The Oregon Department of Geology and Mineral Industries' (DOGAMI) preliminary geologic map of the area indicates an inferred trace of the Oatfield Fault may extend into the northwest portion of the study area; however there is no direct evidence that the fault exists in this area (Madin, in press).

Due to the topographic and geologic conditions in the study area, there is a history of landslides within the Abernethy Creek drainage that have damaged property and infrastructure (Burns, 1993, 1998). In addition, recent mapping of landslide geomorphology in Oregon City using LIDAR imagery and aerial photographs indicates the tributary canyons of Abernethy Creek have been modified by ongoing large-scale landslides (Madin and Burns, 2006). A full discussion of the consultant's technical analysis and recommendations are in the Appendix K.

Natural Resources

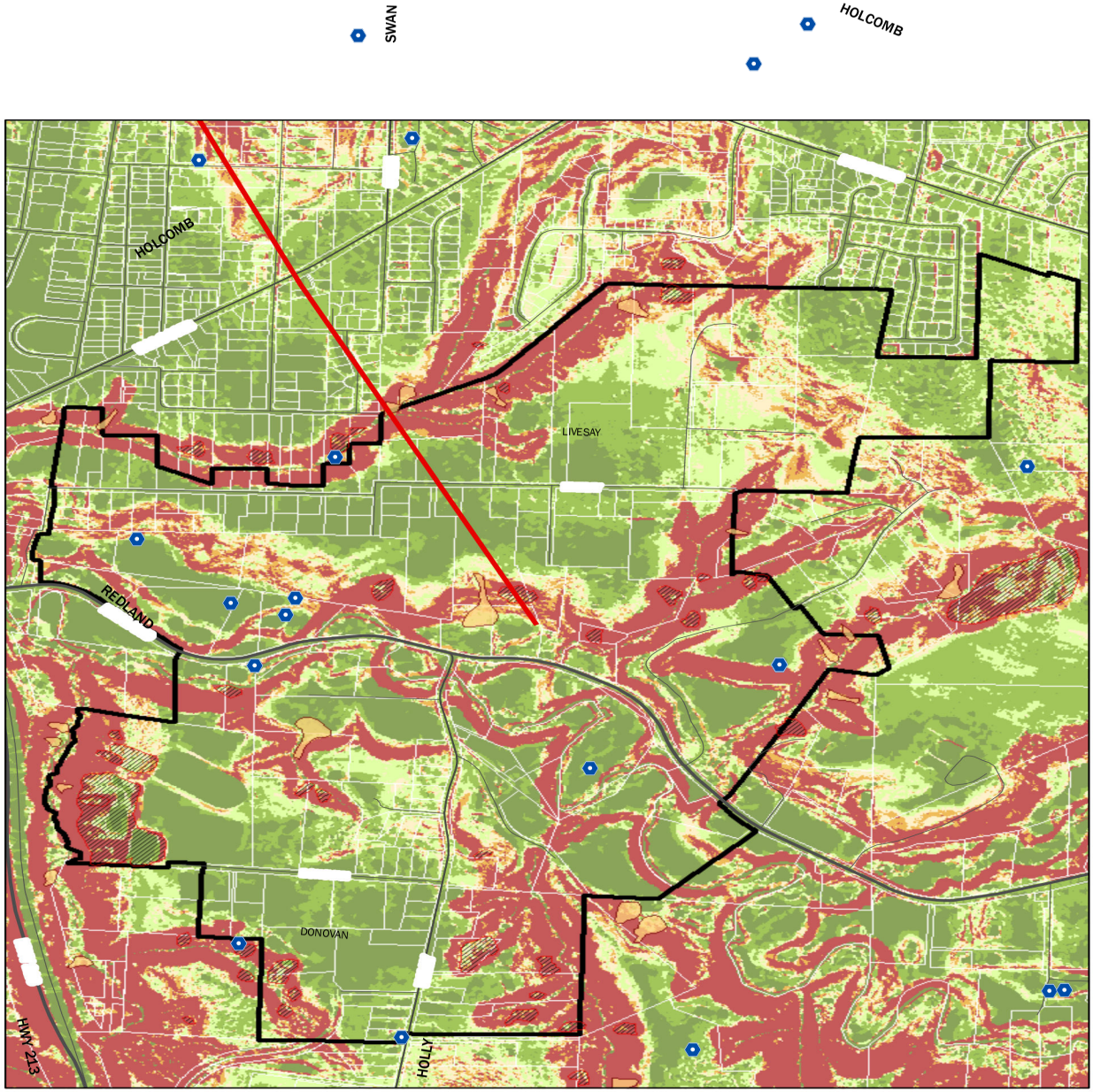
General Findings:

- *Regionally Significant Habitats areas have been inventoried*
- *Habitat Conservation Areas have been identified including three major riparian corridors: Livesay Creek, Abernethy Creek, and Newell Creek*
- *Development best management practices have been established*

Geotechnical

General Findings:

- *Study area is characterized by steep canyons*
- *Study area is dominated by weathered siltstone and mudstone*
- *Canyon and hillsides are subject to ongoing slope processes*



project boundary
Located Wells
Road
Waterway

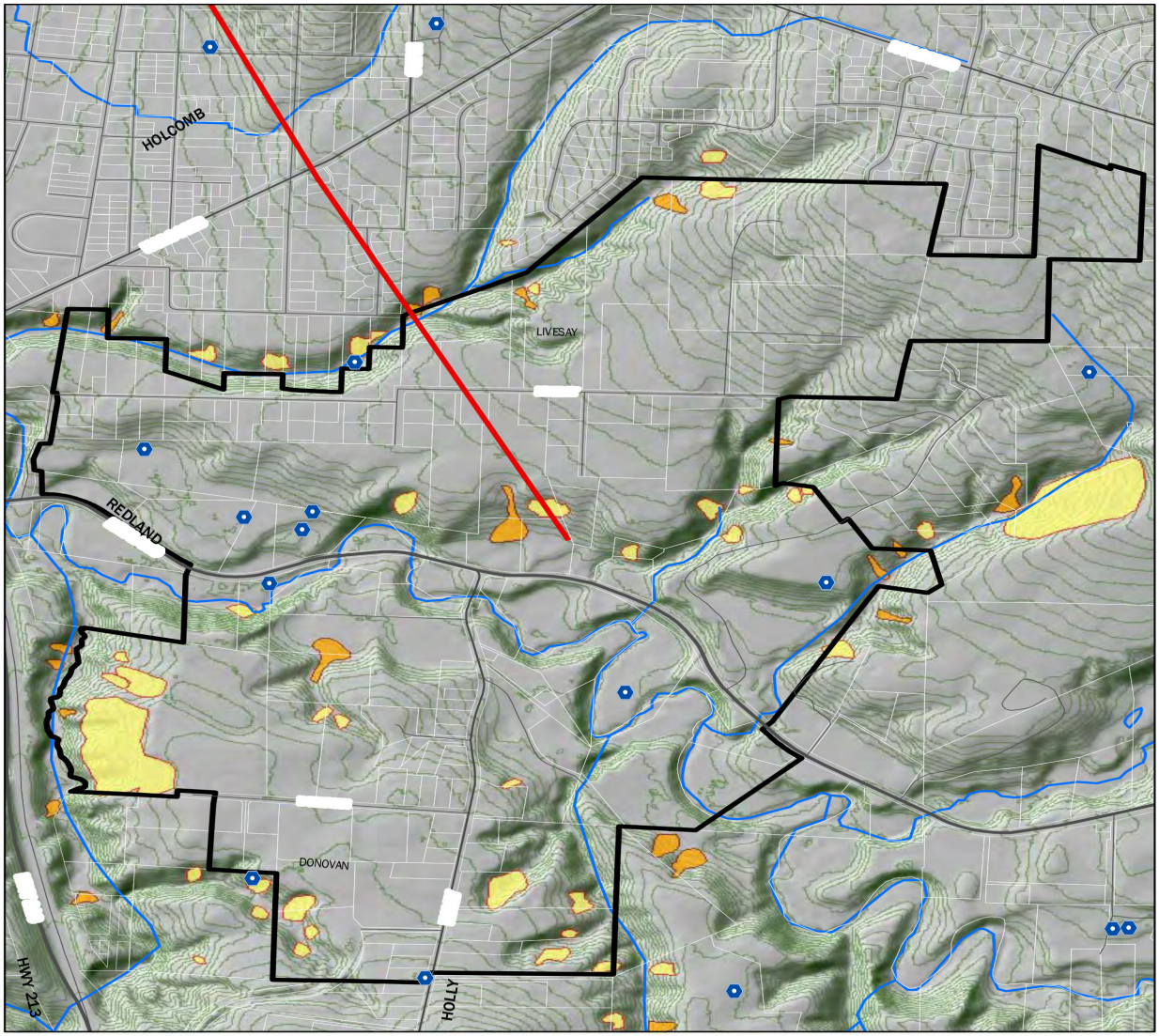
Landslide Data
Fan
Landslide

Slope
less than 5%
5% - 10%
10% - 15%
15% - 20%
20% - 25%
greater than 25%

Source: Oregon City GIS, 2006; RLIS 2006

0 300 600 900

Feet



Project Boundary
Located Wells
Road

Waterway
Contour = 10'

Landslide Data
Fan
Landslide

Source: Oregon City GIS, 2006; RLIS 2006

0 300 600 900

Feet

Market Assessment

The study area is characterized by varied topography, with limited access points and visibility. As a result, the predominant land uses in the area are expected to be residential. However, a moderate level of commercial (retail and office) development can be supported in the study area, which would serve the Park Place neighborhood and surrounding environs, as well as assist in organizing the Plan. The Portland metropolitan area economy has been enjoying a period of substantial employment growth. Trends in the commercial and industrial markets also indicate better than reported rates of growth and greater optimism for future space needs. Population growth held steady during the recent economic decline in the area, and the recent employment growth indicates that the level of growth can be sustained.

The retail market is currently sound in the Oregon City area, although there is a notable lack of regional-draw retail space. Retail is an area of obvious opportunity in the Oregon City area as population and associated levels of local buying power increase. The pending development of a major regional retail center in the immediate area will address this need for the broader community. Because of this development (and other physical circumstances of the study area), retail development in the study area will be limited to neighborhood supported uses.

The study area is expected to support between 20,000 and 40,000 square feet of retail space when fully developed. The area has limited access points, making it an unlikely candidate for more regional-serving retail services. From a market perspective, a commercial center that can capitalize on through traffic from existing arterials will increase the viability of retail space, particularly during the study area's build-out period.

Market Conditions

General Findings:

- *Predominant land use is residential*
- *Oregon City is growing - primarily residential growth*
- *Current shortage of regional retail*
- *Retail suffers from lack of exposure, and being located on the edge of an urban area*
- *Future retail limited to neighborhood uses*
- *20,000 - 40,000 square feet of retail could be supported in the study area*
- *Local office including medical office, insurance brokerages, realty companies, title companies and other professional office uses are often willing to utilize ground floor commercial space in order to attract foot traffic.*

Office space demand within the study area will respond to community needs, supported by the area's population base and industrial activity. Likely tenant types would include medical office, insurance brokerages, realty companies, title companies, and other professional office users. These types of office tenants will often utilize ground floor commercial space, as they have a significant amount of customer traffic, but could be located in more traditional office configurations.

Commercial development in the planning area is not seen as necessary for the success of the area, which is expected to be developed largely as residential. The commercial needs of the planning area can be met outside of the concept planning area by existing and planned developments. However, commercial development can serve to organize the Park Place Concept Plan by providing a "center" to the community. In addition, commercial development can meet some of the needs of the community, providing a marketable amenity for residential development while reducing trips out of the neighborhood.

The opportunities and constraints diagram (Figure 2-5) synthesizes findings from the existing conditions analysis and integrates input from the public meetings. The diagram was refined at the second community forum and updated for the design charrette in October 2006.

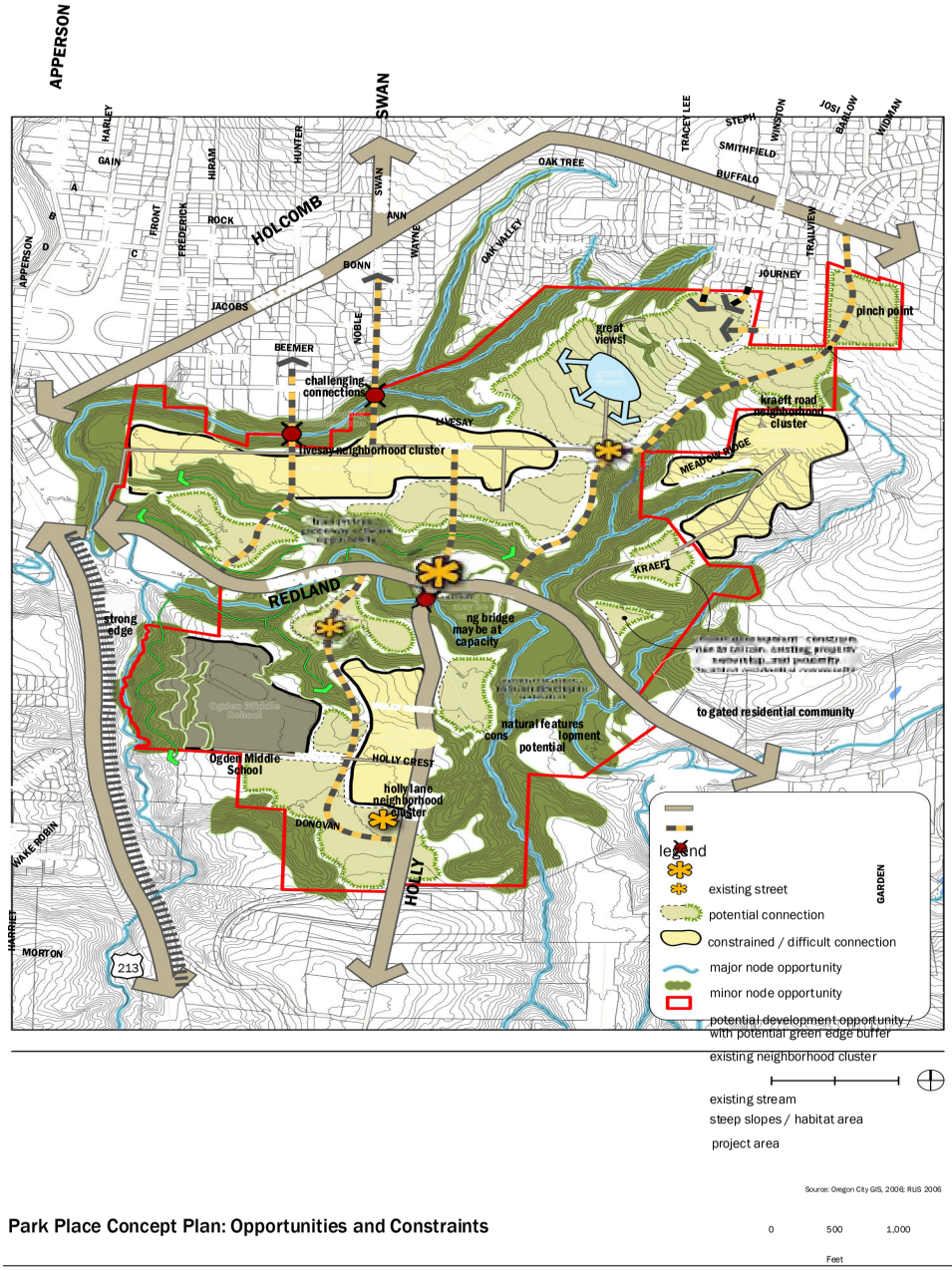


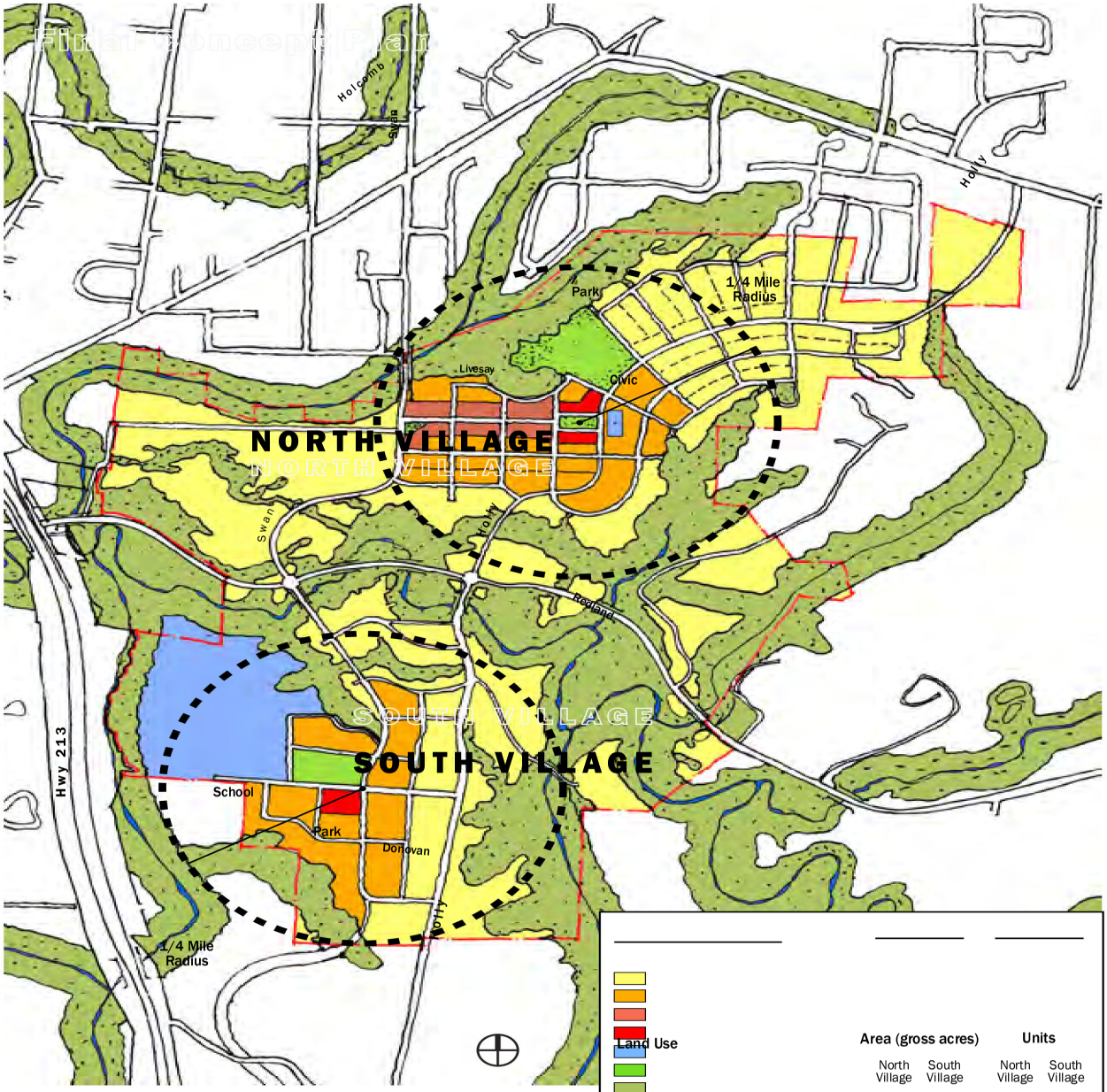
Figure 2-5. Opportunities and Constraints

This map is for concept planning purposes only. The specific locations of natural resource

Key elements of the opportunities and constraints diagram include:

- *The study area currently consists of two neighborhood clusters: Holly Lane neighborhood cluster and the Livesay neighborhood cluster.*
- *The majority of the study area's buildable land (development opportunity sites) are located north of Redland Road.*
- *Opportunity to surround new and existing development with green buffers.*
- *The northeast portion of the area has great views to the south and west. Development layout lends itself to a (east-west) solar orientation.*
- *Sensitive areas (waterways, floodplains, wetlands, habitat conservation areas, and areas with slopes in excess of 25%) are treated as limited development zones.*
- *Opportunity to establish an extensive off-street trail network*
- *The study area has limited opportunities for north-south roadway connections due to steep slopes and sensitive habitat areas.*
- *The existing Holly Lane bridge is approaching capacity.*
- *Livesay Creek is both an opportunity (resource, habitat, aesthetic) and a constraint (difficult to connect across).*
- *Opportunities exist for major and minor nodes at the confluence of major roadways and on flat lands.*
- *Lower Livesay is a challenging area to*

Final Concept Plan



Land Use	Area (gross acres)		Units	
	North Village	South Village	North Village	South Village
~~Low/Medium-Density Residential~~	~~142~~	~~61~~	~~724~~	~~309~~
Medium/High-Density Residential	28	29	213	213
Mixed-Use Commercial	8	0	-	-
Retail	2	1.6	-	-
Civic	0.7	28	-	-
Park	8	3.2	-	-
Constrained Land	84.6	81.5	144	138

not to scale

3. Park Place Concept Plan

1. Introduction

A series of growth alternatives for the Park Place study area were developed during a multi-day planning charrette the week of October 15, 2006 in Oregon City. The charrette (*summarized on page 22; see Appendix C for detailed descriptions and sketches*) consisted of interactive meetings, site tours, design sessions, and a series of public forums. Charrette participants included members of the project's Project Advisory and Technical Advisory Committees, local and regional service providers, Oregon City staff, property owners, developers, and citizens living in and around the Park Place study area. This intensive and transparent planning process resulted in a mutually agreed upon vision for the study area that became the foundation of the Park Place Concept Plan ("Concept Plan"). Following the charrette, the Park Place Concept Plan was refined to more accurately reflect the location of existing and proposed streets, natural resource areas, buildable lands, and to respond to remarks from the final public meeting.

The Concept Plan identifies the approximate location of land uses, public facilities and roads. Specific locations for these elements will be determined as part of more detailed future planning and development processes.

2. Concept Plan

The vision for the Park Place Concept Plan is to provide a framework for growth that respects and augments the area's context, history, and natural systems. The Park Place Concept Plan emphasizes good urban design, connectivity, opportunities for place-making and cultivating community, diversity, and, above all, a way to provide for future growth in a sustainable manner.

The key components of the Concept Plan (Figure 3-1) include:

- Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
- Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1459 new dwelling units
- Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space
- An area for a new civic institution, such as a library or community center
- A mix of housing types and ranges of affordability
- An extensive system of off-street and on-street trails and pedestrian/bicycle connections
- Innovative, "green" on-site stormwater treatment methods
- Protected sensitive areas, including drainages and steep slopes
- Streets and buildings oriented for solar access
- The use of green edges to define neighborhoods and buffer developments
- Integration of parks and open spaces into existing and future neighborhoods

Park Place Concept Plan Charrette Summary

photos from top: charrette participants on a tour of the study area; members of the project team working on various growth alternatives; fielding questions and concerns at the first public forum; community member evaluating one of the growth concepts

Day 1 (Sunday, October 15)

- Reviewed Core Values and Evaluation Criteria (see Appendix B1) with stakeholders.
- Reviewed the opportunities and constraints diagram with stakeholders.
- Conducted a site tour of selected locations in the study area.

Day 2 (Monday, October 16)

- Held a stakeholder meeting to identify potential opportunities and constraints to creating the Park Place Concept Plan.
- Developed five preliminary planning alternatives (afternoon).
- Held Public Open House to review and comment on preliminary alternatives (evening).

Day 3 (Tuesday, October 17)

- Met with public agency representatives and others who were unable to attend Day 2 stakeholder meetings and/or decided to return for additional individual meetings.
- Narrowed five preliminary planning alternatives to two refined alternatives.
- Evaluated refined alternatives using evaluation criteria/core values (afternoon). Held second Public Open House to review and comment on two refined alternatives (evening).

Day 4 (Wednesday, October 18)

- Held stakeholder group meetings with public agency representatives, property owners, neighborhood group representatives and others, including PAC members to review refined alternatives and recommend a Preferred Alternative (morning).
- Refined the Preferred Alternative based on feedback from morning stakeholder group meetings (afternoon).

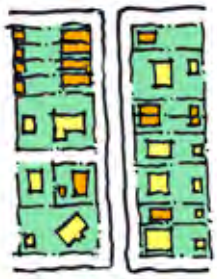
Day 5 (Thursday, October 19)

- Continued to refine the Preferred Alternative (morning and afternoon).
- Held final public meeting (Clackamas Community College) to present the Preferred Alternative (evening).

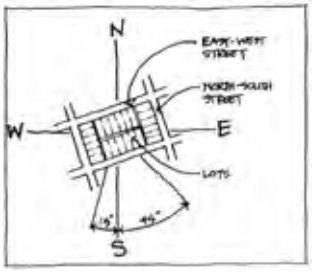
Design Principles

The following design principles were developed during the planning charrette. Both the core values and the design principles helped shape the various elements of the Final Concept Plan.

Create neighborhood centers in the heart of the community. All great neighborhoods have a center that acts as the heart of the community and provides a sense of place.

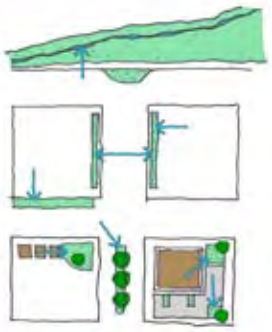


Create a mix of housing types that include ranges of affordability. One way to provide neighborhood diversity is to enable the development of a variety of housing types and sizes. This also allows people to stay in the neighborhood for long periods of time as they transition through the various stages of life.



Design for solar access. Maximizing solar access provides better daylight and ventilation, opportunities for using renewable energy systems (i.e., solar power) and improves the energy-efficiency of buildings.

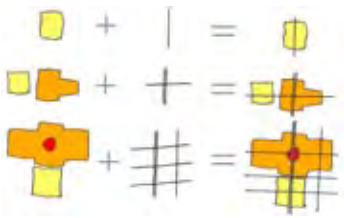
Integrate existing open spaces and parks into existing and future neighborhoods. Linking new parks with existing natural areas, provides a greater range of open space options for residents and encourages better neighborhood connectivity.



Integrate stormwater management. By treating or detaining stormwater on site, there is less need for costly infrastructure. On site treatment also improves overall water quality.

Integrate a network of streets and trails into neighborhoods. People are more likely to walk to destinations and for recreation if a safe and convenient system is in place.

Utilize existing green edges to define neighborhoods. Providing "green edges" or buffers between development provides opportunities for better neighborhood connectivity, wildlife habitat preservation, a more rural, park-like environment, and greater privacy.



Link land use and transportation. As communities develop, it is important to provide transportation connections that are commensurate with the intensity of adjacent land uses. It is important to provide transportation options for all residents and visitors, including children, the elderly, and those with disabilities.

3. Plan Elements

The following section describes the elements of the Park Place Concept Plan in detail and how the evaluation criteria and design principles are applied.

The Plan accommodates a minimum of 1,458 dwelling units with a variety of housing types. An additional ~280 units can be accommodated in the "green fingers" or constrained land. These figures were derived from the Buildable Lands Analysis, which is summarized in Chapter 2 and in its entirety in Appendix E.

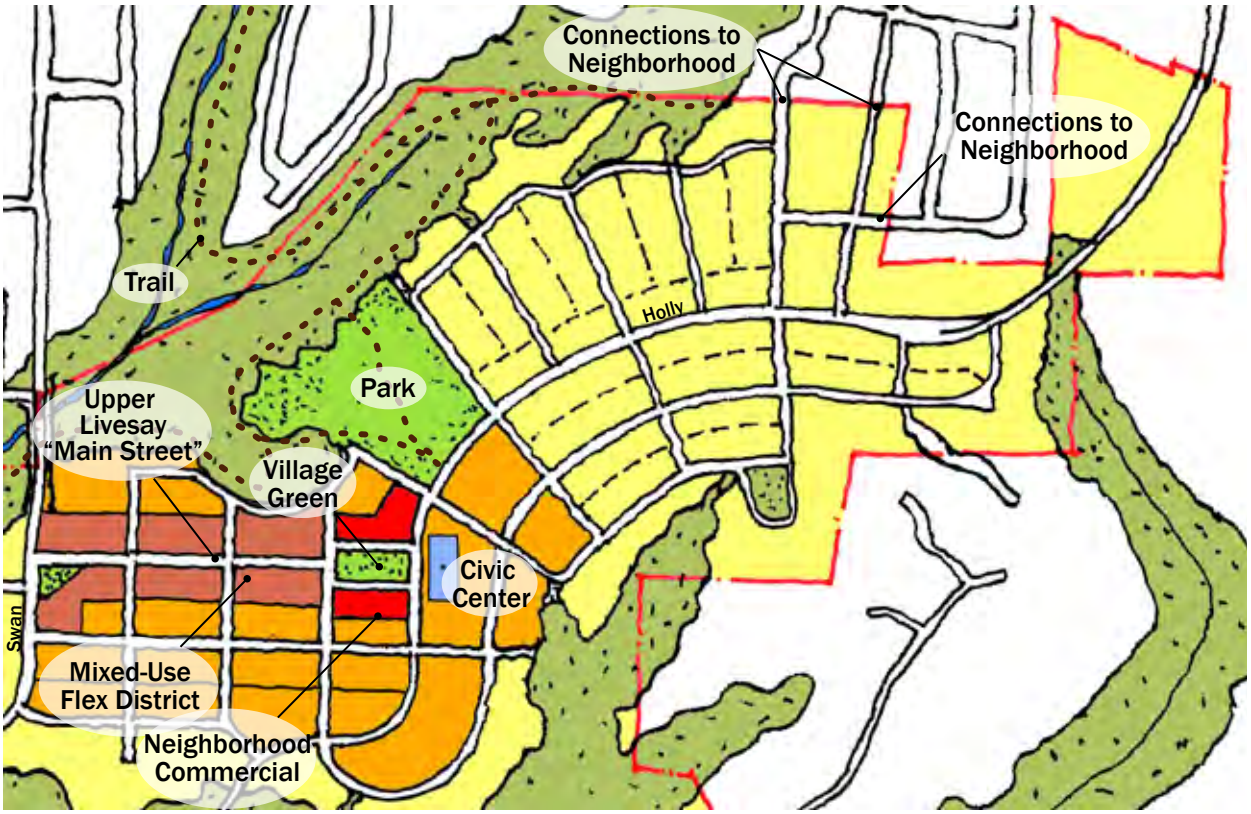
A market analysis conducted in Fall 2006 determined that the study area can support approximately 40,000 square feet of new commercial development: 30,000 square feet in the North Village and 10,000 square feet in the South Village.

Land Use: The Villages

The Park Place Concept Plan proposes a mix of residential, commercial, park and open space, and civic land uses. Redland Road serves as the logical division between two neighborhoods: North Village and South Village. Neighborhood-oriented nodes serve as the heart of these new neighborhoods and provide a variety of civic and commercial spaces. These nodes are centrally located in the neighborhoods along existing and future roadways and are surrounded by medium density residential land uses that transition to lower-density residential land uses. In response to the market analysis findings, the Concept Plan appropriates enough land for 30,000 square feet of commercial development in the North Village and 10,000 square feet of commercial development in the South Village.

North Village

The majority of new growth (approximately 936 units) is proposed to be accommodated in the North Village neighborhood, north of Redland Road (Figure 3-2). A new main street along Upper Livesay Road between the Holly Lane and Swan Avenue Extensions, called "Livesay Main Street," serves as



This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

Figure 3-2. North Village Neighborhood

the heart of the North Village. The Livesay Main Street is envisioned to have wide sidewalks, landscaped stormwater facilities (bioswales), pedestrian-scale lighting, street trees, and benches. The roadway terminates at the junction of the Holly Lane Extension with a Village Green and civic building (i.e., library, community center, environmental interpretative center, or post office). This mixed-use district is surrounded by medium-density housing (figures at right), which is within walking distance of the core area, and single-family housing that blends into the surrounding existing single-family residential neighborhoods. Small-scale commercial businesses, like a coffee shop, bookstore, dry cleaners, or café, are proposed to anchor the intersection of Holly Lane Extension and Livesay Main Street and surround the Village Green.

New mixed-use development and civic node in the North Village

The land uses along Livesay Main Street are envisioned to be a mix of residential and commercial uses (e.g., ground-floor, neighborhood-oriented commercial with housing or offices above). The buildings should convey a rich palette of architectural elements that distinguish the Village from the existing auto-oriented commercial uses and a proposed regional shopping center in the area bounded by Washington Street, Abernethy, and Highway 213. The types of elements incorporated into the design of the street facing façade should include large storefront windows, recessed entry ways, awnings and canopies, building lighting, and a rhythm of columns and/or pilasters that break the façade into smaller, more intimate modules.

A variety of housing types and densities is proposed in both the North Village and the South Village

In order to ensure that architectural design elements are integrated into future development in the North Village, it is necessary to develop implementation measures that reflect these elements. As part of the implementation measures proposed for Park Place, the City's existing Neighborhood Commercial (NC) zone will be modified to include "main street" standards for use in creating vibrant neighborhood centers in the North and South Villages.

The Park Place Concept Plan includes a general street plan and street cross-sections as well as an overview of natural resource planning in Park Place, with recommended extension of density transfer provisions to all natural resource overlay zones occurring in the Park Place plan area. These implementation measures are described in more detail in Chapter 4 of this document and Appendix I.

Taller buildings and a mix of uses provide a desirable sense of enclosure around the civic space in the North Village

South Village

The South Village is located at the intersection of Swan Avenue and Donovan (Figure 3-3). The South Village proposes a small neighborhood commercial node with a 3 - 5 acre park (figures at left) surrounded by a significant amount of medium-density housing; however, it will probably be some time before the existing single-family residential neighborhoods experience sufficient pressure to redevelop. Civic landmarks in the South Village include the existing Ogden Middle School and a new park. Similar to the North Village, these uses are surrounded by medium- and low-density housing.

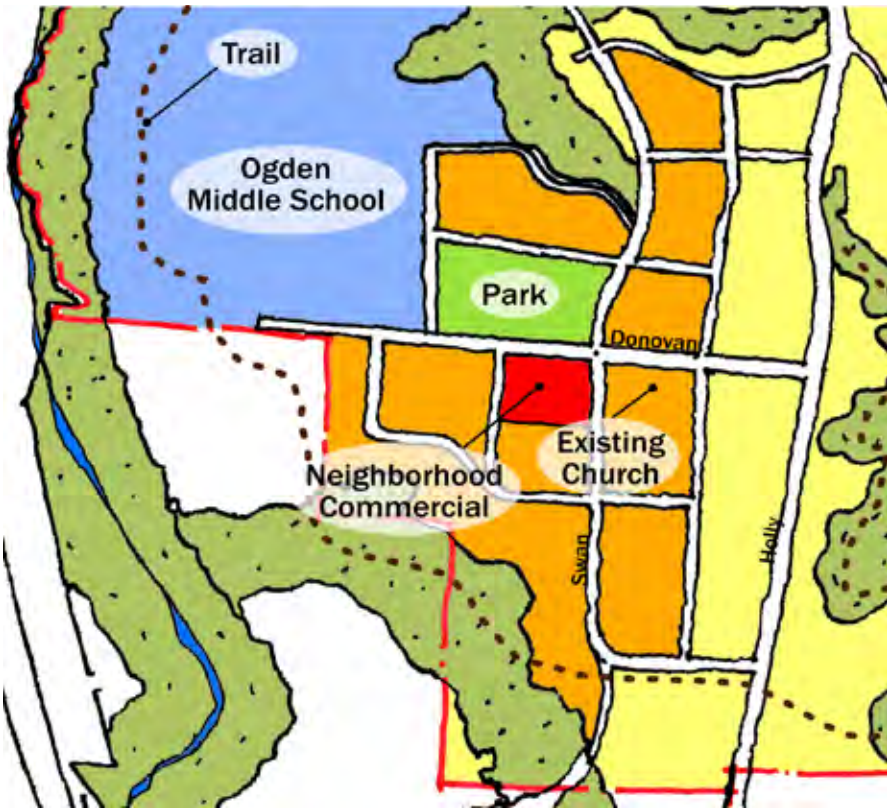


Figure 3-3. South Village Neighborhood

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

Street trees, on-street parking, pedestrian-scale lighting, and street furniture create interesting places to meet in the community

Housing

The primary land use proposed in the Park Place Concept Plan is residential. Of the approximately 408 net buildable acres in the study area, approximately 360 acres are proposed for residential use. Residential land will be provided in a range of very low-density (R-10) zones to neighborhood commercial (NC) zones. In order to provide attractive and affordable housing for a variety of incomes and household types. It is recommended that a new residential zone (R-5), modifications to existing zones, additional design standards for attached single-family housing (townhouses and rowhouses), and multi-family housing be instituted to implement the Park Place Concept Plan. Recommended residential types and zones include:

Low-Density Residential (R-10, maximum 4 units/acre)

- Single-family detached dwelling units (including manufactured homes)
- Accessory dwelling units (ADUs)

Low/Medium-Density Residential (proposed R-5, minimum 6 units/acre)

- Single-family detached dwelling units (including manufactured homes)
- Accessory dwelling units (ADUs)
- Single-family attached dwelling units (townhouses/rowhouses)
- Two-family dwelling units (duplexes)

Park Place Concept Plan Housing Development Types

Houses don't always have to be large to provide a quality living space. A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.

Single-Family Housing

Part of the challenge of meeting the housing needs of a growing and thriving region is to offer housing types that address the values that drive demand for detached, single family housing, but with smaller spaces and smaller price tags.

Single-family houses can be a range of sizes, styles, and colors. Above all, they should be community-oriented with architectural elements that encourage "eyes on the street" and neighbor interaction.

Multi-Family Housing

Multi-family housing clustered around common open spaces (instead of parking lots) help foster a sense of community that usually isn't found in conventional apartment complexes. Vehicle access is provided in the rear and with alleys.

There are a variety of ways to provide quality, community-oriented apartments. In some cases, apartment complexes can be designed to look like single-family residences and contain six or seven apartments. This provides density without dramatically changing the character of the neighborhood.

Medium/High-Density Residential (R-3.5, minimum 9 units/acre)

- Single-family detached dwelling units (including manufactured homes)
- Single-family attached dwelling units
- Two-family dwelling units (duplexes)
- Multi-family dwelling units (proposed)

Neighborhood Commercial (NC)

- Dwelling units above ground floor (if in conjunction with a permitted or conditional use)

One example of a "Green Finger" - development buffer and greenway

The needed mix of housing units is shown in Table 3-1. These figures mirror the ratio of existing housing types in Oregon City according to the 2000 Census. Additional information about the affordability of housing is provided in the following section.

Type of Housing	Number of Units Needed
Single-Family Residential Detached	950
Two-Family Residential Attached (Duplex)	87
Manufactured Home in Park	48
Single-Family Residential Attached	9
Multi-Family Residential	282
Accessory Dwelling Units	17
Group Quarters	65
TOTAL	**1,458**

Table 3-1. Type and Amount of Housing Needed

The City's lowest-density zoning is recommended for the "green fingers" of natural resource and environmentally sensitive lands in Park Place. These areas are appropriate for low-density development and will be protected, in part, by the City environmental overlay zones which restrict development altogether in certain areas or reduce the allowable density of residential development in other areas.

Table 3-2 identifies the potential number of housing units of different types that could be developed within the concept planning area based on proposed zoning. The low/medium-density zone is more likely to be the site of manufactured homes and ADUs than the medium/high-density zone. The distribution of housing types in Table 3-2 however, represents only one scenario for accommodating needed housing within zones proposed for Park Place. It is possible that housing types may develop in different ratios, including development of attached single-family housing in the low/medium-density residential zone.

Schools

No new school sites are identified in the Park Place Concept Plan. The two existing elementary schools near the study area, Park Place Elementary and Holcomb Elementary, currently have capacity for an additional 300 students.

Moreover, future enrollment for these elementary schools is projected to remain relatively flat, as new households in their service area are projected to include fewer young children. Ogden Middle School is currently at its preferred capacity. Although enrollment figures are expected to increase slightly with the addition of new households to Park Place, this growth is expected to be gradual and not significant enough to trigger the need for a new middle school.

Based on enrollment projection assumptions used by the Oregon City School District, which vary for different types of housing units, development in the study area is expected to result in the following approximate number of additional students when the area is completely developed:

Table 3-2. Type and Amount of Housing By Land Use Designation

Residential Land Use Designation/Zone	Number of Units Needed	Housing Type
Low/medium-density residential (yellow) – minimum 6 units/acre	907	Single-Family Residential Detached (including Manufactured Homes)
	17	Accessory Dwelling Units (ADUs) sited with Single-Family Residential
Sub-total	924	
Medium/high-density residential (orange) - minimum 9 units/acre	117	Single-Family Residential (Detached and Attached)
	369	Two-Family Residential Attached (Duplex) and Multi-Family Residential
	65	Group Quarters
Sub-total	551	
Total	**1,475**	

- 350 elementary school students
- 150 middle school students
- 150 high school students

These increases in enrollment are expected to occur gradually over the next five to twenty years, depending on the pace of annexation and development in the planning area. Given the additional capacity of existing schools, these additional students would not create the need for a new elementary school which averages about 500 students in the Oregon City School District. Similarly, the increase in enrollment would not result in the need for an entire new middle school, which averages about 700 students in the District. Therefore, no additional school site is recommended in the Park Place Concept Plan.

Parks and Open Space

The Park Place Concept Plan incorporates a significant amount of open space, mostly attributed to environmentally-constrained natural areas within the planning area. This open space network takes the form of “green fingers.” These

"green fingers" consist of sensitive habitat and drainage areas that frame pockets of development while protecting the existing natural habitat. The proposed "green fingers" provide a buffer between resource areas, existing development, and new development. The "green fingers" also serve as a signature element for the burgeoning neighborhood, especially when they are combined with the Plan's proposed system of trails and pathways. This open space concept can be realized through local regulation, sensitive development practices, and through public acquisition. The amount of open space proposed in the Plan exceeds Metro and City guidelines.

As discussed, the Park Place Concept Plan includes a neighborhood park in both the North Village and the South Village. These parks are shown in locations that optimize the following concept planning criteria:

- Locate parks adjacent to future village centers in order to maximize proximity and therefore walkability for the greatest number of residents;
- Locate parks adjacent to civic uses such as schools or other facilities in order to synergize with existing or planned public amenities;
- Locate parks on sites that are relatively flat in order to accommodate the need for play fields; and
- Locate parks adjacent to existing natural areas so as to integrate open spaces with parks. This may allow for reduced park areas by allowing passive recreation areas to occur in natural open space areas.

There may be other locations within the proposed neighborhood fabric that meet these criteria and the locations indicated on the Urban Growth Diagram should not be taken as absolute. The parks were shown in these locations because they meet these criteria. It is essential that any alternative sites identified in the future meet the same or similar criteria.

The City's existing Park and Master Plan identifies the need for two developed parks in this area to meet its standard of having neighborhood or community parks within ½ mile of all residents. According to conversation with Jim Row, (former) Oregon City Park and Recreation Planner, The Oregon City Park and Recreation Master Plan, National Recreation and Park Association's park and recreation facility guidelines, and information compiled by Cogan Owens Cogan, a single park would not meet this standard. Such national and local guidelines typically indicate standards of between 1-3 acres of neighborhood parks per 1,000 residents, 2-4 acres of community parks per 1,000 residents and overall goals of six to 10 acres of developed park facilities per 1,000 residents. These standards indicate the need for 18-30 acres of developed parks, including neighborhood and community or other developed park facilities in the planning area, assuming a buildout population of about 3,000 residents. The proposed number of facilities and acres of developed parks is generally consistent with these targets.

The parks shown on the Urban Growth Diagram are located in their respective neighborhood centers and are surrounded by commercial, civic uses, and medium density housing. The parks are intended to provide basic recreational opportunities for residents and may include amenities such as play equipment, athletic fields, picnic tables or shelters, walking trails, and other features. The neighborhood park in the North Village is approximately eight to ten acres and within walking distance of the Livesay Main Street. The South Village neighborhood park is approximately three to five acres and surrounded by medium/high-density residential. These two parks are consistent with the type of parks identified as needed in the City's *Parks and Recreation Master Plan* (2004) and with recommended national acreage guidelines and service areas.

Open Space - Natural Area

Neighborhood Park

Transportation

The core values and guiding principles of the Park Place Concept Plan describe a multi-modal transportation system that is fully integrated with the land uses it serves. By design, the system is inherently sustainable, safe, and interconnected and serves the local and regional travel anticipated for the area.

Regional Growth Impacts

Substantial growth in local and regional travel is anticipated over the next 25 years. The Highway 213 corridor will be hardest hit, with travel demands growing by nearly 50 percent to almost 60,000 vehicle-trips a day. Improvements to this corridor would be very costly and face many difficult challenges to overcome. City and regional planners agree that this vital facility must be protected by enhancing the City's transportation system to better serve local travel.

Redland Road, Holcomb Boulevard, and Holly Lane are also forecast to experience significant increases in travel demands. Each corridor is constrained by narrow rights-of-way, physical features, and/or difficult topography that make improvements difficult. Nonetheless, it is imperative that the local transportation system be improved and expanded to better serve the Oregon City area and protect the regional resources of HWY 213 and I-205. Therefore, the Park Place Concept Plan provides for a transportation system that addresses these constraints while minimizing the adverse impact of local and regional growth.

Holly Lane and Swan Avenue Extensions

Holly Lane serves a vital role in both the local and the regional context as the only continuous north/south travel corridor on the east side of HWY 213. Holly Lane connects the northern area of Oregon City to many key destinations in the hilltop area of the city, such as Berryhill Shopping Center, Clackamas Community College, Oregon City High School, City Hall, and many other retail and employment locations. As a result, this corridor is expected to see travel demands increase by nearly 13,000 vehicles per day to a total of more than 16,000 vehicles per day. Were this to occur, Holly Lane would need to provide five lanes near its intersection with Redland Road and three lanes for the remainder of its length. In addition, Redland Road would need to provide six lanes (unless a smaller cross section is proven adequate) near its intersection with Holly Lane and five lanes for the remainder of its length to Abernethy Road.

The cost and feasibility of these improvements is questionable. Much of the Holly Lane corridor has a very narrow right-of-way with many single-family residences that take direct access from Holly Lane. Climbing sections of Holly Lane will be very costly to reconstruct and face several engineering challenges. The existing two-lane bridge across Abernethy Creek would need to be demolished and replaced with at least a five-lane bridge. Finally, much of Redland Road is significantly constrained by topography on the north side and the Abernethy Creek on the south side.

The Park Place Concept Plan provides for a parallel, collector-level corridor to Holly Lane, referred to as the Swan Avenue extension, as a solution to the issues described above. Establishing this corridor from Forsythe Road to points well south of Donovan Road ensures that the existing Holly Lane can remain a two-lane, collector-level facility, south of Redland Road. The Swan Avenue extension will include bridges across the Livesay Creek canyon and Abernethy Creek, creating much needed connections between adjacent neighborhoods and providing adequate capacity and system redundancy critically needed during times of emergency. In addition, Holly Lane would be extended north from Redland Road to connect with Holcomb Boulevard, providing good access, connectivity, and system redundancy to the area.

The Swan Avenue extension provides the opportunity for a continuous, north/south, collector-level facility that is fully equipped to serve all travel modes. The facility will include sidewalks and on-street striped bike lanes on both sides and accommodate future transit service. Equipped as such, Swan Avenue is anticipated to attract 10,000 to 12,000 vehicles a day, while Holly Lane is only required to serve 4,000 to 6,000 vehicles per day. This allows the existing Holly Lane to remain a two-lane road with improvements to address safety concerns and manage travel speeds.

There are many other benefits derived from the Swan Avenue extension, such as:

- the Livesay Creek Canyon is finally overcome as a barrier of access to schools, parks, retail uses, and neighborhoods, which reduces demands on Redland and Holcomb and reduces out-of-direction travel;

- the new Swan Avenue-Abernethy Creek bridge provides a critical connection that is out of the flood plain, redundant to the Holly Lane-Abernethy Creek bridge crossing, and improves system connectivity and local access;

- areas north and south of Redland Road are more accessible and achieve higher levels of development as a result;

- the Swan Avenue connection from Livesay Road to Redland Road alleviates the need for the existing Livesay Road intersection with Redland Road and dramatically reduces the likelihood of cut-through traffic using lower Livesay Road;

- improvement requirements for Redland Road are appreciably reduced, lowering costs and environmental impacts; and,

- a more complete, robust, and redundant multi-modal transportation system can be developed that is cost-effective and environmentally sound.

The Swan Avenue-Livesay Creek Canyon bridge and the Swan Avenue-Abernethy Creek bridge are vital links in the local and regional transportation system and critical components to the viability of the land use concept. These allow

a continuous collector-level corridor to be created. This alleviates the need to widen and significantly improve the Holly Lane corridor, which minimizes adverse impacts to existing properties along Holly Lane. The connections provide for more direct routes between key destinations in and around the study area. This reduces out-of-direction travel, particularly travel on Holcomb Boulevard and Redland Road. Finally, these connections provide convenient access to a large enough population base to fully support the north and south mixed-use village areas.

Sustainability

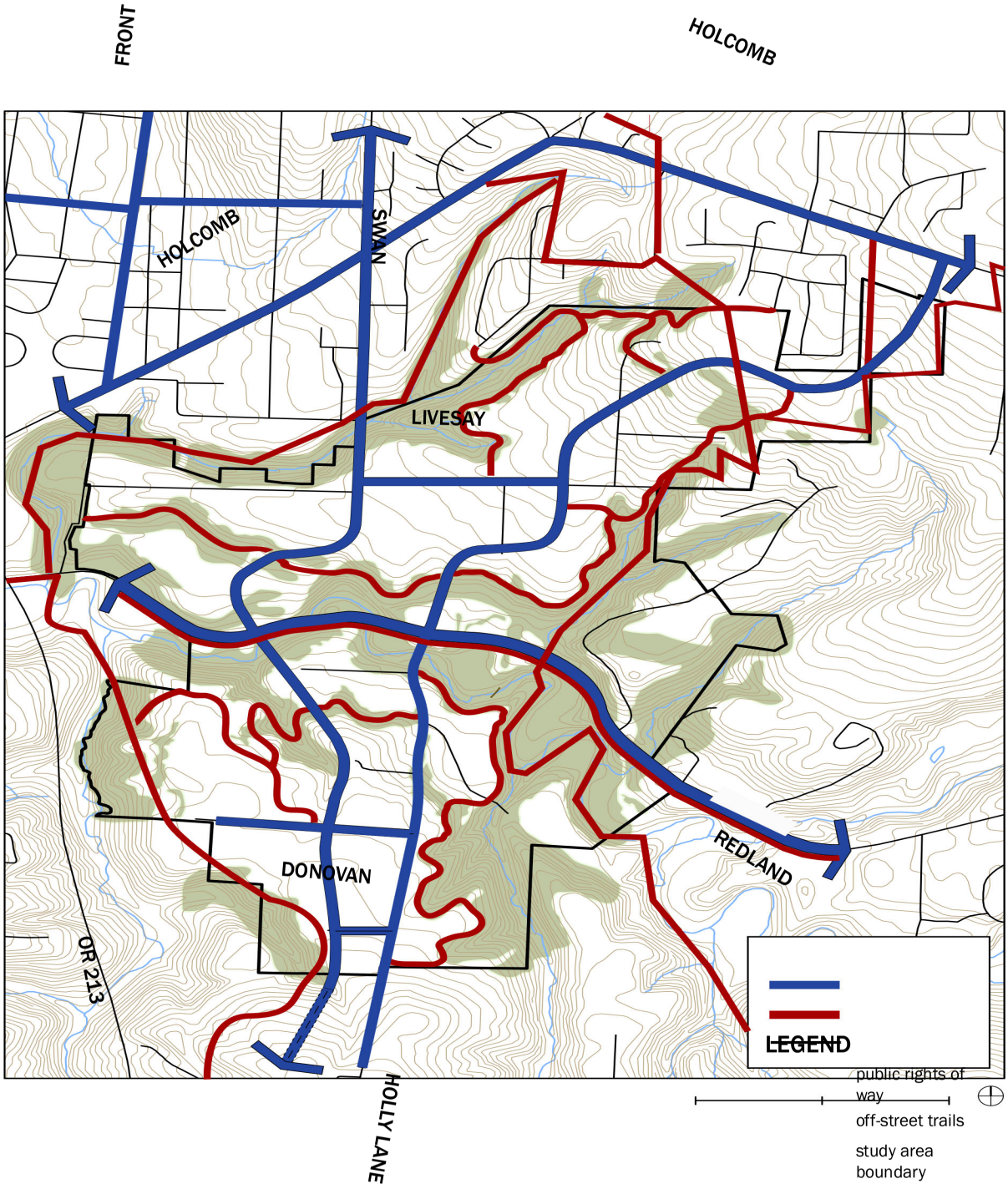
A sustainable transportation system is achieved through a number of specific components. Many of the new public rights-of-way will be equipped with on-site storm water and water quality management techniques that minimize or eliminate the need to carry run-off to treatment facilities. All rights-of-way will be equipped to serve pedestrian and bicyclists (with the possible exception of Holly Lane south of Redland Road), which will reduce the need for vehicular travel. The pattern of classified streets in the Plan naturally accommodates transit service to and through the area, creating a viable alternative to vehicular travel for most types of trips. The redundant and interconnected network of facilities distributes traffic, shortens trip lengths, and optimizes opportunities for non-auto travel. These components work in combination to provide a sustainable transportation system and minimize the adverse impacts of impervious surface and vehicular travel.

Land Use and Transit

The Land Use component of the Park Place Concept Plan achieves a level of residential density that is considered transit-supportive. As such, there is a much greater likelihood that transit service will be extended to this area. The potential exists for services to connect the Park Place area to the Oregon City Transit Center (which connects Oregon City the greater Portland region) and the Clackamas Community College Transit Center (which connects multiple areas of Oregon City). Said services are likely to greatly improve the number of transit riders in the planning area.

Nature and the Pedestrian/Bicycle System

The natural beauty of the Park Place area is a tremendous asset that justifies a high-quality pedestrian and bicycle system to access it. People are drawn to this beauty and desire to see it, as they travel, and spend time in it, as they recreate. The natural surroundings will be a stimulus for activity, which is best served by a pedestrian and bicycle system associated with public rights-of-way and on trails. Therefore, all public streets (any street owned by a public agency) will be equipped with sidewalks on both sides, sized appropriately to the adjacent land uses and expected pedestrian activity. On-street striped bike lanes will exist on most of the classified roadways (any roadway functionally classified as a collector or above by any public agency) to safely accommodate and delineate bike routes. A system of hard- and soft-surface trails will intertwine with the public rights-of-way to provide direct access to nature for both modes. The result is a natural


FRONT
HOLCOMB
HOLCOMB
SWAN
LIVESAY
DONOVAN
REDLAND
OR 213
HOLLY LANE
LEGEND
public rights of way
off-street trails
study area boundary
0
900
1,800
Feet

environment, complemented by a robust pedestrian/bicycle network that is expected to stimulate a much higher level of pedestrian and bicycling activity than in many other areas of the region.

The following sections provide a description of each mode of travel in Park Place and the recommended multi-modal system to support those modes.

Street System

A network of streets is necessary to satisfy the core values of the Plan and meet the needs of the traveling public. The Concept Plan Street System Map (Figure 3-4) and the Concept Plan Functional Classification Map (Figure 3-5), depict this system of streets and the way in which each is anticipated to function. Each street is carefully sized to carry the expected travel demand it is intended to serve, while minimizing the impact of unnecessary impervious surface. Described below are the functional classifications applied to roadways within the planning area. Other improvements (e.g., intersection improvements) will be evaluated and designed in more detail as development occurs. They could include a mix of traffic signals and/or roundabouts, as well as additional turn lanes.

Functional Classification

Roadways within the plan area are categorized into different groups. These groups are referred to as "functional classifications" and are defined in the City of Oregon City's Transportation System Plan (TSP). Roadway classifications applied within the Park Place neighborhood include Minor Arterial, Collector, Neighborhood Collector, and Local Street.

Minor Arterial streets are roadways that "connect principal traffic generators; carry local traffic between neighborhoods and to community and regional facilities within a city."

Minor Arterial

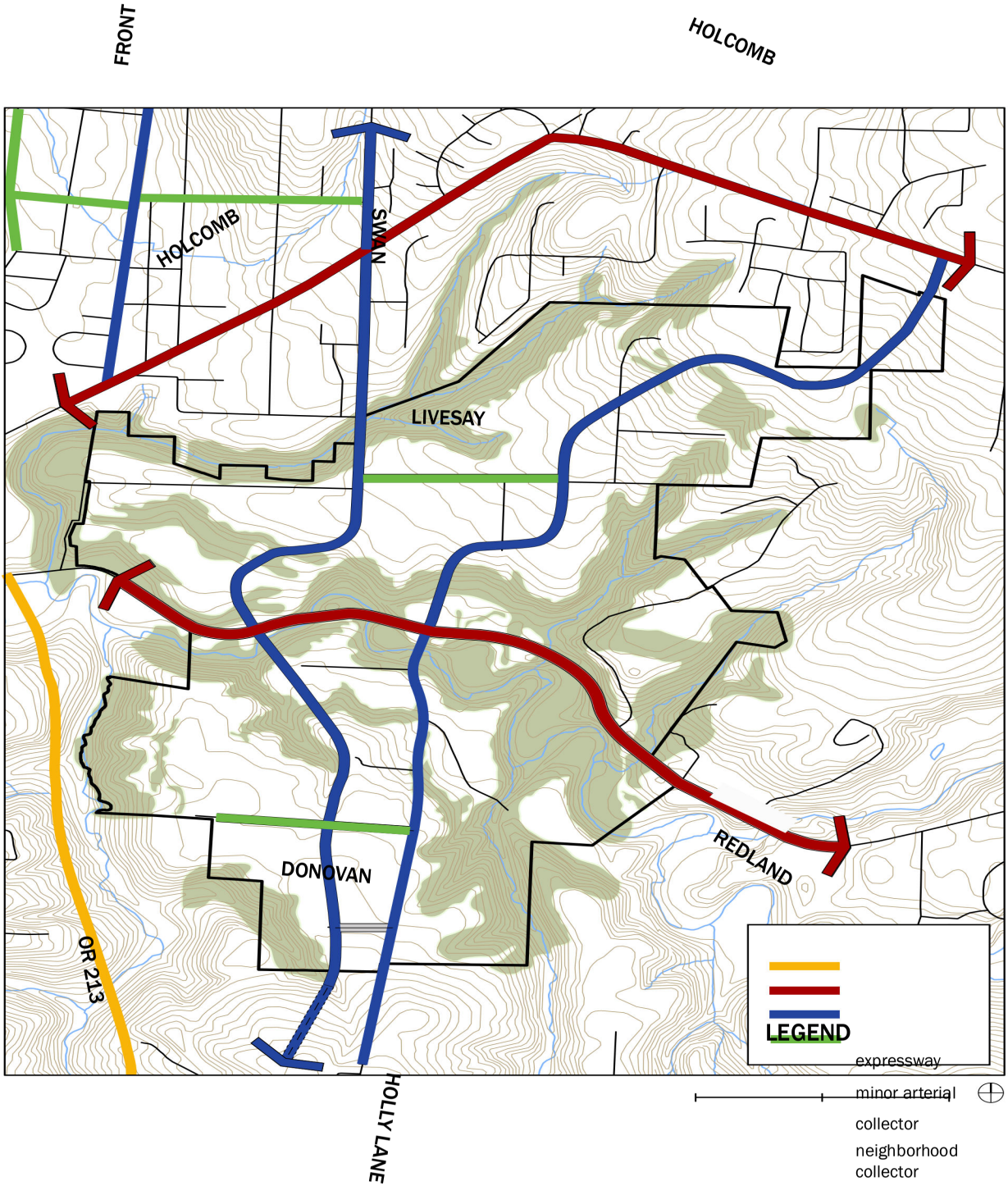
Redland Road is the only street classified as a Minor Arterial within the Park Place Concept Plan area, since it connects area residents to the Highway 213 corridor (Expressway classification) and to downtown Oregon City via Abernethy Road, another Minor Arterial. Other streets with the same designation in the Park Place vicinity include Anchor Way, Abernethy Road, Clackamas River Drive, Holcomb Boulevard, and Washington Street.

Collector streets are typically characterized by a 2 or 3-lane cross-section, low to moderate traffic volumes, trip lengths, and traffic speeds.

Collector

The existing Holly Lane is designated a Collector street, because it connects area residents to Redland Road and Maplelane Road, both of which are Minor Arterials. Other Collector streets in the vicinity include Forsythe Road, Front Avenue and Swan Avenue, north of Holcomb Boulevard. The extensions of Swan Avenue (from Holcomb Boulevard to south of Donovan) and Holly Lane (from Redland Road north to Holcomb Boulevard) are also designated as Collector facilities. This designation is chosen because of the anticipated function each extension will serve, connecting between Minor Arterial streets and linking neighborhoods to several areas of the city.

The primary function of Neighborhood Collectors is to provide local access and circulation. The roadway typically has low traffic volumes and speeds to ensure livability and safety.


FRONT
HOLCOMB
HOLCOMB
SWAN
LIVESAY
REDLAND
DONOVAN
OR 213
HOLLY LANE
LEGEND
expressway
minor arterial
collector
neighborhood collector
0
900
1,800
Feet

Neighborhood Collector

Livesay Road, between Swan Avenue and Holly Lane, and Donovan Road, from Holly Lane to Ogden Middle School, are designated as Neighborhood Collectors. Apperson Boulevard and Cleveland Street are other Neighborhood Collectors in the vicinity.

Local Street

A Local street is one that "provides direct access to adjacent properties and land uses within neighborhoods; lowest mobility function and highest accessibility function; low traffic volumes and speeds; through traffic discouraged; typically 2-lane sections; on-street parking encouraged; typically stop-sign control at intersections with collector and arterial streets; sidewalks and landscaping are required; and, bicycle lanes are optional." All roadways not depicted in Figure 3-5 will be constructed as local streets.

Sizing

The Concept Plan Functional Classification Map (Figure 3-5) illustrates the basic street sizes expected as a part of implementing the Park Place Concept Plan. As shown, only the segment of Redland Road between Swan Avenue and Highway 213 is expected to require four travel lanes of capacity (unless a smaller cross section is proven adequate). All other roadways only require two travels lanes, one in each direction.

Tables 3-1 and 3-2 summarize proposed functional classification of each roadway in the Park Place Concept Plan and list features and the range of right-of-way to

Table 3-3. Functional Classification of Park Place Roadways

Roadway	Functional Classification
Redland Road	Minor Arterial
Holly Lane: South of Redland Road	Collector
Holly Lane: North of Redland Road	Collector
Swan Avenue: South of Holcomb Boulevard	Collector
Livesay Road: Holly Lane to Swan Avenue	Neighborhood Collector
Donovan Road: Holly Lane to Ogden Middle School	Neighborhood Collector

Functional Classification	Total ROW (Feet)	Standard Widths of Features (Feet)					
		Each Side				Other	
		Travel Lanes	Bike Lanes	Sidewalks	Planter Strips	Median	Parking
Minor Arterial	64-114	12-24	6	7	0-10	0-12	0-8
Collector	60-86	11	6	6	0-10	0-12	0-16
Neighborhood Collector	52-81	11	0 or 5	5	10	0-11	8-16
Local Street	42-54	8	0	5	5	0	0-8

Table 3-4. Right-of-Way Required for Each Functional Class

accommodate the street. The City's typical cross section requirements have flexibility, with many features being optional. The City has final authority over determining the appropriate cross section features and right-of-way width to require for all roadways constructed within the city limits.

Typical Cross Sections

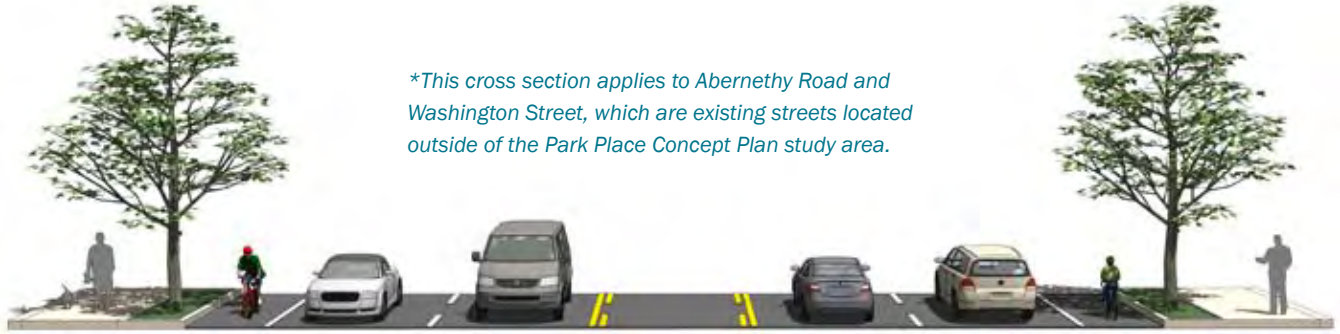
Figures 3-A through 3-J correspond with the recommended cross sections for key facilities within the Park Place Concept Plan area. These figures correspond to the Concept Sizing Map (Figure 3-6) and illustrate the desired features for different street segments within the plan area. (It should be noted that Figure 3-B is not located on Figure 3-6 due to the streets being located outside of the study area.) Planter strips and medians are anticipated to work as water quality mitigation features where they are depicted. A brief description of each is provided below.

Minor Arterial

Figure 3-A, Redland Road 5-Lane Cross Section, illustrates an example cross section for Redland Road. The combination of regional and Concept Plan growth results in travel demands on Redland Road potentially requiring a typical five-lane cross section from the Abernethy-Holcomb intersection to Swan Avenue. Redland Road follows the Abernethy Creek corridor and is constrained by gentle to moderate slopes of adjacent hills. As such, widening of this corridor will be difficult. However, there is an opportunity to accommodate bicyclists and pedestrians on a shared use trail that parallels Abernethy Creek, in lieu of being in the Redland Road right-of-way. All reasonable efforts to minimize the typical cross section, while providing a safe and multi-modal facility, are encouraged.

While it is reasonable to pursue sufficient right-of-way to accommodate a 5-lane cross section, a Redland Road Corridor study to evaluate the impacts of widening the existing roadway should be completed prior to construction of any major improvements in this area

Figure 3-A: Redland Road 5-Lane Cross Section



**This cross section applies to Abernethy Road and Washington Street, which are existing streets located outside of the Park Place Concept Plan study area.*

Figure 3-B. Minor Arterial 5-Lane Cross Section*

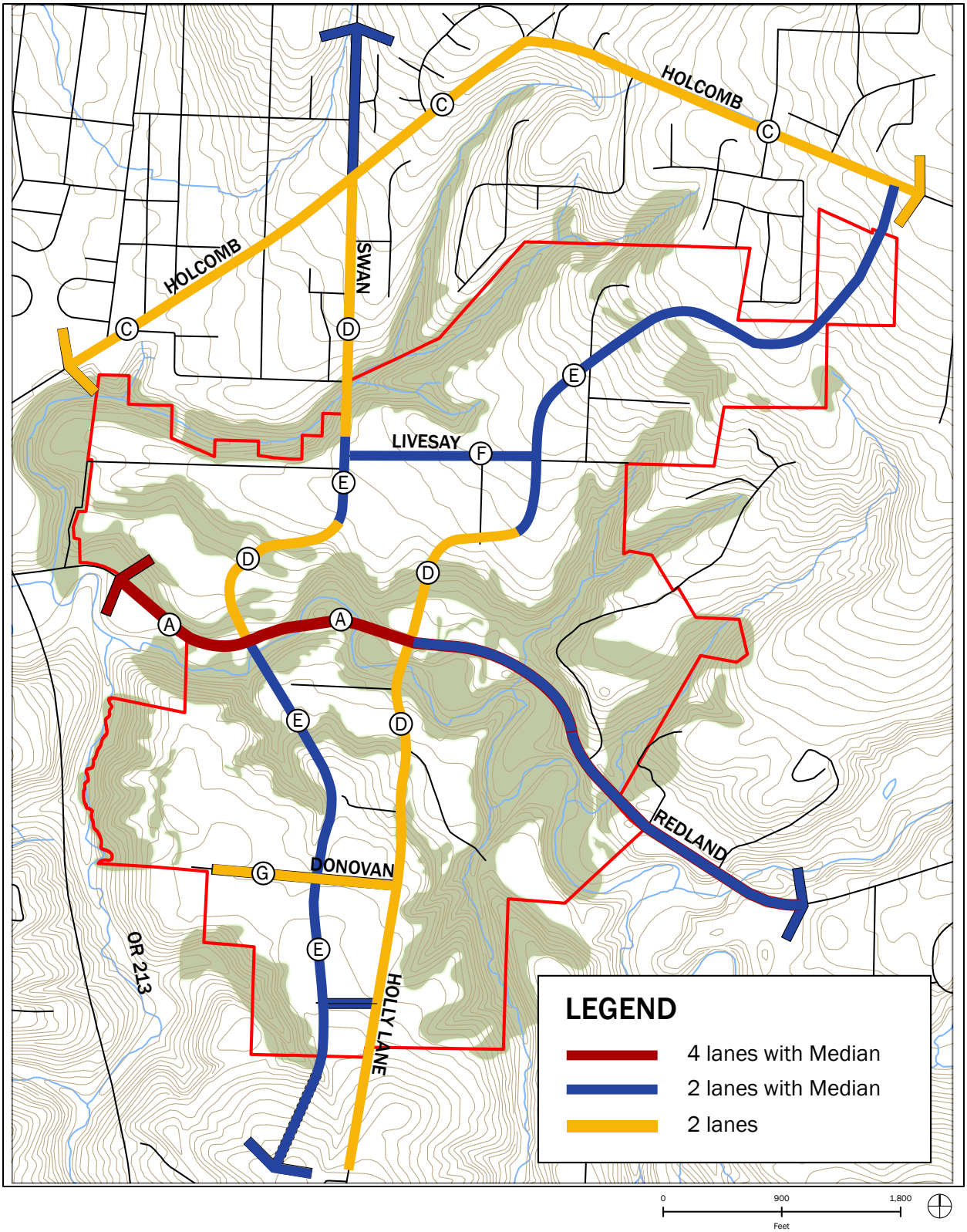


Figure 3-6. Concept Plan Street Sizing Map with Proposed Cross Section Designations

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

due to the sensitivity of the Abernethy Creek and Newell Creek Watersheds. Further widening should be phased only as capacity needs are confirmed through future analyses.

Figure 3-B, Minor Arterial 5-Lane Cross Section, represents the type of cross section anticipated for Abernethy Road and Washington Street. Each is expected to be a five-lane roadway, with on-street bike lanes and sidewalks on both sides.

Figure 3-C, Minor Arterial 2-Lane Cross Section, illustrates a cross section that would be appropriate for Holcomb Boulevard and Anchor Way. The rights-of-way for both facilities are narrow and each must overcome grades, therefore, it is appropriate to keep the cross section as narrow as possible, without compromising safety or functionality.

Collector

Several sample cross sections illustrate the range of options considered for this area. Figure 3-D, Collector Narrow 2-Lane Cross Section, provides a very narrow cross section; devoid of planter strips, medians, and on-street parking; for use in areas with steep grades and/or in a bridge section. This cross section may be appropriate for the climbing segments of Swan Avenue from Redland toward Livesay and of Holly Lane from Redland toward Donovan and Redland toward Livesay.

Figures 3-C and 3-D. Narrow Minor Arterial 2-Lane Cross Section and Collector 2-Lane Cross Section

The major differences between a narrow 2-lane Minor Arterial and a 2-lane Collector are its functional classification, the width of the bicycle lanes and the width of the sidewalks.

Collector segments occurring on flat to gentle grades afford the opportunity to provide several cross section amenities. Figure 3-E, Collector 3-Lane Cross

Figure 3-E. Collector 3-Lane Cross Section

Section, includes the planter strip and median and represents a cross section desired for Swan Avenue south of Redland and for Holly Lane north of Redland. The planter strip and median better integrate the street with adjacent land uses and provide for the necessary storm water management features.

Neighborhood Collector

Sections of Livesay and Donovan are designated as Neighborhood Collector and Figures 3-F and 3-G represent cross sections desired for these streets. The designated section of Livesay is anticipated to function like a main street in the mixed-use commercial node, as shown in Figure 3-F, Neighborhood Collector as Main Street. As such, on-street parking and wide sidewalks with plantings and other pedestrian amenities are desirable. Traffic speeds and vehicle volumes would be low enough that bikes can safely share the road with vehicles.

Figure 3-G, Neighborhood Collector with Bike Lanes, illustrates a potential treatment that may be appropriate for Donovan. Because Donovan connects to Ogden Middle School, there is a greater need for a delineated bicycle facility. Therefore, this cross section provides on-street bike lanes and only one lane of on-street parking.

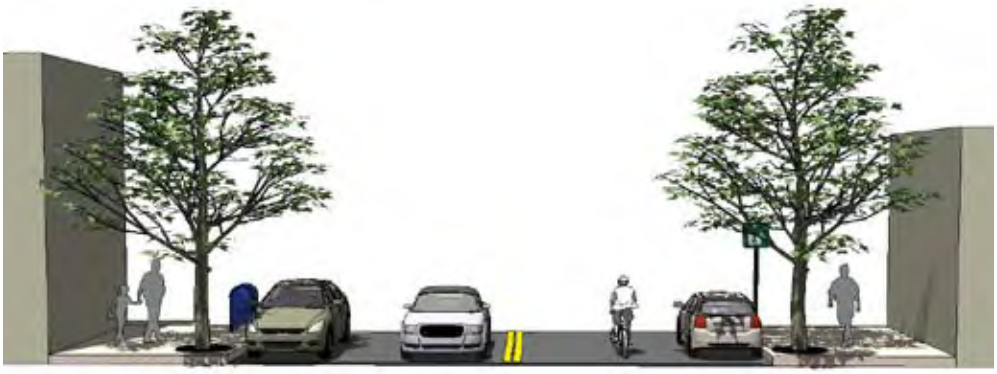


Figure 3-F. Neighborhood Collector as Main Street

Figure 3-G. Neighborhood Collector with Bike Lanes

Local

Many local streets are anticipated in the Park Place Concept Plan. A variety of cross sections is available and should be used to fit the character of the development, creating the strongest integration of land use and transportation. Figures 3-H through 3-J represent different ways in which the Local street integrates with the neighborhood it serves and accommodates pedestrian, bicycle, and motor vehicle travel. The local street system provides an excellent opportunity to comprehensively integrate innovative stormwater facilities and systems. These systems are discussed in greater detail in the next section.

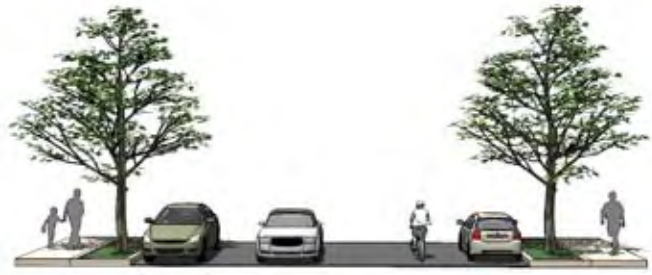


Figure 3-H. Local Street with On-Street Parking

Figure 3-I. Hillside Local Street With Stormwater Swale

Transit

Figure 3-J. Local Street with No On-Street Parking

TriMet is the transit agency responsible for providing public transportation services to the Park Place planning area. Figure 3-7 shows proposed transit routes within the planning area. The routes provide bus service to the following locations:

- along Holcomb Boulevard between its intersection with Redland Road and the Holly Lane extension;
- along Holly Lane from Holcomb Boulevard to Maplelane Road;
- along Swan Avenue from Holcomb Boulevard to Donovan Road, and
- along Redland Road west of Holly Lane.

Ideally, buses would travel along these routes at 15-minute headways during the peak hours and at lesser frequencies during the rest of the day, depending on demand. This plan would provide Park Place residents with a viable alternative to driving their own cars to reach destinations that are too far for bicycling or walking.

Achieving this level of transit service is dependent on the amount of transit demand generated by the planning area. Transit service to the area can be expected to evolve over time, as growth occurs and is accommodated in transit-supportive development densities. The evolution would likely start with increased service on the existing route to better serve the commuter peaks and provide a longer span of service. As the transportation network is expanded and population densities increase, improvements could include extensions of existing routes and increased service frequencies. Finally, transit demands reach the point where new routes are justified for better coverage to this newly developed area, as illustrated in Figure 3-7.

Pedestrian and Bicycle

Area residents will be able to travel throughout the Park Place planning area by walking or biking on a system of trails and on-street facilities that are seamlessly interconnected with the local and regional trails system.

Trails

Figure 3-8 illustrates the trail system throughout the planning area. Local, community, and regional trails connect to the Park Place Concept Plan trails that link to parks, open space, and community destinations. Many of these trails could include a soft-surface to accommodate equestrian activity, while others would have an all-weather surface. (ThePark Place Concept Plan is aspirational with respect to equestrian facilities. Equestrian facilities are likely to occur outside of public street rights-of-way.) These trails provide recreational opportunities in addition to providing safe routes of travel for bicyclists and pedestrians. The following trail types and standards are described in greater detail in the Oregon City Trails Master Plan.

Regional Trails: These trails are part of a larger trail system and may be identified in the Metro Regional Trails map. They provide access to areas within and outside the City of Oregon City. Regional trails typically are paved and wider than community or local trails, providing access to multiple types of users, including people walking, bicycling, jogging or roller-blading.

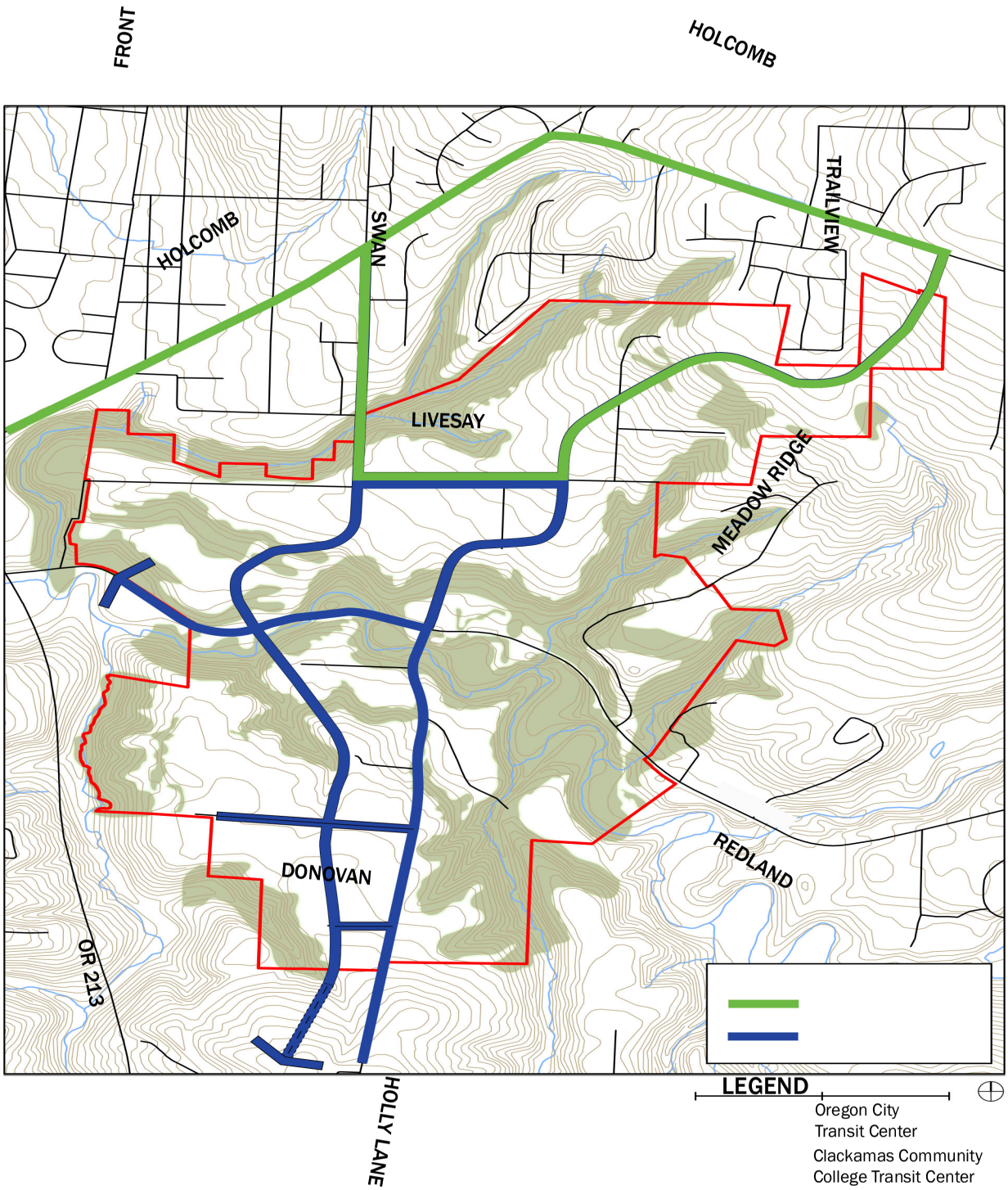
Community Trails: These trails serve residents throughout the community and provide links both within and between different neighborhoods and community destinations within the city. They are designated as community trails in the Oregon City Trails Master Plan map. Community trails typically are wider than local trails and provide access to multiple types of users, similar to regional trails. Trails surfaces (paved or unpaved) and widths may vary depending on topography, other environmental conditions and level of use.

Local Trails: Local trails primarily serve residents within a single neighborhood or portion of the city. They provide links within neighborhoods to or between local destinations such as schools, parks or shopping areas, or within natural areas or parks. Trails surfaces (paved or unpaved) and widths may vary depending on topography, other environmental conditions and level of use. Due to the constrained Redland Road corridor, pedestrian and bicycle facilities will occur as a part of the typical cross section, or shall be separated and treated as a multi-use, accessible all-weather trail system.

On-Street Bicycle and Pedestrian Facilities

Figure 3-9 depicts the on-street facilities for bicycles and pedestrians. Sidewalks will be constructed on both sides of all new roads and will be added to both sides of all collector- and arterial-level roadways within the planning area, in order to accommodate pedestrians. On-street bike lanes are anticipated for Holly, Swan, and Donovan. Livesay will operate as a shared-use facility, equal in treatment to all Local streets. Due to the constrained Redland Road corridor, pedestrian and bicycle facilities may occur as a part of the typical cross section, or separated and treated more like an all-weather trail system.

These two systems of bicycle and pedestrian facilities will connect Park Place residents to parks, open spaces, centers of commercial activity, and the regional transportation system without requiring them to step into a car. The robustness of these systems is in response to the desires of the community and the quality of the natural environment.


FRONT
HOLCOMB
HOLCOMB
SWAN
TRAILVIEW
LIVESAY
MEADOW RIDGE
DONOVAN
REDLAND
OR 213
HOLLY LANE
LEGEND
Oregon City
Transit Center
Clackamas Community
College Transit Center
0
900
1,800
Feet

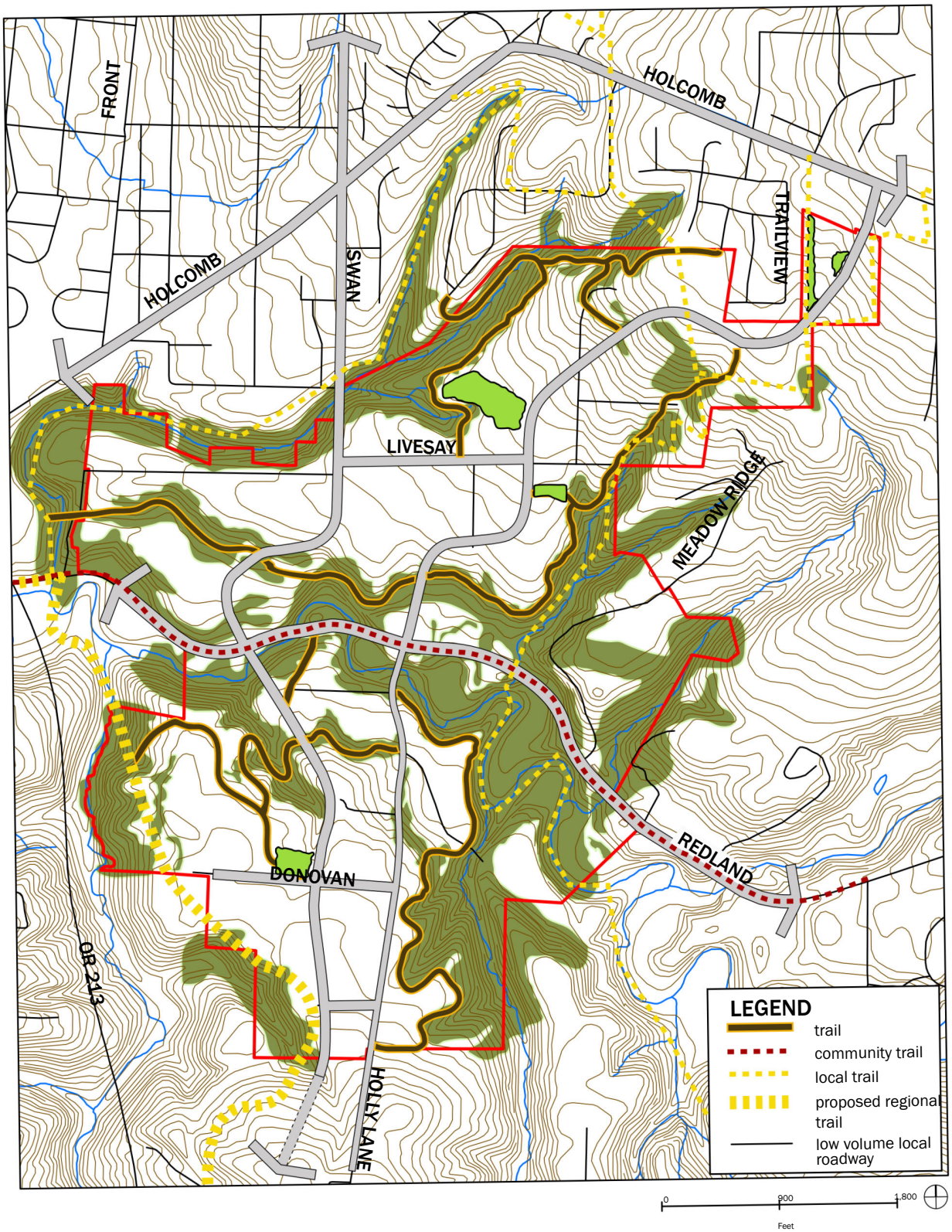


Figure 3-8. Proposed Trail System

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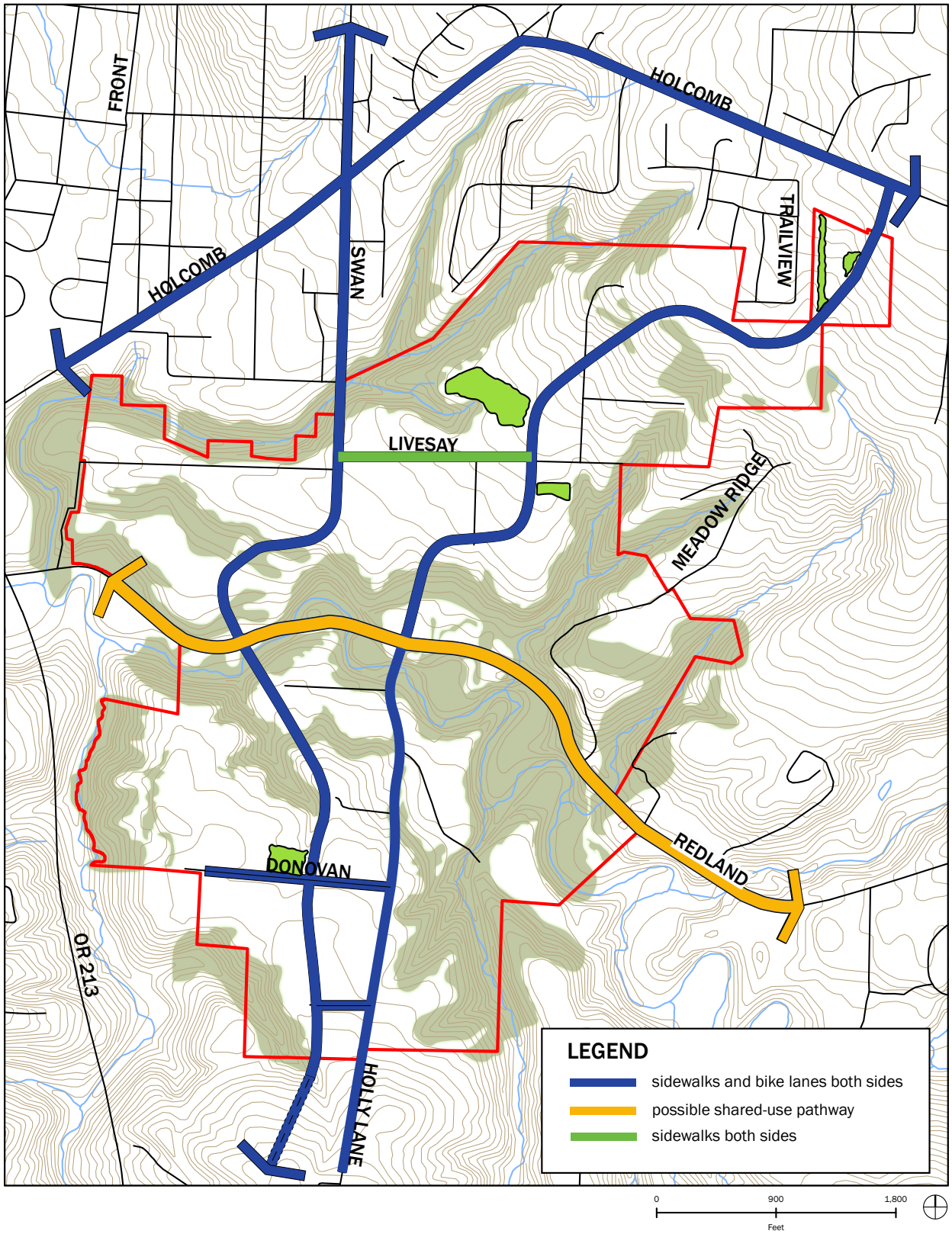

Figure 3-9. Proposed Bicycle and Pedestrian System

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

Water, Wastewater, Stormwater Improvements

As described in the existing conditions chapter, water infrastructure is limited within the concept plan area. Of the water infrastructure that does exist, there are two systems. The existing water system located in the area of the future North Village is owned and operated by the City of Oregon City. The existing water system located in the area of the future South Village is owned and operated by Clackamas River Water (CRW). The CRW system should be preserved to continue to provide water transmission to areas outside of the concept plan area.

Based on these existing conditions, it is recommended that the existing City of Oregon City water system be expanded to serve the entire Park Place Concept Plan area. This system should be constructed, owned and operated by the City of Oregon City. The existing CRW system should be preserved to continue to provide water transmission to the customer areas outside the UGB. A future study is needed to analyze CRW/OC systems to assure maximum efficiency.

Water Supply Improvements

Based on the existing conditions review, there is limited capacity in the existing water system to serve the Park Place Concept Plan area.

According to the Oregon City Water Master Plan the current water demand in the Park Place Lower Zone is split between Barlow Crest Reservoir and Mountainview Reservoir. While Mountainview has ample storage capacity (10.5 million gallons) to satisfy both existing and future demand, Barlow Crest reservoir (1.75 million gallons) will ultimately require expansion. According to the master plan, complete buildout of the whole area will require 3.23 million gallons of capacity at Barlow Crest. Expansion is needed to include additional storage capacity within the Park Place Lower Zone. As development may occur outside the concept plan area, additional reservoir capacity may be needed. A potential location for this reservoir has been shown on the water system concept plan; however, it is for reference only and has not been included in design and cost estimate activities. The location of this reservoir is consistent with the City's Water Master Plan. The location and size of this future reservoir should be established based on future concept plan refinement.

Distribution Improvements

The proposed water system improvements are based on future system improvements assumed in the City of Oregon City Water Master Plan and modified to fit the Park Place Concept Plan. The Water Master Plan shows the future system as an expansion of the City water system that currently exists to the north of the concept plan area.

The proposed water main system improvements are shown in Figure 3-10. Water main improvements consist of new water mains ranging from 8-inches to 16-inches. Four connections are recommended to the existing water system to

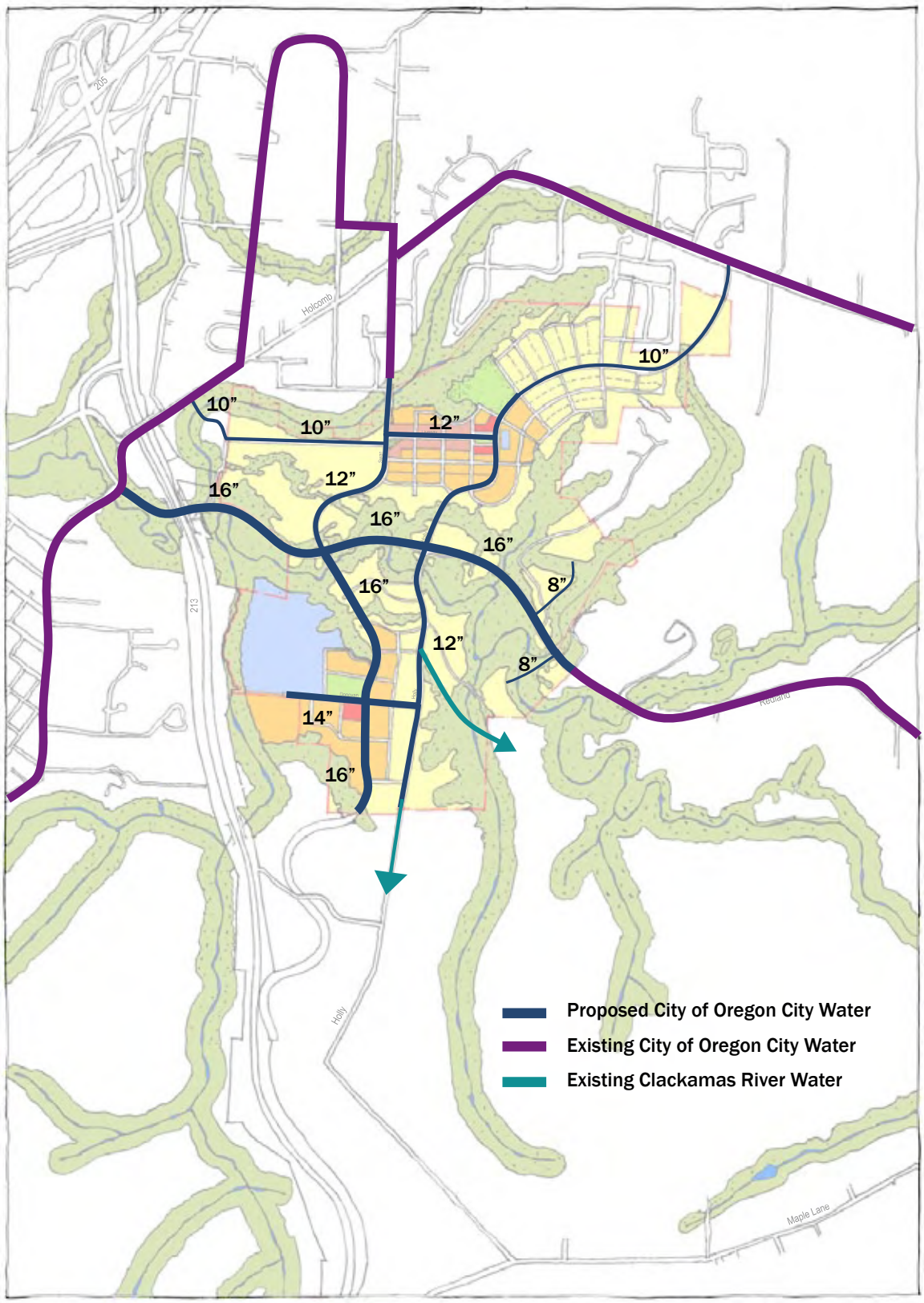

Figure 3-10. Proposed Water System Improvements

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provide sufficient system looping and redundancy. A new 16-inch water main should be provided along Redland Road. A new water main, with pipe sizes varying from 10-16-inches, should be provided along Holly Lane and the Holly Lane Extension. A new 16-inch water main should be provided along the new Swan Road. A new water main, with pipe sizes ranging from 10- to 12-inches, should be provided along Livesay Road. Smaller water mains will be needed to serve development within each Village. These pipes are generally anticipated to be a minimum of 8-inches, as established by City of Oregon City standards, however larger sizes may be required to meet fire flow requirements.

Preliminary pipe size estimates were developed based on fire flow requirements and demand flows. The fire flows used were 3,000 gpm for 3 hours applied to both new and existing buildings. The existing school was assumed to require the new school fire flow rate of 5,000 gpm for 4 hours. In most cases pipe sizes are controlled by the sum of Maximum Daily Demand (MDD) and fire flow. MDD was determined based on housing densities shown on the "Preferred Alternative" dated 10/19/06 showing the Swan Avenue Extension. All pipe size estimates are preliminary and should be revised with detailed flow modeling. Size calculations assume that flow velocities should be kept at or below 10 ft per second.

The grid network created by this new system should alleviate existing system pressure issues. As such, the existing pump station located along Livesay Road should be able to be removed. The existing CRW water transmission mains, located along Holly Lane and Redland Road, should remain as the concept plan area develops in order to provide continued water service to CRW customers.

Wastewater Infrastructure System Improvements

Existing public wastewater services within the concept plan area is limited. As such, new wastewater infrastructure will need to be developed to service future development within the concept plan area. A new 36-inch interceptor should be constructed along Redland Road to service the entire concept plan area. This interceptor should serve both the concept plan area and existing service areas. An additional wastewater collection system will need to be constructed to serve future development within the North and South Villages.

Ownership of the new 36-inch interceptor should remain with TCSD as it conveys wastewater from both the Park Place Concept Plan area and areas outside the Park Place Concept Plan area. The existing TCSD wastewater system should remain and continue to provide wastewater conveyance to areas outside of the Park Place Concept Plan area. For areas inside the Park Place Concept Plan area boundary, these areas should transition to the new City of Oregon City wastewater system.

Wastewater Treatment Improvements

Improvements to the existing TCSD treatment plant are not expected to be required as the capacity of the existing plant is adequate to meet additional

flows generated by future development within the concept plan area. In addition, adequate capacity exists in the TCSD conveyance system to convey wastewater from the concept plan area to the treatment plan.

Wastewater Collection System Improvements

The proposed wastewater system improvements are shown in Figure 3-11. Due to the topography of the concept plan area, the future areas of the North Village and South Village should be easily conveyed to Redland Road. The existing 12-inch wastewater system, currently owned and operated by TCSD, should be upgraded to a 36-inch interceptor. This upgrade should occur from the existing point of connection at Redland and Highway 213 and continue to the eastern edge of the Park Place Concept Plan area. The upgraded interceptor should serve both the Park Place Concept Plan area and the existing areas currently managed by the existing 12-inch pipe.

The North Village should be served with three wastewater trunks. A new 10-inch wastewater line should be provided along Livesay Road and connect to the new 36-inch Redland Road wastewater at the intersection of Redland Road and Livesay Road. A new 12-inch wastewater line should be provided from the North Village main street down the Swan Avenue extension to the new 36-inch Redland Road wastewater system. A new wastewater system, ranging from 10- to 12-inches, should be provided along the Holly Lane extension to convey wastewater from the upper reaches of the North Village.

The South Village should be served with two wastewater trunks. A new 12-inch wastewater system should be provided from the South Village down the Swan Avenue extension to the new 36-inch Redland Road wastewater interceptor. The existing Holly Lane wastewater line should be upgraded to a 10- to 12-inch system to convey wastewater from the South Village.

Stormwater Infrastructure System Improvements

The area is comprised of three drainage basins: Abernethy Creek, Newell Creek and Livesay Creek. As noted in the existing conditions, no major stormwater infrastructure exists within the Park Place Concept Plan area other than roadside ditches and natural drainage channels. It is recommended that a low-impact stormwater approach be developed with a goal of mimicking the natural hydrological conditions of the three watersheds of the Park Place Concept Plan area. These three drainage basins should be used to delineate the stormwater approach for the Park Place Concept Plan.

Stormwater Management Approach

The general approach of the stormwater management system for the Park Place Concept Plan is to establish a system that mimics the natural hydrology of the site to the extent practicable. In pursuing this design goal, the Park Place Concept Plan area has been separated into three distinct systems based on the boundaries of the existing watersheds. The stormwater system within each drainage basin should utilize the combination of centralized and

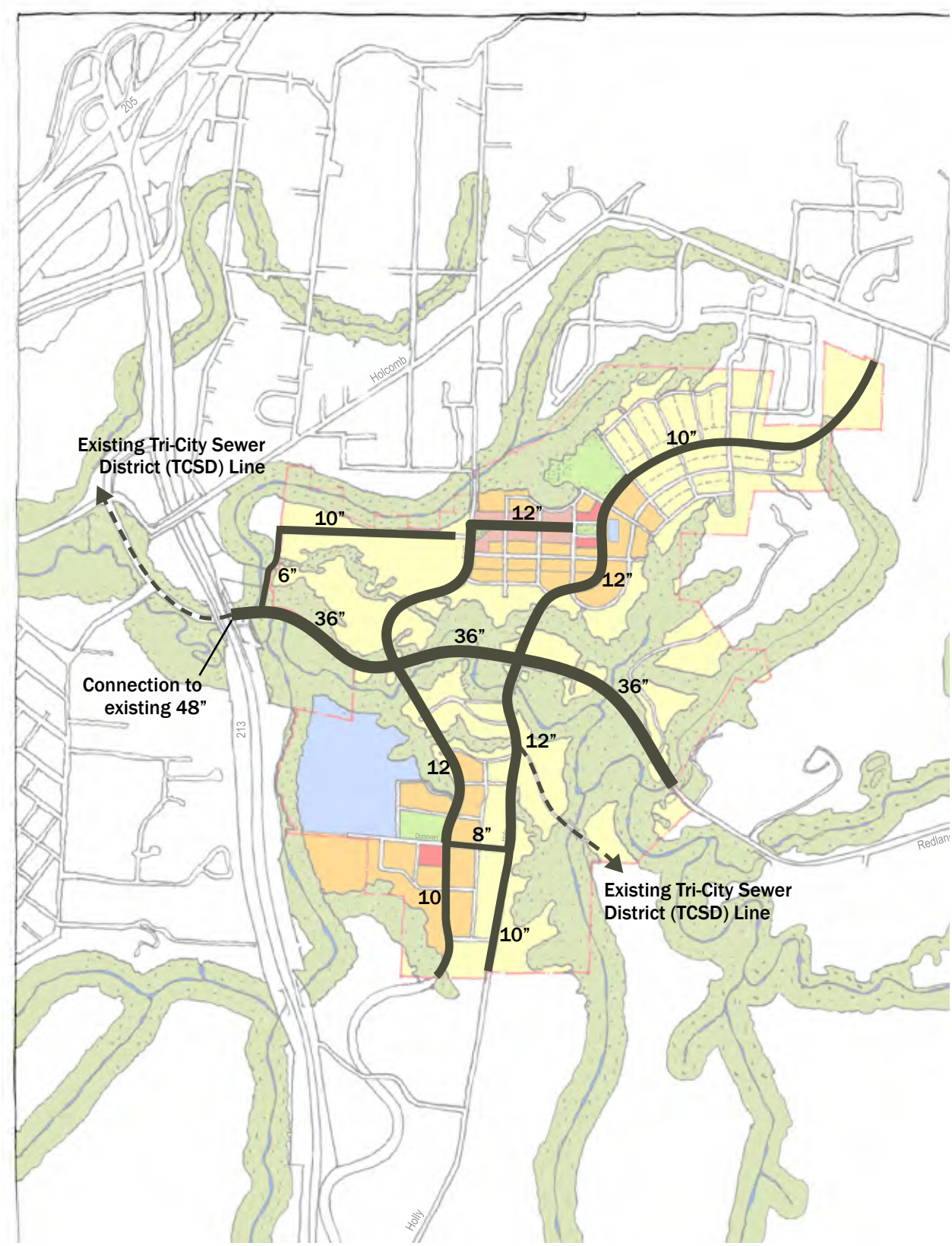

Figure 3-11. Proposed Wastewater System Improvements

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decentralized low-impact stormwater best management practices to manage stormwater generated from the Park Place Concept Plan area.

Central to the stormwater approach of the Concept Plan, is a stormwater hierarchy focused on managing stormwater in a naturalistic manner at three separate scales: **site**, **street** and **neighborhood** (vs. a one-size fits all approach).

Tier 1 – Site Specific Stormwater Management Facilities (Site)

All private property within the study area should utilize site specific (or on-site) low-impact stormwater facilities to manage stormwater on-site to the extent practicable. The objective of these facilities is to reduce the quantity (flow and volume) through detention and retention/infiltration of stormwater generated from private property as well as improve the water quality of stormwater.

These facilities are comprised of three types: impervious area reduction facilities, stormwater management facilities, and infiltration only facilities.

Capturing stormwater run-off from buildings in landscaped swales

Impervious area reduction facilities are focused on preventing the generation of stormwater in the first place and include porous pavement and ecoroofs.

Stormwater management facilities are focused on managing the stormwater in stormwater planters, stormwater swales, and vegetated infiltration basins.

These facilities may be used for single-family residential, multi-family residential, commercial, and open space. Most site specific facilities should be privately owned and maintained except facilities located within public open space.

Tier 2 – Green Streets Stormwater Management Facilities (Street)

In urban environments, much of the stormwater quantity and pollution issues are attributed to streets. An innovative, low-impact manner in which to address this reality is through the use of Green Streets. Green Streets are streets that integrate the management of stormwater into the street design itself to provide a stormwater management benefit as well as an urban design element and they may potentially reduce the need for downstream stormwater facilities such as large stormwater ponds.

Ecoroof

Examples of Tier 1 and Tier 2 stormwater facilities

Example of a Tier 3 stormwater facility

Green streets can serve as both stormwater management facilities and stormwater conveyance facilities. As a stormwater management facility, their objective is to minimize stormwater runoff generated from streets and reduce pollutants. As a stormwater conveyance facility, their objective is to convey stormwater from both private property and streets to regional stormwater management facilities. Green Streets typically take the form of vegetated swales located along the street with curb cuts to allow street runoff to enter them. In more urban areas, stormwater planter boxes mimicking the look of street tree wells may be used. Most Green Street stormwater facilities should be publicly owned and maintained.

Tier 3 – Regional Stormwater Management Facilities (Neighborhood)

Regional stormwater management facilities are focused on managing large stormwater flows and volumes that may be passed through Tier 1 and Tier 2 facilities. Moreover, they provide additional water quality benefits prior to discharging stormwater to the existing creeks. These stormwater facilities are typically to be located adjacent to the existing streams and should take on a more naturalistic form such as a wetland pond. Most regional stormwater management facilities should be publicly owned and maintained.

The stormwater system concept plan (Figure 3-12) shows generally how this stormwater approach should be implemented for the Park Place Concept Plan area.

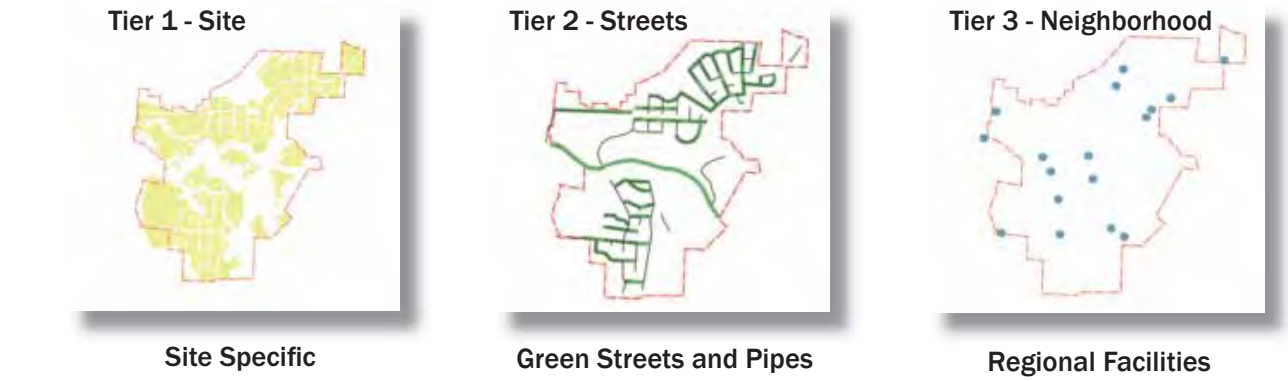
Stormwater Conveyance Approach

Surface conveyance, in the form of swales and ditches, should be provided as a means to convey stormwater via gravity from private property and streets to the existing creeks to the extent practicable. Piped conveyance will be required but should be kept to a minimum if possible.

Natural Resources and Hazards

Significant natural resources exist within the Park Place Concept Plan area and are generally located adjacent or near Abernethy Creek, Livesay Creek and Newell Creek. In order to protect these natural resources, an inventory map, which delineates natural resource areas of greatest significance (including riparian areas, wildlife habitat, and parks and open spaces) and a habitat conservation area map, which identifies the highest value riparian areas, were utilized to help determine where to build, where to build with restrictions, and where not to build within the Park Place Concept Plan area (Figure 3-13).

The Park Place Concept Plan was significantly shaped by the existing natural resources of the concept plan area. The vast majority of development within the Park Place Concept Plan area is targeted outside all habitat conservation areas (HCA) except for infrastructure improvements such as roads and very low-density housing. As such, regulations and restrictions associated with development within HCAs may be avoided. Voluntary best management



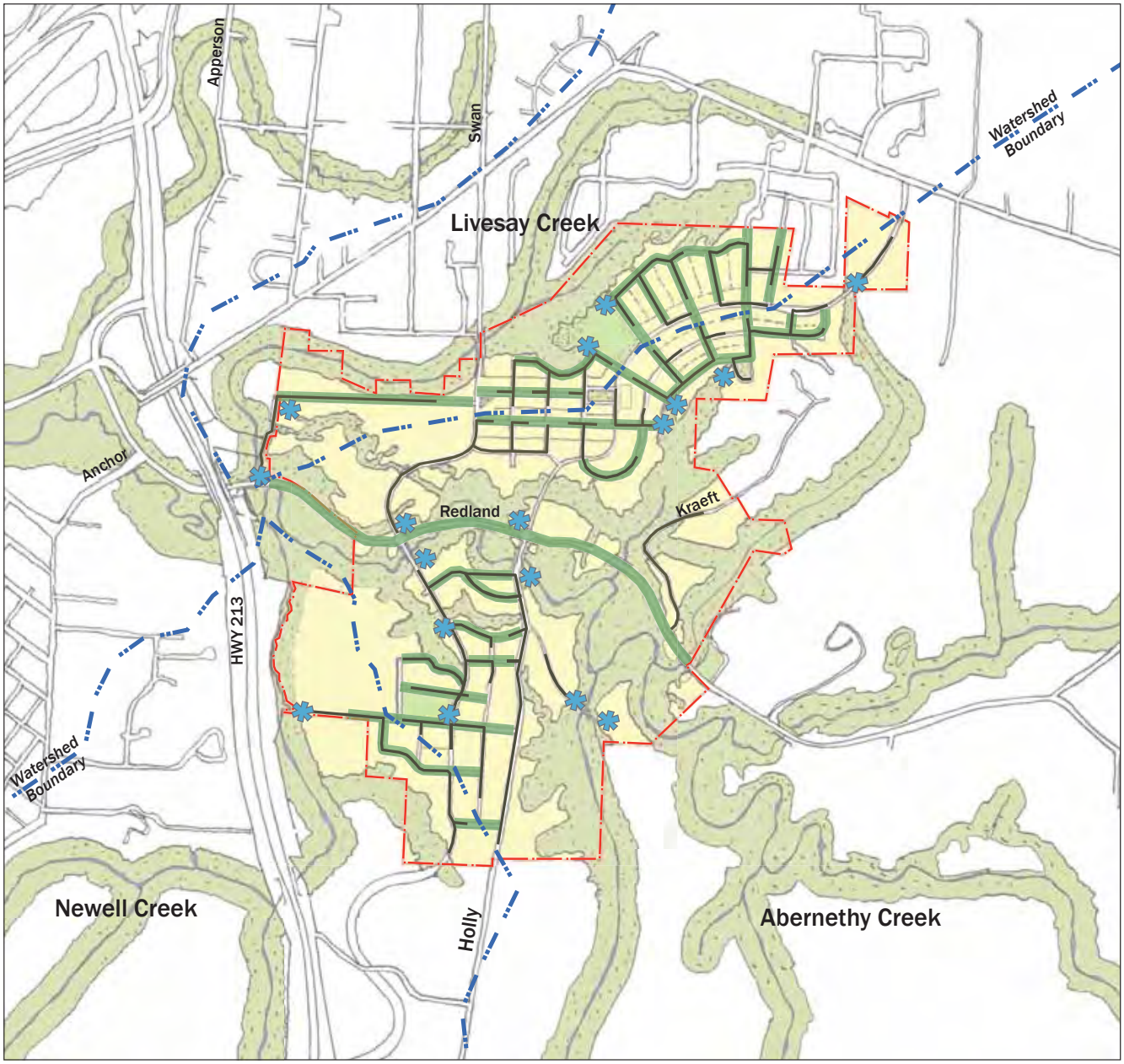


Figure 3-12. Proposed Stormwater Management

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The Nature in Neighborhoods program is an effort to protect clean water and health natural areas for fish, wildlife and people. Much of the Concept Plan has been developed to meet Nature in Neighborhood design goals including:

- *Conserving and improving streamside, wetland and floodplain habitat and their connections*
- *Conserving large areas of contiguous habitat and avoid habitat fragmentation*
- *Conserving and improving connections between riparian corridors and upland habitat*
- *Conserving and improving unique and at-risk habitats*
- *Promoting habitat-friendly development practices*

practices (Chapter 4) have been identified however to help guide development in a manner that further protects existing natural resources within the study area.

Metro has inventoried and classified much of the study area. They will only regulate the "high" and "medium" quality habitat. This habitat is generally riparian in nature. As such, upland areas, which are considered a low quality habitat area, are generally not regulated as HCA's. Regarding what to do with the "No HCA" areas, it is recommended that the City of Oregon City continues to try to apply voluntary standards - Nature in Neighborhoods - where applicable. These regulations will not mandate that we protect the "No HAC" areas. However, it is our hope that they supply sufficient guidance.

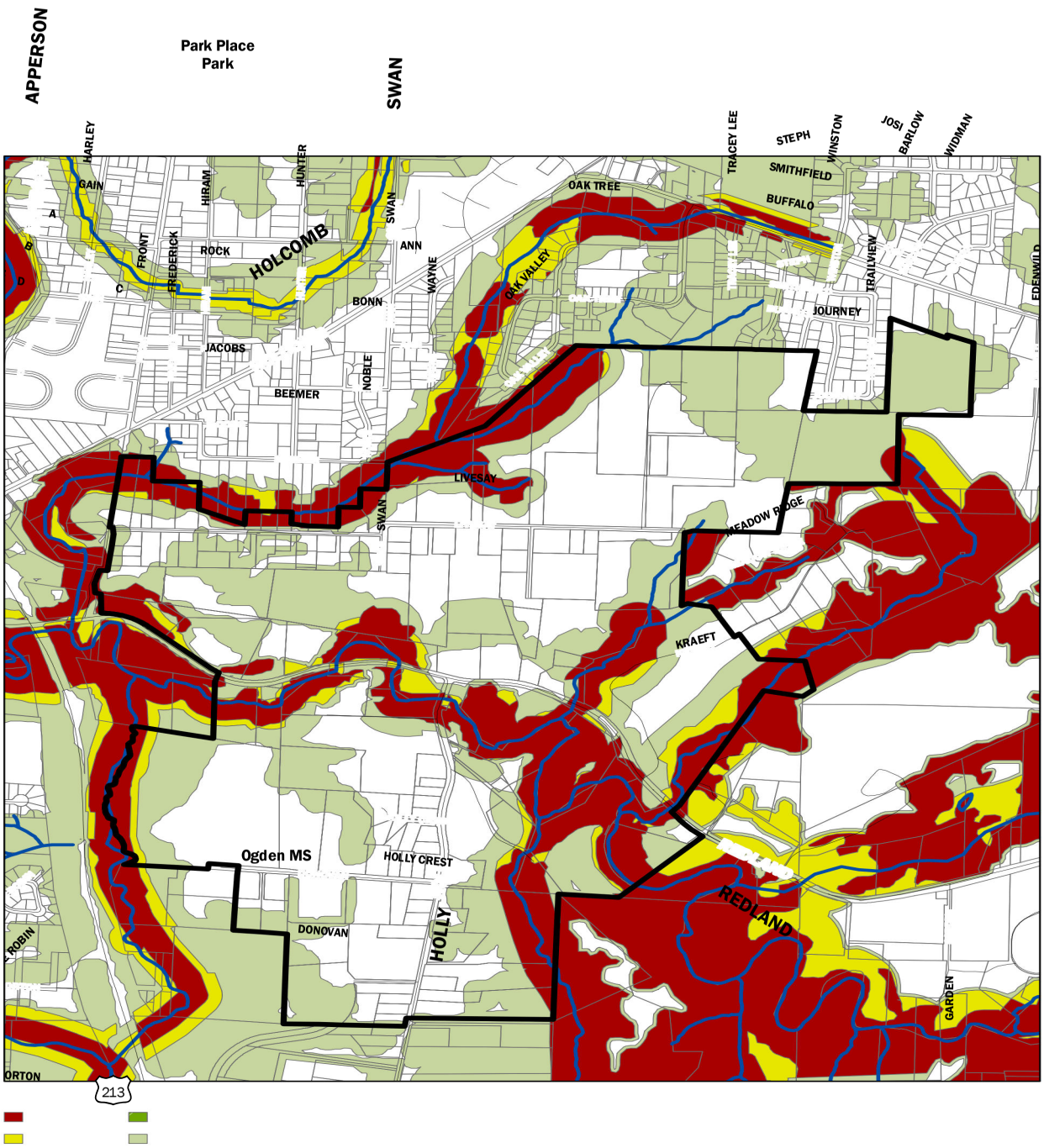
In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces, using permeable pavement, providing fish and wildlife crossings of roadways, and landscaping adjacent to Habitat Conservation Areas (HCAs) into its code and criteria for all development in Park Place. The code sections that could potentially be updated to incorporate these practices are included with the implementation measures in Appendix J.

The City currently has three environmental overlay zones that would apply to areas in Park Place: the Flood Management Overlay Zone, the Geologic Hazards (Steep Slopes) Overlay Zone, and the Water Resource Overlay Zone. It is anticipated that these areas will be primarily zoned with the City's lowest density residential plan designation and zoning (R-10 zone). Density transfers are already allowed in the City's Water Resources Overlay Zone. Measures recommended for implementing the Park Place Concept Plan include extending density transfer provisions to the other two overlay zones, as well as encouraging the use of conservation easements and other incentives to protect natural areas and trail corridors. (See Appendix I.) Further, a composite environmental overlay zone is being proposed to comprehensively manage natural resources in Park Place.

Slope Instability

Landslides have occurred within the study area and in adjacent areas with similar topography, geology, and groundwater conditions. With regard to slope instability, most of the known slope instability has occurred on the steeper slopes on ravines along streams and drainages. The Park Place Concept Plan identifies areas with slopes of 25% or more as open space that will remain undeveloped. Limiting development in these areas is an appropriate measure to limit the risk of slope instability and landslides impacting future development. In addition, for the purpose of this Concept Plan, it is recommended that further site-specific study be conducted for future developments, in accordance with the City's municipal code Chapter 17.44, for managing geologic hazards and in accordance with the following recommendations.

Additionally, the City should expand the definitions included in the City of Oregon City Municipal Code, Chapter 17.44.020, to include the Portland State University



Source: Oregon City GIS, 2006; RLIS 2006

High	Low
Moderate	Non-Regulated Goal 5 Resources - (No HCA designation)

Park Place Concept Plan

0 500 1,000

study, “Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation” (Burns and others, 1998); the DOGAMI Open File Report O-06-27, “Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs” (Madin and Burns, 2006); and the upcoming “Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon” (Madin, in press), as references for identifying mapped landslides and landslide materials, “landslide areas,” “unstable slopes,” “unstable soils,” and debris fans.

It is also recommended that the City require a geotechnical evaluation/investigation as part of any future development in areas with slopes of 25% or steeper and within a 200-ft setback of the crest and toe of these slopes, and in areas previously mapped as landslides. This would include all new construction, including additions to existing homes such as swimming pools and retaining walls, installation of underground utilities, new access driveways and/or roadways, and similar types of projects that require significant earthwork. The geotechnical evaluation/investigation should address the slope hazards in the development and specifically address how the proposed development will limit the risk of future slope instability, prior to issuing a building permit. The geotechnical evaluation/investigation should also address setbacks from existing slopes and recommendations for cut and fill and on-site stormwater management, as described in more detail below. In addition, the City should require special inspection by the geotechnical engineer during construction of soil- and foundation-related elements and a summary letter of compliance upon completion of the work.

The actual scope of the geotechnical evaluation/investigation will depend somewhat on the location within the study area and the proposed development. For example, for development in areas that will likely require little if any earthwork, a reconnaissance-level site evaluation may be adequate prior to issuing a building permit. However, if the new development requires cuts deeper than about 5 ft into the existing hillsides, the geotechnical engineer may need to consider performing subsurface explorations, such as test pit excavations and/or shallow borings, as part of their evaluation/investigation. For any development within or adjacent to mapped landslide areas or debris fans, or any development that requires excavations deeper than about 10 ft into the existing hillside, it would be prudent to perform a more-detailed, comprehensive geotechnical investigation prior to issuing a building permit. An engineering geologist should provide site-specific geologic input for any development with proposed cuts deeper than about 10-feet and all evaluations within the limits of mapped landslide areas and debris fans. Implementation strategies for these recommendations follow in Chapter 4.

4. Implementation

1. Compliance with Title 11

Concept Plans are regulated by Title 11 in Metro's Urban Growth Management Functional Plan. Title 11 and the Park Place Concept Plan are intended to lay a foundation for urbanization of areas added to the region's Urban Growth Boundary (UGB) in a way that reasonably provides public facilities and services, offers transportation and housing choices, supports economic development, and protects natural resources.

Concept Plans must address the following elements:

- Annexation
- Housing (density, diversity, and affordability)
- Commercial and industrial land
- Transportation
- Natural resources
- Public facilities
- Public schools
- Funding and Finance Sources

The Park Place Concept Plan strives to provide the Park Place plan area with development flexibility, housing choices, transportation choices, natural resource protection, access to open space and recreation, educational opportunities, and economic activity. To support these goals, it is recommended that the set of policies addressing housing, parks, schools, economic development, natural resources, transportation, and other public facilities included in the Park Place Concept Plan be adopted by reference into the City's Comprehensive Plan. The following sections provide overviews of these elements and their associated goals, policies, and implementation strategies. For more detailed descriptions of these elements and their compliance with Title 11, please refer to the Appendices.

Annexation

Chapter 14 of the City's existing code establishes regulations for annexation. These regulations require an application process, hearings, and review by the Planning Commission and City Commission before the annexation is decided by Oregon City voters.

In addition to a legal description of the proposed annexation area, written consent of property owners, site plans, and an application fee, an annexation

proposal must provide statements addressing the following:

- availability, capacity and status of existing water, wastewater, drainage, transportation, park and school facilities;
- increased demand for such facilities to be generated by the proposed development, if any, at this time;
- additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
- method and source of financing required to provide additional facilities, if any;
- overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
- potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any; and
- the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development.

The Planning Commission's recommendation to the City Commission and the City Commission's decision as to whether to advance the proposal to the voters for a decision depend on whether adequate access and public facilities and services can be provided; impacts to Goal 5 resources, natural hazard areas, and the overall economic, social, and physical community are avoided or are minimal; and the proposal complies with goals and policies in the City's Comprehensive Plan.

Annexation of Park Place should be guided by the ability to serve subareas with public facilities such as roads, water, wastewater, and storm water. For these reasons, subareas of Park Place that are adjacent to existing city boundaries, facilities, and services are likely to be annexed first. The northern portion of Park Place was brought into the City's Urban Growth Boundary (UGB) in the 1980s, long before the rest of Park Place was in 2002, and is particularly primed for annexation, due to existing development and property owners' interest in developing.

Annexation Goals, Policies, and Implementation Strategies

Goal

Ensure that annexation of land within the planning area is consistent with other goals, policies and strategies in this Plan and meets overall city and regional requirements for annexation.

Policies

- Ensure that public facilities and services can be provided to serve

proposed development prior to annexation of any portion of the Park Place Concept Plan area, consistent with existing City and regional requirements.

- Provide residents within and adjacent to areas proposed for annexation with opportunities to review and comment on annexation proposals.

Implementation Strategies

- Adhere to existing city regulations and procedures in accepting, reviewing and approving proposed future annexations of the planning area or portions of it.
- Review annexations proposals for adherence to the goals, policies and core values identified in the Park Place Concept Plan.
- Provide adequate notice of and opportunities for comment on proposed annexations pursuant to existing City notice requirements.

Land Use

Following are land use policies related to housing, commercial, and industrial developments. Other land uses (e.g., schools, parks, and public facilities) are addressed separately.

Housing

The following steps have been taken in the concept planning process to comply with Title 11 as it relates to housing.

- Zone adequate land to allow for a variety of housing types and densities as outlined in more detail in Chapter 3. The zoning mix allows the City to meet Metro targets for housing based on average densities required in the two different portions of the planning area.
- Create opportunities for mixed residential and commercial uses through amendments to and application of the city's mixed use zone.
- Locate denser housing types adjacent to commercial areas and civic uses.
- Zone land in a way that allows for housing types and densities typically more affordable to households with low and moderate incomes (see Chapter 3 for an assessment of this issue).

While the Park Place Concept Plan allows for opportunities to meet affordable housing needs without subsidy, the reality of the housing market in Oregon City and the Portland Metropolitan region is that some subsidy by public agencies and non-profit organizations will be required to achieve affordable housing goals for this area. The following goal, policies and implementation strategies can be used to meet affordable housing objectives, as well as more general housing goals.

Housing Goals, Policies, and Implementation Strategies

Goal

The concept planning area should incorporate Comprehensive Plan and zoning designations that allow for a wide range of housing types and densities that meet the needs of households with a range of incomes.

Policies

- Apply zoning designations that allow for achievement of the goal above.
- Create flexibility in development standards to allow for alternative housing types such as zero lot-line development, cluster housing, and accessory dwelling units.
- Ensure connectivity of residential areas to commercial areas and parks and open space by creating regular street grid patterns where topography allows and providing a complete sidewalk network.
- Ensure that residential neighborhoods are bordered by parks and/or open space. Streets should be integrated with a network of bikeways, trails and/or pedestrian paths where possible.
- Orient residential streets to maximize solar exposure for energy conservation where possible.
- Link the density of housing to the hierarchy of the street network.
- Work with other public agencies, non-profit organizations and developers to encourage production of affordable housing that meets the needs of residents with low and moderate incomes.
- Provide a transition or buffer between existing and new residential development.
- Support architectural integrity and variety in residential and mixed-use neighborhoods.

Implementation Strategies

- Work with local groups to develop affordable housing strategies for Park Place, including incentives for developers to build affordable housing and for moderate-income home ownership.
- Update city and county zoning ordinances and development codes as needed to allow for innovative development and zoning mechanisms that will add to the affordable housing stock, including establishing minimum densities, allowing for density bonuses, reducing minimum lot sizes, and establishing other provisions in the zoning code to reduce housing costs associated with the price of land while protecting community character.
- Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development and compatibility with existing and surrounding neighborhood character and scale.
- Allow for a variety of lot sizes within a subdivision by permitting average density calculations for subdivisions over 25 units.

Table 4-1. Affordable Housing in Oregon City

Percentage of MHI	Percentage of Households	Percentage Difference	Affordable Rent/ Mortgage
0-30% MHI	11%	-	$341
0-50% MHI	20%	9%	$569
0-80% MHI	38%	18%	$911

- Consider density bonuses for developers who provide affordable housing units.
- Provide a gradual transition in zoning and allowed densities between existing residential development and new or future residential development and/or require larger setbacks between existing and new residential development.
- Consider adopting additional architectural design standards for residential development and consider developing and adopting architectural variety requirements for subdivision development.
- Create flexibility in development standards to allow for alternative housing types such as zero lot-line development, cluster housing and accessory dwelling units.
- update the City's zoning ordinances to allow for master planning of developments of 10 acres or more in Park Place.

Affordability

Affordable housing is typically defined as housing which does not cost more than 30% of a household's income. For rental units, housing costs include rent and utilities, while housing costs for homeowners includes mortgage payments, taxes and insurance.

Extremely low income households are typically defined as those earning less than 30% of median household income; very low income households as those earning less than 50% of median household income; and low income households are those making between 50% and 80% of median income. These income ranges have been used to estimate the cost of housing that would be considered

Household size	Area Median Income	Affordable monthly housing costs (100%)	Household Income (80%)	Affordable Monthly Housing Costs (80%)	Household Income (50%)	Affordable Monthly Housing Costs (50%)	Household Income (30%)	Affordable Monthly Housing Costs (30%)
1	47,500	1,188	38,000	950	23,750	594	14,250	356
2	54,313	1,358	43,450	1,086	27,150	679	16,300	408
3	61,125	1,528	48,900	1,223	30,550	764	18,350	459
4	67,875	1,697	54,300	1,358	33,950	849	20,350	509
5	73,313	1,833	58,650	1,466	36,650	916	22,000	550
6	78,750	1,969	63,000	1,575	39,400	985	23,650	591
7	84,188	2,105	67,350	1,684	42,100	1,053	25,250	631
8	89,625	2,241	71,700	1,793	44,800	1,120	26,900	673

Table 4-2. Affordability by Income, Portland Metro Area (HUD), 2007

affordable to households with very low, low, and moderate incomes. Table 4-1 shows the results of this analysis for Oregon City.

According to the 2000 Census, the median household income (MHI) for Oregon City is $45,531. Table 4-2 shows the area median income (AMI) by household size, and corresponding affordable housing costs. Census data for the Park Place Concept Plan area is not available since its boundaries do not correspond to census block boundaries.

Title 11 requires that the planning area allow for development of affordable housing without public subsidy. The zoning proposed for the planning area theoretically provides opportunities to develop housing that would be affordable to residents with a full range of incomes, assuming a similar mix of income levels to the city as a whole. As a result, the concept plan meets the requirements of Title 11 and ORS related to housing. However, some form of public subsidy is expected to be necessary to meet the affordable housing goals of the Park Place Concept Plan. Its goals call for a range of housing types to meet the needs of renters at all income levels and to provide opportunities for home ownership for moderate-income households. Without some subsidy and/or actions by local governments or non-profit organizations, it is unlikely that the desired range of housing products will be developed. Given the rate of housing price increases in the area, many of the multi-family units, attached and detached single-family homes will be built for market rate home ownership.

Proposed land use designations for the Park Place plan area allow for a range of housing types (described in Chapter 3). Typically, the types of housing most affordable to people with low and moderate incomes are single-family homes on small lots, attached single family homes, duplexes and multi-family housing, as accessory dwelling units, and single-family rental homes. Extremely low and very low income households typically reside in multi-family housing. These types of housing are expected to account for a significant portion of all housing units in the plan area – 370-500 units (25%-35%), depending on the proportion of higher density detached single-family homes that fall into affordable price ranges. This range is consistent with the percentage of lower income households that could be expected to need housing units in the area, if they are representative of the City as a whole.

In order to meet the affordable housing goals, it is anticipated that the City will work with other public agencies, non-profit groups and developers to identify funding opportunities to further increase the supply of affordable housing in the area. Potential partners include Clackamas Community Land Trust, Northwest Housing Alternatives, Housing Authority of Clackamas County and Clackamas County Social Services.

Table 4-3. Proposed Area of Commercial Uses in Park Place

Type of Commercial Use	Proposed Zone	Land Area (SF)	Floor Area (SF)
Retail	Neighborhood Commercial (NC)	79,191	39,595

Commercial and Industrial Development

Commercial Development

The Neighborhood Commercial (NC) zone recommended in the North and South Villages will accommodate commercial development. The NC zone will be targeted for primarily retail use. Table 4-3 identifies the amount of land proposed for each of this zone and targeted uses.

Assuming an approximately 50% lot coverage, the NC zone yields about 0.91 acre (39,595 sq. ft.) of building area and the same for parking and landscaping. This falls within the range of retail building area that market consultant Johnson Gardner estimated that Park Place could support.

Industrial Development

Potential industrial uses in the area would be constrained by limited access and suitable buildable land (large sites with little or no slope). Land zoned industrial to the north of Park Place focused around an I-205 interchange and land with existing and planned industrial zoning (as part of a concept plan) for the Beavercreek area directly south of Park Place provide suitable and adequate industrial land for the City. No industrially zoned land is recommended or planned for Park Place.

Economic and Commercial Development Goals, Policies, and Implementation Strategies

Goal

Establish opportunities to create neighborhood commercial and mixed use centers which provide area residents with opportunities to shop and work, consistent with the core values of this plan.

Policies

- Establish two neighborhood commercial/mixed use centers that allow for small scale, neighborhood oriented commercial development, as well as mixed residential/commercial development and public buildings and gathering places.
- Locate neighborhood commercial and mixed use centers in close proximity to denser residential development, as well as parks and community facilities.

- Ensure that roads, pathways and other transportation facilities are designed in a way that supports mixed use/commercial areas and provides adequate access to them by all modes of travel.

Implementation Strategies

- Implement and update design standards for neighborhood commercial and mixed use areas, including storefront windows, street-level entrances, streetscape elements such as weather protection and street trees, and restrictions of mid-block driveways, to ensure they are developed in an attractive, walkable and efficient manner and promote.
- Work with existing and future neighborhood residents, as well as community business groups to identify and attract an appropriate mix of businesses to commercial and mixed use centers in the planning area.
- Identify small-scale food production as an allowed use in commercial and possibly residential zones.

Transportation

The Park Place Concept Plan includes a multi-modal transportation system that complies with city, regional, and statewide transportation plans and ensures a safe and adequate multi-modal transportation system to meet the forecast travel needs of the planning area. The Conceptual Transportation Plan comprises street, transit, bicycle, and pedestrian facilities and services that make each mode viable to meet certain travel needs, while minimizing the need to travel in single-occupant motor vehicles. Plan components include the following:

1. A functionally classified set of streets that provide appropriate connections within and across the planning area and adequately serve local and longer-distance vehicular travel (Figure 3-4). An emphasis of the Plan is to expand the City's functionally classified network such that it protects the Highway 213 corridor as a regional facility of critical importance.
2. A network of local and higher-order streets that provides redundancy for emergency access, appropriate ventilation to neighborhoods and commercial nodes of activity, and efficient connections to minimize travel distances (Figure 3-5).
3. A variety of street cross sections that reflect the needs of adjacent land uses and respond to the constraints of topography, limited rights-of-way, and the costs of construction (Figures 3-A through 3-J).
4. A network of on-street and off-street pedestrian and bicycle facilities that meet the needs of commuters, recreationalists, residents, and employees (Figures 3-8 and 3-9). These facilities are planned to provide safe routes to schools and other key pedestrian/bicycle generators in the planning area. In addition, they provide seamless connections to anticipated transit service in the area. Finally, the comprehensive nature of this network promotes these modes as viable options for a variety of trip purposes.
5. A conceptual routing of future transit service that connects the planning area to major transit centers in the Oregon City area, as well as key destinations within Oregon City (Figure 3-7).

Construction cost estimates for the planned transportation improvements have been prepared and a conceptual financing plan has been developed. These estimates are located in the following chapter: Funding and Finance.

Transportation Goals, Policies, and Implementation Strategies

Goal

Plan for and implement a safe, interconnected system of roads and other transportation facilities that allows people to move freely within the neighborhood and connects them to other parts of the city and region.

Policies

- Support and encourage Metro and ODOT to construct improvements to regional and state facilities (e.g., I-205, Highway 213 and the Sunrise Corridor) to accommodate proposed growth inside and surrounding the planning area.
- Develop and apply basic road standards based on transportation analysis and land use goals adequate to serve area residents and businesses.
- Require that needed improvements to transportation facilities necessitated by new development be made or funded as part of the development process; condition development approval on construction of or financial commitments for improvements.

Implementation Strategies

- Identify updates to City, County and regional transportation plans to incorporate proposed improvements to major facilities.
- Include proposed transportation improvements in the city's Capital Improvement Plan (CIP).
- Apply appropriate road standards as development occurs and facilities are designed and constructed.
- Coordinate with Clackamas County in planning for improvements to existing county facilities (e.g., Holly Lane and Redland Road).
- Update the city's System Development Charge for transportation, consistent with the need and cost for future improvements in the planning area.
- Evaluate and minimize or mitigate environmental impacts of future transportation improvements.
- Update City standards for green streets as needed to implement the Park Place Concept Plan.

Natural Resources and Hazards

A key part of protecting existing natural resources is to use the best development practices available in these areas. For the Park Place Concept Plan development, Metro's *Nature in Neighborhood* design guidelines were followed. These guidelines, though voluntary, are very applicable to achieving the environmental protection goals of the Park Place Concept Plan. As the Park Place Concept Plan develops, the Table 4-4 provides a list of best development practices that should

be considered. The implementation measures described in Appendix I identify the City code sections which could incorporate these best development practices.

Natural Resources and Hazards Goals, Policies, and Implementation Strategies

Goals

Manage and conserve natural resources and values within the planning area, including riparian areas, woodlands, wetlands and wildlife and plant habitat.

Minimize impacts to areas that pose hazards to personal property and the natural environment, including steep slopes, areas potentially susceptible to land slides and other such areas.

Policies

- Distinguish between areas where development will not be allowed and where development can occur but with lower densities or other limitations as documented on concept area maps and refined during more detailed mapping that may occur as part of the development process.
- Apply existing city regulations related to stream buffers, trees preservation, restrictions on steep slope development and other issues.
- Reference most recently available geological maps in Oregon City zoning ordinance provisions.
- Require geotechnical evaluation for new construction and future development in areas with slopes of 25% or greater and within 200 feet of the crest and toe of such slopes.
- Require geotechnical evaluation for new construction and future development in areas mapped as landslides or landslide materials
- Require development-specific investigation related to slope stability be conducted by a qualified professional engineer (PE) and certified engineer geologist (CEG).
- Manage and protect archeological and historic resources within the planning area, consistent with the City and state requirements and policies.
- Conserve and improve streamside, wetland, and floodplain habitat and their connections.
- Conserve large areas of contiguous habitat and avoid habitat fragmentation.
- Conserve and improve connections between riparian corridors and upland habitat.
- Conserve and improve unique and at-risk habitats.
- Promote habitat-friendly development practices.
- Apply implementation code particularly relating to geologic hazard and tree protection, and significant fish and wildlife habitat, shall be approved prior to development of property located in the concept plan area. Tree protection should include provisions to protect trees in area within the city's UGB but not yet annexed. Protection of fish and wildlife habitat should address riparian and upland areas. Methods to protect these

Table 4-4. Best Management Practices for Non-Habitat Conservation Areas[1]

Part (a): Design and Construction Practices to Minimize Hydrologic Impacts
1. Amend disturbed soils to original or higher level of porosity to regain infiltration and stormwater storage capacity.
2. Use pervious paving materials for residential driveways, parking lots, walkways, and within centers of cul-de-sacs.
3. Incorporate stormwater management in road right-of-ways.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
5. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
6. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.
9. Use bioretention cells as rain gardens in landscaped parking lot islands to reduce runoff volume and filter pollutants.
10. Apply a treatment train approach to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
11. Reduce sidewalk width and grade them such that they drain to the front yard of a residential lot or retention area.
12. Reduce impervious impacts of residential driveways by narrowing widths and moving access to the rear of the site.
13. Use shared driveways.
14. Reduce width of residential streets, depending on traffic and parking needs.
15. Reduce street length, primarily in residential areas, by encouraging clustering and using curvilinear designs.
16. Reduce cul-de-sac radii and use pervious vegetated islands in center to minimize impervious effects, and allow them to be utilized for truck maneuvering/loading to reduce need for wide loading areas on site.
17. Eliminate redundant non-ADA sidewalks within a site (i.e., sidewalk to all entryways and/or to truck loading areas may be unnecessary for industrial developments).
18. Minimize car spaces and stall dimensions, reduce parking ratios, and use shared parking facilities and structured parking.
19. Minimize the number of stream crossings and place crossing perpendicular to stream channel if possible.
20. Allow narrow street right-of-ways through stream corridors whenever possible to reduce adverse impacts of transportation corridors.
Part (b): Design and Construction Practices to Minimize Impacts on Wildlife Corridors and Fish Passage
1. Carefully integrate fencing into the landscape to guide animals toward animal crossings under, over, or around transportation corridors.
2. Use bridge crossings rather than culverts wherever possible.
3. If culverts are utilized, install slab, arch or box type culverts, preferably using bottomless designs that more closely mimic stream bottom habitat.
4. Design stream crossings for fish passage with shelves and other design features to facilitate terrestrial wildlife passage.
5. Extend vegetative cover through the wildlife crossing in the migratory route, along with sheltering areas.
Part (c): Miscellaneous Other Habitat-Friendly Design and Construction Practices
1. Use native plants throughout the development (not just in HCA).
2. Locate landscaping (required by other sections of the code) adjacent to HCA.
3. Reduce light-spill off into HCAs from development.
4. Preserve and maintain existing trees and tree canopy coverage, and plant trees, where appropriate, to maximize future tree canopy coverage.

[1]Table 3.07-13c in Exhibit C or Ordinance No. 05-1077C, Title 13 (Nature in Neighborhoods) of the Urban Growth Management Functional Plan (Metro Code Chapter 3.07)

areas should include an evaluation of conservation easements and density reductions.

Implementation Strategies

- Identify and explore the use of incentives such as conservation easements to protect natural resources.
- Extend existing density transfer provisions from the Water Resource Overlay Zone to the Flood Management and Geologic Hazards Overlay Zones.
- Identify potential new ordinance requirements related to protection of environmental resources.
- Identify and encourage use of best management practices related to erosion control, wildlife management, landscaping, tree preservation, etc. (e.g. Metro's Nature in Neighborhoods guidelines).
- Update the city's zoning ordinance to incorporate the policies related to slope stability above.
- Work with the Oregon Department of Geology and Mineral Industries (DOGAMI) to complete and incorporate a landslide susceptibility map for Oregon City.
- Review geotechnical reports as well as final grading, drainage and foundation plans by a geotechnical engineer.
- Require peer review of geotechnical report by peer reviewers selected by the City of Oregon City.
- Conduct special inspections in areas with steep slopes or mapped as landslide susceptibility areas with a geotechnical engineer during construction processes.
- Require applicants geotechnical engineer to field verify during construction to ensure that the subsurface conditions/assumptions made as part of their geotechnical evaluation/investigation are appropriate.
- Require the applicants geotechnical engineer to prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations.
- Conduct specific environmental studies and apply environmental standards as required during planning and construction of public improvements (e.g., roads and bridges) as the Park Place Concept Plan is implemented.
- Update the City's zoning ordinance to establish "night sky" protection provisions. Incorporate associated lighting standards in the City's requirements.
- Refine Buildable Areas Map - perform a GIS evaluation of the City of Oregon City water quality overlay zone with existing topography.
- Field verify existing natural resources to ensure that important natural resources have not been overlooked.
- Identify regulations and/or restrictions associated with infrastrcture impacts on Habitat Conservation Areas (HCAs).

Public Facilities and Services

Conceptual public facility plans have be developed for the provision of wastewater, and storm drainage. These plans have been developed to comply with goals of the local community, City of Oregon City, Metro and the following documents:

- City of Oregon City Water Master Plan
- City of Oregon City Sanitary Sewer Master Plan
- City of Oregon City Drainage Master Plan
- City of Oregon City Draft Stormwater Management Plan
- City of Oregon City Stormwater and Grading Design Standards

The City of Oregon City Water Master Plan was referenced to determine anticipated water demands within the Park Place Concept Plan area. Average daily demand as well as peak demand and fire demand were evaluated at a preliminary level. In general, water demand from planned development within the Park Place Concept Plan area is consistent with demands anticipated in the Water Master Plan.

The City of Oregon City Sanitary Sewer Master Plan was referenced to determine anticipated wastewater generation within the Park Place Concept Plan area. In general, similar wastewater flows were developed. As a result, wastewater flows generated by development within the Park Place Concept Plan area are consistent with those found in the Sanitary Sewer Master Plan.

All three stormwater documents emphasize minimizing the amount of post-development stormwater runoff to pre-development conditions and reducing pollution loads. The Park Place Concept Plan stormwater approach was developed to meet these goals (Appendix J).

Public Facilities and Services Goals, Policies, and Implementation Strategies

Goal

Plan for and provide adequate facilities for water, wastewater and stormwater service.

Policies

- Ensure that water, wastewater and stormwater facilities have adequate capacity to meet public facility and service needs within the planning area.
- Plan and pay for needed improvements in an equitable manner with the costs of new growth borne by future developments
- Identify and implement best practices for on-site treatment of stormwater, water conservation and other practices to reduce service needs and impacts.

Implementation Strategies

- Prepare stormwater, water system, and wastewater master plans to further refine the systems and approaches outlined in the Park Place Concept Plan. (The existing Oregon City stormwater standards should be evaluated and refined to improve performance of the stormwater master plan).
- Perform further water evaluation to ensure that the Clackamas River Water District and the City of Oregon City maximize efficiency - City of Oregon City should provide water service to all urban customers within the UGB.
- Identify areas within the Park Place Concept Plan planning area for slope stability hazards and infiltration areas to determine if stormwater should be allowed, limited, or restricted.
- Incorporate estimate water, wastewater and stormwater needs in capital facility master plans and capital improvement plans.
- Expand city wastewater mains and other collection facilities within and adjacent to the planning area to ensure adequate wastewater collection capacity; preserve TCSD trunk lines.
- Expand city water mains and other distribution facilities within and adjacent to the planning area to ensure adequate water distribution capacity; preserve the existing Clackamas River Water transmission system.
- Establish a stormwater management system that mimics the natural hydrology of the planning area.
- Develop a stormwater management system that utilizes a combination of regional detention facilities, green streets and on-site stormwater detention and filtration to minimize runoff and impacts on local waterways.
- Coordinate with other service providers to plan for and provide fire protection, law enforcement, school, library and other public services as specific developments are planned and implemented.

Parks

The Concept Plan includes two neighborhood parks, each located in a neighborhood center adjacent to commercial, civic, and medium and/or higher density residential land uses. The parks are intended to provide basic recreational opportunities for residents and may include amenities such as play equipment, athletic fields picnic table or shelters, walking trails and other features. The North Village neighborhood includes an 8-10 acre neighborhood park; the South Village park is about 3-5 acres.

Parks needs are consistent with those generally identified the City of Oregon City's existing Parks and Open Spaces Master Plan. That plan identifies a community park and a neighborhood park service area within the Park Place Concept Plan study area. Local and national guidelines for these types of parks indicate a need for about 10 – 30 acres of developed park land in the planning

area. The City is currently updating its Parks and Open Spaces Master Plan, which may provide more specific guidance on the size of future parks in the area and/or needed amenities within them.

The open spaces identified in environmentally constrained portions of the study area are also are expected to provide extensive opportunities for outdoor recreation including an extensive trail system.

Parks and Open Spaces Goals, Policies and Implementation Strategies

Goal

Provide parks, open space, and trails consistent with City or national standards, including trail or open space connections between centers.

Policies

- Plan for neighborhood parks that are intended for low-impact active and passive recreational activities.
- Locate neighborhood parks within comfortable walking distance (e.g. one-half mile) of most residences and easily accessible to pedestrians and bicyclists.
- Develop and maintain a system of neighborhood trails to provide a variety of recreational opportunities, such as walking, bicycling and jogging.
- Design the trail system to connect parks and open spaces and provide connections to established neighborhoods where possible.
- Promote the location of neighborhood parks adjacent to higher-density residential housing to provide outdoor recreational opportunities for residents of attached housing and to enhance the quality of the neighborhood.
- Allow for flexibility in the siting of future parks while ensuring that locations meet the criteria identified in the Park Place Concept Plan.
- Support joint uses of community facilities such as schools and parks.
- Conserve and protect natural areas, including environmentally constrained areas unsuitable for development.

Implementation Strategies

- Amend parks and recreation, open space and trails master plans as necessary to be consistent with the goals and policies of the Park Place Concept Plan.
- Coordinate with the Parks and Recreation Master Planning process to identify appropriate amenities for new neighborhood parks.
- Communicate with the school district to determine if school facilities in such areas have the capacity for greater community use.
- Explore the feasibility of joint use of Ogden Middle School land and facilities for community-based recreational needs.

- Evaluate natural areas for capacity to support recreation uses, such as hiking or biking. Limit or protect human activity as appropriate.
- Coordinate with private property owners regarding development of the trail system.
- Establish and implement an equitable approach to funding acquisition of park lands and development of park and recreational facilities through a mix of system development fees, user fees and other available revenue sources. Ensure that property owners or developers pay their share of these costs in an equitable manner.

Public Schools

No new school sites are identified for Park Place. There are two existing elementary schools near the study area — Park Place Elementary and Holcomb Elementary. They have a combined capacity for an additional 300 students. Future enrollment projections for these elementary schools are relatively flat, as new households in their service areas are projected to be less likely to include young children than they have in the past. However, it is critical that all families in the Park Place neighborhood can safely access existing school sites and other educational facilities.

Public Schools Goals, Policies, and Implementation

Goal

Ensure that residents of the planning area have access to school facilities, consistent with school enrollment projections, and efficient provision of school facilities and educational services.

Policies

- Ensure that children and families can safely access their area schools.
- Identify and encourage additional educational opportunities for area residents.
- Encourage creation of physical and educational linkages between elementary, middle and high school students through programs like tutoring and mentoring.
- Promote connections between schools and the surrounding community, particularly community members without school-age children.

Implementation Strategies:

- Continue to coordinate with the Oregon City School District to identify school needs for area residents and ensure that the District meets them.
- Identify needed safe routes for walking and biking to school for area residents and children and incorporate them into planning and construction of transportation facilities in the area.
- Work with the School District to ensure that school bus routes provide for a high level of safety.
- Participate in efforts by the school district and residents to identify strategies for achieving educational linkages among schools in the

area and between schools and the community. Examples could include tutoring, mentorship programs and other educational programs, especially between neighboring schools.

- Explore the potential to locate an environmental educational facility in the planning area, preferably co-located with parks, open space or trails facilities in the area.
- Continue to coordinate with the Oregon City School District to identify school needs for area residents and ensure that the District meets them. If enrollment and development projections and trends differ from those identified in this Plan, work with the School District to identify appropriate locations) for school(s) within the planning area, if warranted.
- Encourage the Oregon City School District to continue to work with local families and other residents to develop and implement educational plans that meet the educational needs of children and families within the planning area.
- Organize programs like community gardens and school parades for strengthening the connection between schools and the surrounding community.

Financing

Metro's Title 11 requires concept plans to identify approximate costs of public infrastructure and potential sources of funding to pay for its development as the area is developed. Costs and funding sources are described in Chapter 5. The following goal policies and strategies will be sued to ensure equitable and cost-efficient use of funding as the plan is implemented.

Goal

Provide funding and financing in a manner that each development pays it proportional share of the overall cost with Park Place.

Policies

Ensure that residents and businesses within Park Place will be treated equitably with respect to the City as a whole

Implementation Strategies

- Identify existing funding sources and their ability to pay for the cost of future facilities and services.
- Identify and recommend additional, innovative methods for paying for facilities and services.
- Use a combination of system development charges, density bonuses, land dedication, fees-in-lieu and public acquisition to pay for park land and facilities.
- Use a combination of user fees, system development charges, land dedication and public acquisition for right-of-way and other local, regional and state funding sources to fund transportation improvements.
- Use a combination of system development charges, user fees, general fund tax revenues and other funding sources to pay for water, wastewater and stormwater facilities and services.

2. Next Steps

As described by Metro, concept planning is an interim set of measures meant to prepare an area for comprehensive planning. The outline below provides the general process and process elements that follow adoption of a concept plan.

1. Development and adoption of comprehensive plan designations, comprehensive plan amendments, and development code amendments, based on the Park Place Concept Plan (legislative procedure)
    a. Transportation System Plan (TSP) amendments
    b. Amendments to other public facilities plans
    c. Goal 5 inventory and implementation measures
    d. Amendments to other comprehensive plan goals and policies (see Implementation section below)
    e. Comprehensive plan designation mapping
    f. Code amendments, including potential land division, zoning, and system development charge (SDC) regulations (see Implementation section below)
2. Applications for annexation (Type III/IV procedure)
3. Adoption of zoning designations upon annexation (Type I or Type IV procedure)
4. Development review

In the case that updates to the Park Place Concept Plan itself needed to be made, those amendments would be subject to the same legislative procedures as when the plan was originally adopted. See Oregon City Municipal Code, Chapter 17.50, Administration and Procedures, for descriptions of the different decision types.

5. Funding and Finance

Introduction

The available public infrastructure currently in Park Place is insufficient to serve development proposed in the Park Place Concept Plan. Though Park Place does not have existing infrastructure, it is adjacent to existing service providers. The key public services that need to be developed are: transportation, drinking water, wastewater, stormwater, and parks.

1. Infrastructure Requirements

Transportation

To handle the traffic generated by future development in Park Place and in the surrounding urbanizing area, roadways will have to be improved inside and outside of Park Place. The construction costs for transportation improvements needed to indirectly or directly serve the area amounts to approximately $137-187 million in 2007 dollars. Table 5-1 indicates that approximately $52 million of roadway and intersection improvements are likely needed as a result of the Concept Plan.

Table 5-1 also summarizes the cost of improvements by type of roadway: Expressway, Minor Arterial, and Collector. These types of roadways imply different jurisdictional ownership and funding responsibilities.

Table 5-2 shows a preliminary distribution of ownership and funding responsibilities. ODOT owns the express roadways and is primarily responsible for their construction and maintenance. ODOT and the regional, county, and city governments share in the cost of improvements to ODOT's roadways based on regionally negotiated percentages approximately: ODOT, 60%; Metro 20%; County, 15%; and City, 5%. In Table 5-2, these percentages are applied to the construction costs to allocate the funding responsibilities to each government.

The minor arterials are Clackamas County roadways that will eventually revert to City ownership after annexation and as agreed upon between the City and County. Generally, County roadways are brought up to "standard" before the transfer occurs. For this analysis, the County is assumed to fund 60% of the construction costs, and the City 40%. These roadways - Redland Road and Holly Lane - primarily benefit a larger county-wide population than will live in Park Place.

The new collector roadways to be built in Park Place, and as Park Place develops, are 100% the responsibility of the City. These roadways primarily benefit local traffic.

Those improvements or parts of improvements allocated to Oregon City are identified as No-Build and Build improvements. Regardless of the development of Park Place, the No-Build improvements will have to be constructed as the City grows outside of Park Place. Metro is listed as a possible funding source but no allocation of project costs is shown for it. Metro may participate in some of the regional roadway projects, but at this time none of the projects is in Metro's Regional Transportation Funding Plan.

Table 5-1: Summary of Estimated Needs for Transportation Improvements (for concept planning purposes only)

Roadway	No Build	Build	Total
HWY 213 Corridor Improvements (I-205 to Oregon City UGB)	75-125,000,000	0	75-125,000,000
Redland Road: Abernethy/Holcomb to Swan Ave		11,500,000	11,500,000
Holly Lane: Redland to Maplelane Road	3,000,000	0	3,000,000
Livesay Road: Swan Ext to Holly Ext		1,800,000	1,800,000
Donovan Road: Holly Lane to Ogden Middle School		1,200,000	1,200,000
Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd		1,100,000	1,100,000
Swan Ave Extension: Livesay canyon to Redland Road		9,300,000	9,300,000
Swan Ave Extension: Redland Rd to Holly Ln		9,300,000	9,300,000
Holly Lane: Redland to Holcomb Blvd		17,400,000	17,400,000
Total	78-128,000,000	51,600,000	130-180,000,000

Intersections	No Build	Build	Total
Anchor Way/Redland	2,900,000		2,900,000
Holly Ln/Redland Rd	2,000,000		2,000,000
Holly Ln/Maplelane Rd	1,600,000		1,600,000
Swan Ave/Holcomb Blvd		300,000	300,000
Total Intersection Improvements	6,500,000	300,000	6,800,000
Grand Totals	85-135,000,000	51,900,000	137-187,000,000

Table 5-2: Facility Ownership and Estimated Construction Costs (for concept planning purposes only)

Roadway	ODOT	Clackamas	City of Oregon City		Totals
			No Build	Build	
Highway 213 Corridor Improvements (I-205 to Oregon City UGB)	75-125,000,000			0	75-125,000,000
Redland Road: Abernethy/ Holcomb to Swan Ave.		6,900,000	0	4,600,000	11,500,000
Holly Lane: Redland to Maplelane			3,000,000	0	3,000,000
Livsey Road: Swan Ext to Holly Ext			0	1,800,000	1,800,000
Donovan Road: Holly Lane to Ogden Middle School			0	1,200,000	1,200,000
Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd			0	1,100,000	1,100,000
Swan Ave Extension: Livesay canyon to Redland Road			0	9,300,000	9,300,000
Swan Ave Extension: Redland Rd to Holly Ln			0	9,300,000	9,300,000
Holly Lane: Redland to Holcomb Blvd		10,400,000	0	7,000,000	17,400,000
Total Roadway	75-125,000,000	17,300,000	3,000,000	34,300,000	130-180,000,000

Intersections	ODOT	Clackamas	No Build	Build	Totals
Anchor Way/Redland		1,700,000		1,200,000	2,900,000
Holly Ln/Redland Rd		1,200,000		800,000	2,000,000
Holly Ln/Maplelane Rd		1,000,000		600,000	1,600,000
Swan Ave/Holcomb Blvd		200,000		100,000	300,000
Total Intersection		4,100,000	0	2,700,000	6,800,000
Grand Totals	75-125,000,000	21,400,000	3,000,000	37,000,000	137-187,000,000

Source: Kittelson& Associates

To summarize, Oregon City will have to fund approximately $40 million of the identified $137-187 million of needs. Approximately $3 million will be funded city-wide, regardless of the Park Place Concept Plan. The Park Place area will be responsible for approximately $37 million.

The funding mechanisms for these improvements cannot be predicted with great accuracy, but the mechanisms can be identified and used to plan the improvements. As a part of the process to adopt the Park Place Concept Plan, the City and County will have to amend their Transportation System Plans to include all of the improvements identified above. The updated TSP also addresses funding by source of revenues. Once that is amended, the City and

County would update their transportation System Development Charges (SDCs) to include some portion of each capital improvement for eventual SDC funding. The projects in Park Place will then be ranked and scheduled for construction along with all of the other transportation projects in the City. These updates may or may not increase the amount of the current transportation SDC.

Outside of the Federal, State, County, and City funding sources for transportation improvements, the City and County may look to other financing mechanisms. The City may require developers to pay for or construct some of the improvements. The City may also accept applications to fund some projects as local improvement districts (LIDs) or advance financing arrangements with developers.

Water

Park Place will be served by the South Fork Water Board, which is a regional water utility owned by the Cities of Oregon City and West Linn. The Park Place area will be served by the SFWB's ample supply of water, treatment, reservoirs, and transmission lines to Park Place. The planned capital improvements build an internal distribution system at an approximate cost of $3.8 million in 2007 dollars for approximately 26,306 lineal feet of water pipes and associated appurtenances.

Once the Park Place Concept Plan is accepted, the City's water master plan will have to be amended to include these projects. The water SDC will have to be amended to include these projects and perhaps to increase the City-wide water SDC (currently $4,445 for a ¾ x ⅝ inch water meter, varying by meter size). The update of the City's SDC would include the new projects and account for new users, and may or may not increase the amount of the SDC. It would make some parts of the water improvements in Park Place eligible for SDC funding. These costs will be absorbed by developers either through SDCs or construction of water system improvements as a condition of development approval.

Wastewater

The Tri-City Sewer District (TCSD), which includes Oregon City, West Linn, Gladstone provides the wastewater treatment plant (WWTP) and interceptor wastewater lines from Park Place to the WWTP. The planned capital improvements provide the collection system within Park Place. Only the 36-inch wastewater lines along Redland Road will provide service to areas outside of Park Place. The total cost of these improvements is approximately $5.52 million in 2007 dollars. The cost per EDU is approximately $2,483.

After adopting the Park Place Concept Plan, the City and TCSD will amend their SDCs to include these projects and perhaps increase the wastewater SDC, which is currently $3,716 (sum of City and TCSD) per single-family residence on a ⅝ x ¾ inch water meter.

Table 5-3. Summary of Water System Improvements

Water System Improvement	Size	Length (ft)	Cost/ft	Total Cost
North Village:				
Livesay Rd - E of Swan	12”	1,500	$106	$159,000
Swan Ave - Livesay Rd to Redland Rd.	12”	1,969	106	208,714
Livesay Rd W of Swan	10”	1,888	90	169,920
Livesay Rd W. to Holcomb Rd.	10”	784	90	70,560
North Village to Redland Rd.	16”	1,981	126	249,606
North Village to Holcomb Rd.	10”	3,576	90	321,840
Subtotals		**11,698**		**1,179,640**
Redland Road:				
SFWB connection to Swan Ave	16”	2,805	$126	$353,430
Swan Ave to Holly Lane	16”	1,245	126	156,870
Holly Lane to UGB Boundary	16”	2,448	126	308,448
Subtotals		**6,498**		**$818,748**
South Village:				
Swan Ave - Redland Rd to Donovan Lane	16”	1,962	$126	$247,212
Swan Ave - Donovan Lane to UGB Bndry	10”	1,353	90	121,770
Holly Lane - Redland Rd to Donovan Lane	12”	1,906	106	202,036
Holly Lane - Donovan Lane to UGB Bndry	10”	1,244	90	111,960
Donovan Lane - Swan Ave to Holly Lane	16”	610	126	76,860
Donovan Lane - Swan Ave to School	16”	1,035	126	130,410
Subtotals		**8,110**		**$759,838**
	10”	8,845		
	12”	5,375		
	16”	12,086		
Total Lineal Feet of Water Lines		**26,306**		
Construction Cost				**$2,758,226**
Design Costs (20% of construction cost)				**551,645**
Construction + Design Cost				**3,309,871**
Contingency (15%)				**496,481**
Total Cost				**$3,806,352**

Source: David Evans & Associates

Funding of these improvements may be borne directly by developers either through payment of SDCs or construction of wastewater system improvements as a condition of development approval. The City also may pay for part of these improvements through its own investments by issuing debt and paying debt service from user fees or SDCs. Updating the City’s wastewater SDC to include the Park Place projects and the numbers of new users may result in both new revenues to the City and qualify some of the Park Place wastewater improvements for SDC funding or credits. The updated SDC may or may not be greater than it is currently. Formation of LIDs or advance financing agreements also may be used to pay for some of the improvements.

Wastewater System Improvement	Size	Number	Length (ft)	Cost/ft	Total Cost
North Village:					
Livesay Rd - E of Swan	12”		1,500	$100	$150,000
Manholes	4’	5		$4,000	$19,000
Swan Ave - Livesay Rd to Redland Rd.	12”		1,947	$100	$194,700
Manholes	4’	6		$4,000	$23,470
Livesay Rd - W of Swan	10”		1,894	$95	$179,930
Manholes	4’	6		$4,000	$22,940
Livesay Rd - W to Redland Rd.	8”		839	$90	$75,510
Manholes	4’	3		$4,000	$12,390
North Village to Redland Rd	12”		1,964	$100	$196,400
Manholes	4’	6		$4,000	$23,640
North Village to Hilltop	10”		3,568	$95	$338,960
Manholes	4’	10		$4,000	$39,680
Subtotals		**25**	**11,712**		**$1,276,620**
Redland Road: *					
48” connection to Swan Ave	36”		1,891	$335	$633,485
Manholes	6’	6		$7,200	$41,238
Swan Ave to Holly Lane	36”		1,245	$335	$417,075
Manholes	6’	4		$7,200	$29,610
Holly Lane to UGB Boundary	36”		2,448	$335	$820,080
Manholes	6’	7		$7,200	$51,264
Subtotals		**17**	**5,584**		**$1,992,752**
South Village:					
Swan Ave - Redland Rd to Donovan Lane	12”		1,995	$100	$199,500
Manholes	4’	6		$4,000	$23,950
Swan Ave - Donovan Lane to UGB Bndry	10”		1,353	$95	$128,535
Manholes	4’	4		$4,000	$17,530
Holly Lane - Redland Rd to Donovan Lane	12”		1,910	$100	$191,000
Manholes	4’	6		$4,000	$23,100
Holly Lane - Donovan Lane to UGB Bndry	10”		1,244	$95	$118,180
Manholes	4’	4		$4,000	$16,440
Donovan Lane - Swan Ave to Holly Lane	8”		610	$90	Use Extg
Manholes	4’	3		$4,000	$10,100
Subtotals		**23**	**7,112**		**$728,335**
	8”		1,449		
	10”		8,059		
	12”		9,316		
	36”		5,584		
Total Lineal Feet of Wastewater Lines			**24,408**		
Construction Cost					**$3,997,707**
Design Costs (20% of construction cost)					**$799,541**
Construction + Design Cost					**$4,797,248**
Contingency (15%)					**$719,587**
Total Cost					**$5,516,836**

Table 5-4. Summary of Wastewater System Improvements

Source: David Evans & Associates

Stormwater

The stormwater system will in part be constructed as an element of the transportation system and in part from those improvements listed in Table 5-5. These improvements would not be constructed as part of a roadway. These non-roadway stormwater improvements will cost approximately $765,845 in 2007 dollars.

Once the Park Place Concept Plan is adopted, the stormwater master plan and SDC would be amended to include these improvements. These improvements will likely be constructed by developers as a condition of development approval. Updating the stormwater SDC will have the same possible effects as updating the wastewater and water SDCs.5.

Parks

The Park Place Concept Plan identifies two parks: an 8- to 10-acre community park and a 3- to 5-acre neighborhood park. The development cost is estimated at $1.82 million in 2007 dollars. The current price of vacant residentially-zoned land in Park Place ranges from a low of approximately $30,000 per acre for undeveloped un-served to $125,000/acre for land adjacent to services. For this analysis, an average price for land with services is used that ranges from $100,000 per acre to $125,000 per acre. The community park in the North Village would serve a larger area than Park Place, while the neighborhood park in the South Village would serve only Park Place.

Once the Park Place Concept Plan is adopted, the City will have to update its Parks and Open Space Master Plan to include these projects, and revise its

Stormwater System Improvement	Quantity	Units	Cost/ft	Total Cost
Livesay Creek Basin				
Ponds - Assumes approx 10,000 cu ft	5	EACH	$15,000	$75,000
Pipe - Assumes 12”	1,200	LF	$68	$81,600
Subtotals				$156,600
Holcomb Creek Basin				
Ponds - Assumes approx 10,000 cu ft	1	EACH	$15,000	$15,000
Pipe - Assumes 12”	260	LF	$68	$17,680
Subtotals				**$32,680**
Abernethy Creek Basin				
Ponds - Assumes approx 10,000 cu ft	13	EACH	$15,000	$195,000
Pipe - Assumes 12”	2,510	LF	$68	$170,680
Subtotals				**$365,680**
Total Ponds	19			
Total Pipe	3,970			
Construction Cost				$554,960
Design Costs (20% of construction cost)				$110,992
Construction + Design Cost				$665,952
Contingency (15%)				$99,893
Total Cost				**$765,845**

Table 5-5. Summary of Stormwater System Improvements

Source: David Evans & Associates

Table 5-6. Summary of Park Improvements

Park Type	Acres		Acquisition		Development		Total
	Range	Assumed	$/Acre*	$'s	$/Acre	$'s	
Community	8 to 10	9	$100,000	$900,000	$140,000	$1,260,000	$2,160,000
Neighborhood	3 to 5	4	125,000	500,000	140,000	560,000	1,060,000
Total Cost				**$1,400,000**		**$1,820,000**	**$3,220,000**

*The Clackamas County Office of Assessment and Taxation reports current market values for vacant unimproved land without services ranges as low as $33,000/acre. We assume a developable acre of land with services will be purchased for parks.

park SDC, currently $3,056 per residential unit. This amount may or may not increase with the inclusion of the proposed parks in Park Place.

2. Development and Timing

Park Place is composed of about 109.1 acres of net buildable land and 368.5 acres in un-developable wetlands, steep slopes, or other physically constrained land. It provides upwards of 1,458 housing units and approximately 8 acres of land zoned for a mix of retail and office uses. The land area is divided into 138 parcels of private ownership that range from less than 1 acre in size to more than 30 acres. It also requires the investment of $50.3 million for public improvements. Assuming that planned housing and commercial development occurs, the development will provide 1,458 dwelling units (single and multiple housing developments) and commercial development that equates to about 162 equivalent dwelling units (EDU). Using the EDUs of 1,620, and assuming the park development costs are only to be paid by residential development, the cost per average EDU is approximately $31,300.

The public infrastructure improvements illustrated in Table 5-7 will not be built all at one time; however, development of any one parcel will require roadway, wastewater, water, and stormwater improvements to be installed at the time of development. This proposition creates a need to invent financing arrangements that accommodate both the particular requirements of any one development, and the public's ability to build or cause to have built the necessary public improvements.

Vacant land in an urbanizing area such as Park Place is converted to urban uses on a nearly random basis. Urban vacant land conversion studies show the

Table 5-7. Improvements Summary

Service	Cost	Number of EDUs*	Cost per EDU
Transportation	36,980,000	1,620	$22,827
Water	3,806,352	1,620	2,350
Wastewater	5,516,836	1,620	2,405
Stormwater	765,845	1,620	473
Parks	3,220,000	1,458	2,209
Total Cost	$50,289, 032		$31,263

* An EDU for retail and office is assumed to equal about 10 percent of total trips, water usage, and wastewater production.

reason a land owner either develops the land himself or sells to a developer has more to do with the owner's personal circumstances than with the rational expansion of urban development. Lifestyle changes (e.g., change in career, retirement, the onset of disease, bankruptcy, divorce) often trigger the sale of vacant land at the urban fringe. The likelihood of land adjacent to parcels with a full range of infrastructure is very small. The cost of building public improvements is minimized when they are built only when needed, and only as much as a proposed development would require. These circumstances rarely coalesce. Since the public lacks the authority and so many parcels exist in Park Place, neither the public nor a single private owner can orchestrate its sequential and timely development. Each development proposal will have to be evaluated for private and public feasibility, and any excess capacity in the public improvements likely will have to be financed by the private developer or the public.

Development in Park Place, as in all other similar areas, is more likely to include some vacant parcels. This development process gives rise to the need to extend linear public services like roadways, wastewater and water lines, and storm drainage facilities through vacant parcels. Financing of improvements would be easier if the leapfrogged property owners were willing to pay their share of the cost. Typically, the leapfrogged property owner does not want to pay his or her share of improvement costs until development of the property, when service becomes necessary.

3. Land Owner and Developer Financing Tools

If the developer has only to pay for public improvements directly related to their own property with no excess capacity built into the improvements, then the developer would likely build the improvements and pay systems development charges. This circumstance rarely occurs in fringe urban areas where transportation, water and wastewater improvements are needed.

In areas like Park Place, the developer will typically have to build roadways, wastewater and water lines, storm drainage and perhaps park improvements that have capacity in excess of the development's own use. Generally, the developer cannot recover the cost of the excess capacity from the final development it sells (finished lots or finished lots and houses or commercial buildings). The developer, as a rule, has to finance this excess capacity in hopes that other development will occur to use the excess capacity and to purchase the excess capacity from the original developer.

Size also matters. The larger the development, the more property sales the developer needs to spread the cost of the excess capacity. The original developer has two possible tools to finance the excess capacity—a local improvement district (LID) or an advance financing agreement.

Local Improvement District

A developer may organize a LID for those properties that will eventually benefit from the excess capacity. Once formed by concurrence or vote of a majority of the property owners within the specified district, the City assesses each property for its proportionate share of the cost of constructing the public improvements, including administration and financing costs. For those properties that do not pay their assessments in full and immediately, the City can issue a Bancroft bond to raise the rest of the cash needed to construct the improvements and pay the associated expenses. The City then assesses a tax each year on those properties that owe their assessments, plus interest and expenses, until the assessment is fully repaid. This form of borrowing—instigated by the developer and managed by the city—gives the developer a risk-free method of financing the excess capacity. It does, however, take agreement by a majority of the property owners in the LID to approve of the arrangement, and concurrence by the City to participate in the LID financing. If the property owners fail to make payment, the City has to foreclose on the non-paying properties and resell the property to recover the lost revenues. The City, in effect provides the security for the loan and takes the risks of default.

Advance Financing (Reimbursement) Agreement

The other tool is an advance financing agreement (also commonly referred to as a reimbursement agreement). This arrangement works similar to a LID except that the developer takes all of the financial risks of default. Cities in Oregon have adopted several variations on this type of agreement. But generally, the affected property owners do not have a direct vote in the formation of the agreement, and the city computes an assessment for each property or each type of development (e.g., a single family house, per square foot of commercial space). The assessment is not paid until the property owner chooses to develop the land and connect to the public improvements financed by the original developer. At that time, the assessment is due. Some cities insist on full payment at the time of assessment, while others may accept financing of the assessment. The city collects the assessed amount from the next developer, keeps a small amount for administration, and pays the rest to the original developer. The city's financial risk is limited to administrative costs. In the event the developer does not collect all of the assessments within the time frame set in the agreement (typically 10 to 20 years), the agreement is rendered null and void and the developer suffers the financial consequences.

4. Public Financing Tools

Size makes a difference to a developer's ability to absorb risk. When properties in an area are small and proposed developments are small, such as a series of small subdivisions for residential development or small commercial centers, the city may be the only financier available to absorb the financial risk of constructing the necessary public improvements. The city's risk is its ability

to collect systems development charges, charge user fees and, if authorized by voters, to assess specific property taxes to repay general obligation bonds. Generally the city has three possible sources of capital to build excess capacity into public improvements—cash reserves, revenue bonds or state loans where available, and general obligation bonds.

Cash Reserves

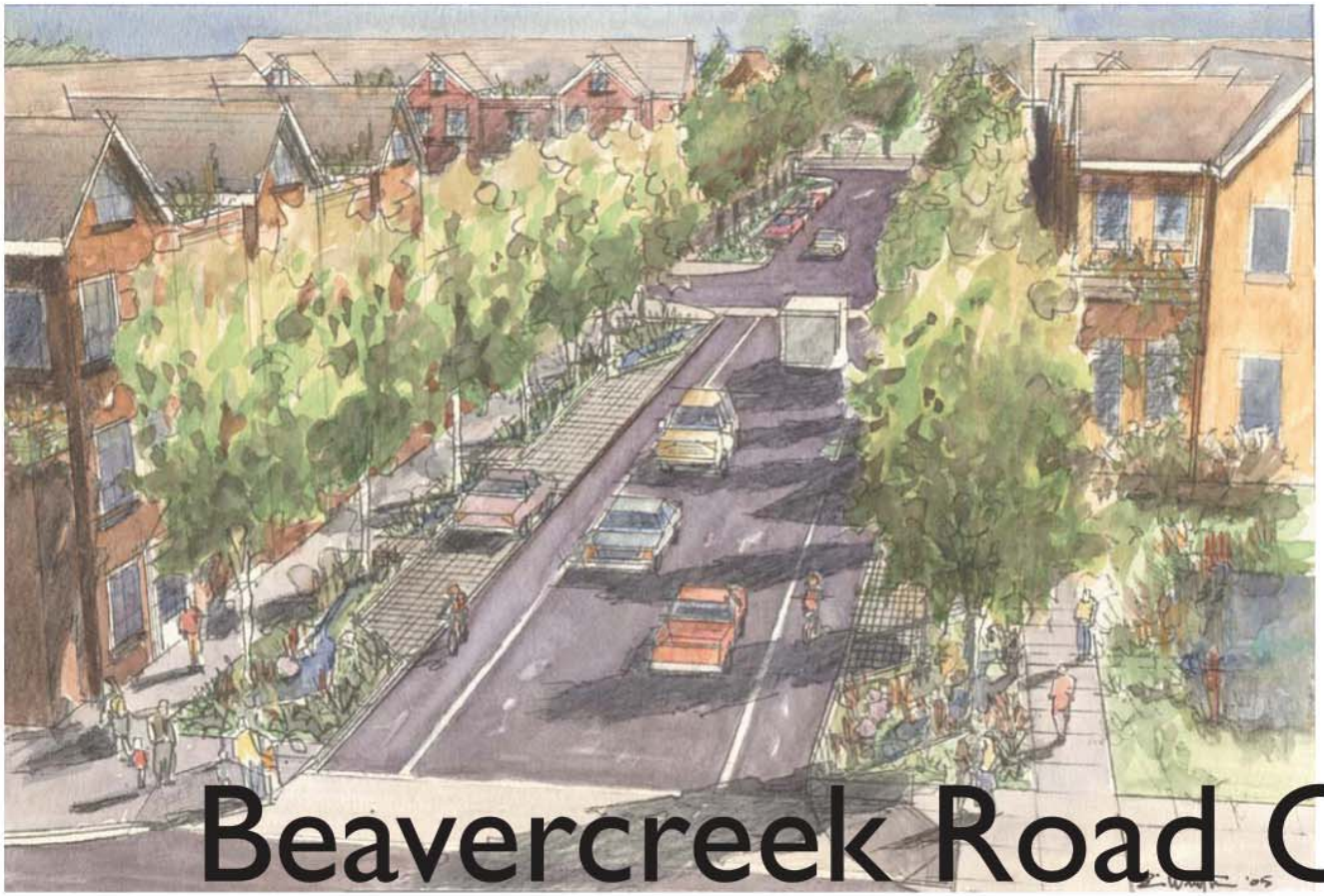
If the City has cash reserves from past collections of systems development charges or from the net operating revenues of user-fee based services (wastewater and water), then it can act as the financier in either a LID or advance financing agreement. It can also expect repayment from future payment of systems development charges. But the City must use its own cash to pay for construction of the improvements. No third-party lender would accept a promise of future SDC revenues to repay a debt because this stream of revenue is so unpredictable.

Revenue Bonds or Loans

Where the City charges monthly (or bimonthly) user fees for services, it has the ability to set those charges at a level that will pay all operating costs and pay the principal and interest (debt service) on a bond or loan. User fees provide a reliable stream of income that can be pledged to repay debts. Revenue collected for systems development charges can in part be applied to repay these debts. Specific laws guide the use of SDC revenues for this purpose. The City cannot levy a property tax to repay this debt.

General Obligation Bonds

Cities in Oregon can issue general obligation bonds only with the specific approval of voters at a general election and for a maximum specified amount and purpose. Revenue to repay this debt is primarily derived from a special property tax levy, though net income from user fees and SDC revenues may also be used to repay these debts.



Beavercreek Road Concept Plan

Envisioning a Complete and Sustainable Community

Concept Plan Report, Summary and Recommendations

Final Plan August 2008

This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), local government, and State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

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Beavercreek Road Concept Plan

Summary and Recommendations

Final Plan - August 2008

Funding provided by:

City of Oregon City

Oregon Department of Transportation -
Transportation and Growth Management Program

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B. Goals and Evaluation Criteria
C. Existing Conditions, Opportunities and Constraints Reports
    1. Land use
    2. Transportation
    3. Sustainability
    4. Market
    5. Natural resources
    6. Infrastructure
D. Focus Group Summaries
E. Summaries of Community Events
    1. Open House No. 1
    2. Design Workshop
    3. Open House No. 2
F. Alternatives Evaluation Report
G. Final Transportation Evaluation
H. Infrastructure Reports
    1. Water
    2. Sewer
    3. Storm Water/Water Quality
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J. Draft Code

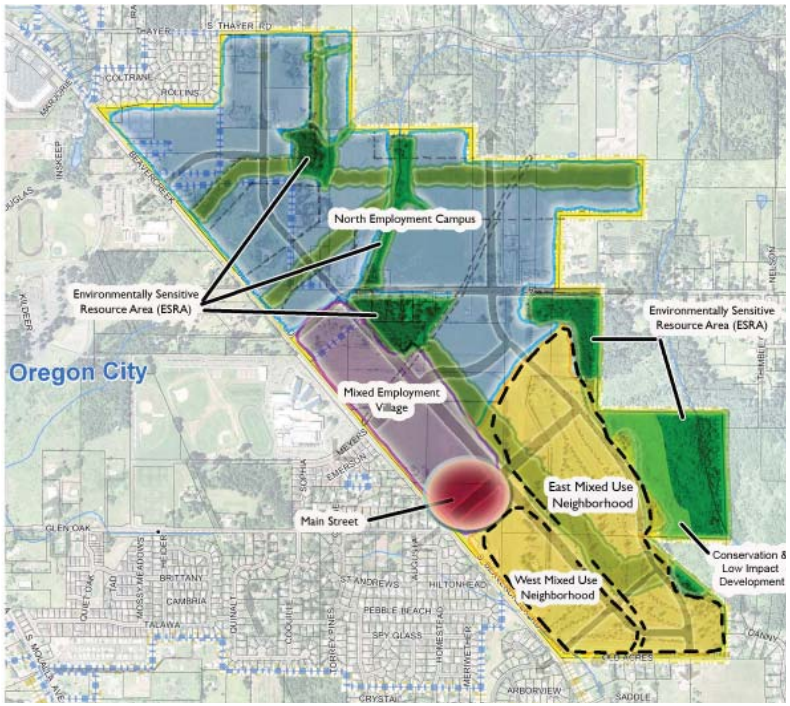
I. Introduction

Summary

The Beavercreek Road Concept Plan is a guide to the creation of a complete and sustainable community in southeast Oregon City. Most of the 453 acre site along Beavercreek Road was added to the regional urban growth boundary by Metro in 2002 and 2004. The plan envisions a diverse mix of uses (an employment campus north of Loder Road, mixed use districts along Beavercreek Road, and two mixed use neighborhoods) all woven together by open space, trails, a network of green streets, and sustainable development practices. Transit-oriented land uses have been strategically located to increase the feasibility of transit service in the future. The plan has been carefully crafted to create a multi-use community that has synergistic relationships with Clackamas Community College, Oregon City High School, and adjacent neighborhoods.

Key features of the Concept Plan are:

- *A complete mix of land uses, including:*
  - A North Employment Campus for tech flex and campus industrial uses, consistent with Metro requirements for industrial and employment areas.
  - A Mixed Employment Village along Beavercreek Road, between Meyers Road and Glen Oak Road, located as a center for transit-oriented densities, mixed use, 3-5 story building scale, and active street life.
  - A 10-acre Main Street area at Beavercreek Road and Glen Oak Road, located to provide local shops and services adjacent neighborhoods and Beavercreek sub-districts.
  - A West Mixed Use Neighborhood along Beavercreek Road, intended for medium to high density (R-2) housing and mixed use.
  - An East Mixed Use Neighborhood, intended for low density residential (R-5) and appropriate mixed use. The East Neighborhood has strong green edges and the potential for a fine grain of open space and walking routes throughout.



Proposed Land Use Sub-districts

- *Policy support for employment and program connections with Clackamas Community College.*
- *Sustainability strategies, including:*
  - Mixed and transit supportive land uses.
  - A sustainable stormwater management plan that supports low impact development, open conveyance systems, regional detention, and adequate sizing to avoid downstream flooding.
  - Green street design for all streets, including the three lane boulevard design for Beavercreek Road.
  - A preliminary recommendation supporting LEED certification or equivalent for all commercial and multi-family buildings, with Earth Advantage or equivalent certification for single family buildings. This recommendation includes establishment of a Green Building Work Group to work collaboratively with the private sector to establish standards.
  - Open spaces and natural areas throughout the plan. North of Loder Road, these include the power line corridors, the tributary to Thimble Creek, and a mature tree grove. South of Loder Road, these include an 18-acre Central Park, the east ridge area, and two scenic view points along the east ridge.
- *A trail framework that traverses all sub-districts and connects to city and regional trails.*
- *A street framework that provides for a logical and connected street pattern, parallel routes to Beavercreek Road, and connections at Clairmont, Meyers, Glen Oak, and the southern entrance to the site.*
- *A draft Beavercreek Road Zone development code to implement the plan.*

Purpose of this Report and Location of Additional Information

This report is a summary of the Plan, with emphasis on describing key elements and recommendations. Many of the recommendation are based on technical reports and other information that is available in the Technical Appendix to this report.

Beavercreek Road Concept Plan Area - Existing Conditions

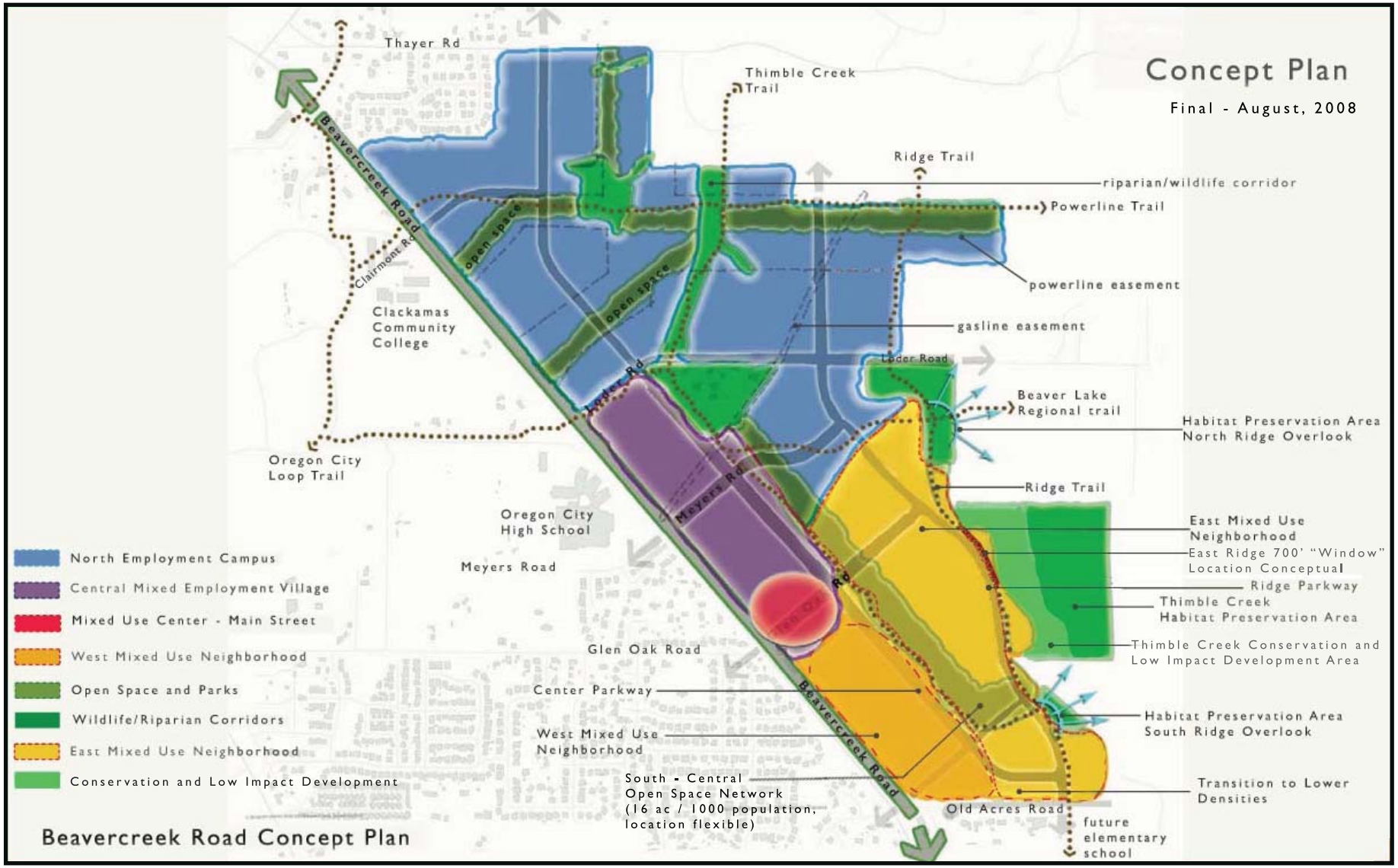


Figure 1 - Composite Concept Plan

II. Purpose and Process

The purpose of the Beavercreek Road Concept Plan is to provide a conceptual master plan to be adopted as an ancillary document to the City of Oregon City's Comprehensive Plan. As such, it provides a comprehensive and cohesive guide to future development, in three parts:

- Framework plan maps, goals and policies – These elements will be adopted as part of the Oregon City Comprehensive Plan. Compliance will be required for all land use permits and development.
- Ancillary report materials – The descriptive text, graphics and technical appendix of this report will be adopted as an "ancillary document" to the Comprehensive Plan, which provides "operational guidance to city departments in planning and carrying out city services" (Oregon City Comprehensive Plan, page 4). These documents include information for updating the City's utility master plans and Transportation System Plan.
- Draft development code – A working draft development code was prepared as part of the Concept Plan. Once final, it will be adopted as part of the Oregon City Code. Compliance will be required for all land use permits and development. The Beavercreek Zone code relies on master planning to implement the concepts in the Plan.

The Concept Plan was developed by a 15-member Citizen Advisory Committee (CAC) and 9-member Technical Advisory Committee (TAC) (see Project Participants list at the beginning of this report). The committees met twelve times between June 2006 and July 2007.

Design Workshop Participants

In addition to the Committee meetings, additional process steps and community involvement included:

- Study area tour for CAC and TAC members
- Two public open houses
- Market focus group
- Sustainability focus group
- Employment lands coordination with Metro
- Community design workshop
- Website
- Project posters, site sign, email notice, and extensive mailing prior to each public event

The major steps in the process were:

- Inventory of base conditions, opportunities, constraints for land use, transportation, natural resources, market conditions, infrastructure and sustainability.
- Establishment of project goals.
- Extensive discussion of employment lands questions: how much, what type and where?
- Following the community workshop, preparation of three alternative concept plans (sketch level), addition of a fourth plan, prepared by a CAC member, and narrowing of the alternatives to two for further analysis.
- Evaluation of the alternatives (including transportation modeling) and preparation of a hybrid Concept Plan (framework level).
- Preparation of detailed plans for water, sewer, storm water, and transportation facilities.
- Preparation of a draft development code.
- Committee action to forward the Concept Plan package to the Planning Commission and City Commission.

For additional information please see Technical Appendix, Sections A, D, E, and F.

Design Workshop Plan

III. Vision, Goals and Principles

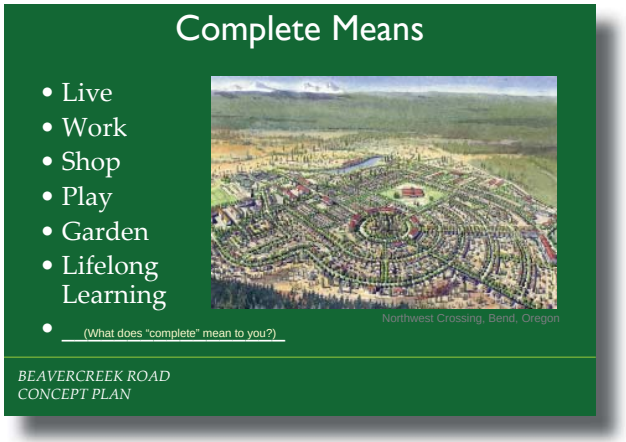
The overall vision for the Beavercreek Concept Plan is to create "A Complete and Sustainable Community". The images shown on this page were displayed throughout the process to convey the project's intent for this vision statement.

Regarding the meaning of sustainability, the vision statement is based in part on the definition of sustainability originally developed by the United Nations Brandtland Commission: "A sustainable society meets the needs of the present without sacrificing the ability of future generations to meet their own needs".

The following project goals were developed by the Citizen Advisory Committee. The Committee also added objectives to each of the goals – please see Appendix 1 for the objectives.

The Beavercreek Road Concept Plan Area will:

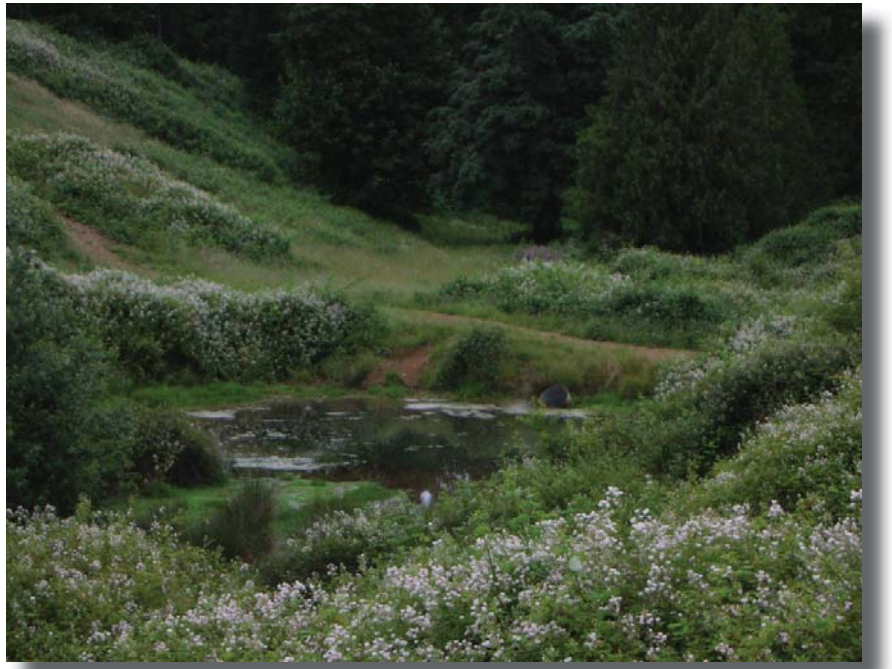
- Create a complete and sustainable community, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center;
- Be a model of sustainable design, development practices, planning, and innovative thinking;
- Attract "green" jobs that pay a living wage;
- Maximize opportunities for sustainable industries that serve markets beyond the Portland region and are compatible with the site's unique characteristics;
- Incorporate the area's natural beauty into an ecologically compatible built environment;
- Provide multi-modal transportation links (such as bus routes, trails, bike-ways, etc.) that are connected within the site as well as to the surrounding areas;



- Implement design solutions along Beavercreek Road that promote pedestrian safety, control traffic speeds and access, and accommodate projected vehicular demand;
- Promote connections and relationships with Oregon City High School and Clackamas Community College;
- Have a unique sense of place created by the mix of uses, human scale design, and commitment to sustainability; and
- Ecological Health – Manage water resources on site to eliminate pollution to watersheds and lesson impact on municipal infrastructure by integrating ecological and man-made systems to maximize function, efficiency and health.

The following 10 Principles of Sustainable Community Design were submitted by a CAC member, supported by the committee, and used throughout the development of the Concept Plan:

1. Mix Land Uses - Promote a mix of land uses that support living wage jobs and a variety of services.
2. Housing Types - Create a range of housing choices for all ages and incomes.
3. Walk-ability - Make the Neighborhood "walkable" and make services "walk-to-able."
4. Transportation - Provide a range of transportation options using a connected network of streets and paths.
5. Open Space - Protect and maintain a functioning green space network for a variety of uses.
6. Integrate Systems - Integrate ecological and man-made systems to maximize function, efficiency and health.
7. Watershed Health - Manage water resources on site to eliminate pollution to watershed and lesson impact on municipal infrastructures.
8. Reuse, Recycle, Regenerate - Reuse existing resources, regenerate existing development areas
9. Green Buildings - Build compact, innovative structures that use less energy and materials
10. Work Together - Work with community members and neighbors to design and develop.



Thimble Creek Tributary

gional and Local Context

ercreek Road Concept Plan area is 453 acres of land located
theast edge of Oregon City and the Urban Growth Boundary
marks a transition point between the City's current edge of
on and rural and resource lands to the south and east.

ity of the site (245 acres) was added to the Metro UGB in
2002 and an additional 63 acres were added to the UGB in
remaining site acreage was in the UGB and/or the Oregon
prior to 2002. The Concept Plan area carries Metro design type
ns of Employment, Industrial, and Outer Neighborhood on
n 2040 Growth Concept Map. The properties with the Outer
hood designation have been in the UGB since 1980. Employment
e areas, as defined by Metro, allow various types of employment
residential development and limited commercial uses. Industrial
e areas are set aside by Metro primarily for industrial activities
ed supporting uses.

e update of Oregon City's Comprehensive Plan, a policy was
cknowledging the jobs-related importance of the site to Oregon
he region, while also allowing some flexibility in the project area's
Comprehensive Plan policy 2.6.8 states:

ands east of Clackamas Community College that are designated
Urban Holding to be the subject of concept plans, which is
as an amendment to the Comprehensive Plan, would guide
signations. The majority of these lands should be designated in
that encourages family-wage jobs in order to generate new jobs
towards meeting the City's employment goals."

There are relatively limited employment centers within this area of Oregon City and Clackamas County. This imbalance of jobs and hous contributes to Clackamas County's pattern of approximately 60% of t work force traveling outside of the County to work.

The site is surrounded by residential and undeveloped properties with the city limits, including the Hamlet of Beavercreek, and rural Clacka County. The nearest commercial area is the Berry Hill Shopping Cente the intersection of Beavercreek Road and Highway 213. Clackamas Co College (CCC) and Oregon City High School are across Beavercreek R adjacent to the site. These institutional uses offer a unique opportunity plan synergistic land uses that connect the properties, reinforce an ide for the area, and help localize trips. A Tri-Met transit hub is located on CCC property.

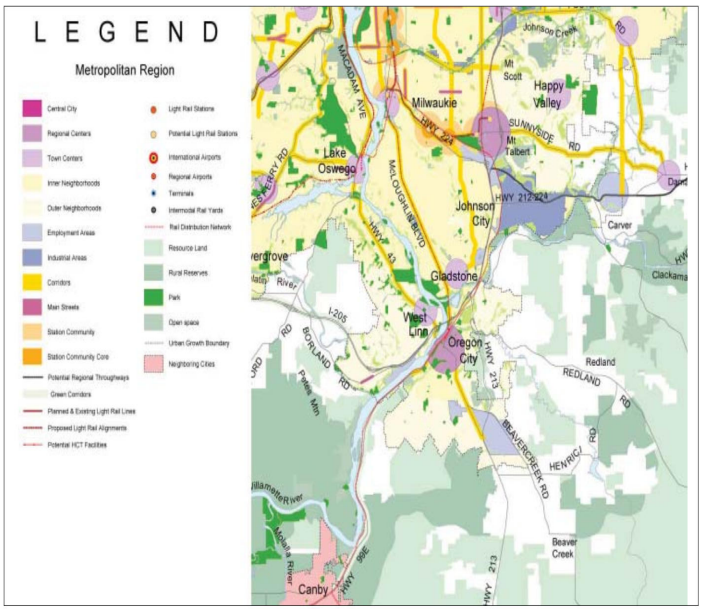


Figure 2 - Regional C

Like all additions to the Portland Metropolitan Area Urban Growth Boundary, the Beavercreek Road area is inextricably tied to it's place in the region and its place within Oregon City. The Concept Plan responds to this context in multiple ways.

From a regional perspective, the Beavercreek Road area is currently a transition point from urban to rural use. Whether this "hard line" of transition will remain in the future cannot be established with certainty. The CAC openly acknowledged this issue in its discussions and sought to balance the needs of creating a great urban addition to Oregon City with sensitivity to adjacent areas. Examples of this balance include:

- The plan has land use and transportation connections that support future transit. This will link the Beavercreek Road area, via alternative transportations, to Clackamas Community College (CCC), the Oregon City Regional Center (downtown and adjacent areas) and the rest of the region.
- Trails and green spaces have been crafted to link into the broader regional network.
- The plan recommends lower densities and buffer treatments along Old Acres Road.
- The north south collector roads are coalesced to one route that could (if needed) be extended south of Old Acres Road.
- The recommended street framework provides for a street that parallels Beavercreek Road, connecting Thayer Road to Old Acres Road, and potentially north and south in the future. This keeps options open: if the UGB extends south, the beginning of a street network is in place. If it does not, the connection is available for rural to urban connectivity if desired.
- As with the street network described above, the East Ridge trail is extended all the way to Old Acres Road, and therefore, potentially beyond.

This will provide a connection from rural areas to the open spaces and trail network of Beavercreek Road area and the rest of the region.

From a City and local neighborhood perspective, the Beavercreek Road area offers an opportunity to establish a new complete and sustainable community within Oregon City. Specific linkages include the following:

- Oregon City needs employment land. The Beavercreek Concept Plan provides 156 net acres of it in two forms: 127 net acres of tech flex campus industrial land, 29 acres of more vertical mixed use village and main street. Additional employment will be available on the Main Street and as mixed use in the two southern neighborhoods.
- The street framework connects to all of the logical adjacent streets. This includes Thayer, Clairmont, Meyers, Glen Oak, and Old Acres Roads. This connectivity will disperse traffic to many routes, but equally important, make Beavercreek Road connected to, rather than isolated from, adjacent neighborhoods, districts and corridors.
- The plan provides for a complete community: jobs, varied housing, open space, trails, mixed use, focal points of activity, trails, and access to nature.
- The plan provides for a sustainable community, in line with the City's

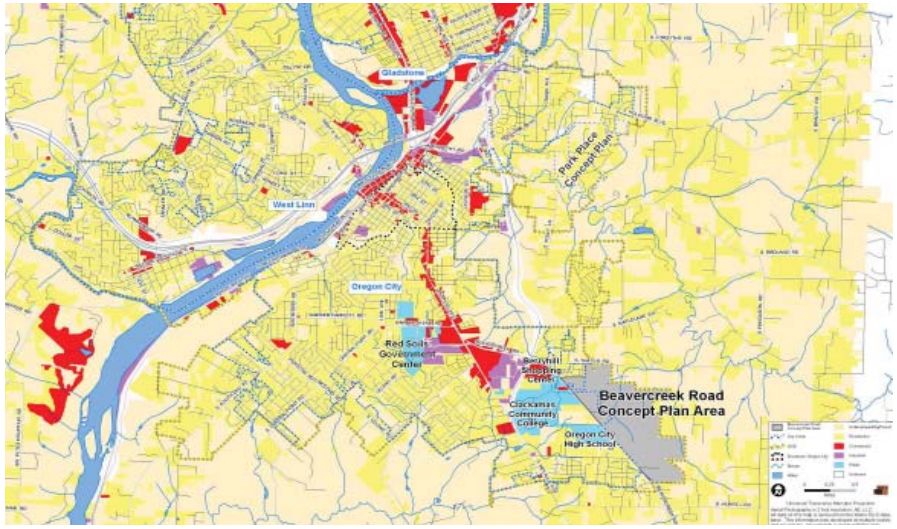


Figure 3 - Oregon City Context

Comprehensive Plan support for sustainability. This takes the form of mixed land uses, transportation options, green streets, sustainable storm water systems, and LEED or equivalent certification for buildings. Much more can certainly be done – the Concept Plan offers an initial platform to work from.

- Physical linkages have been provided to Oregon City High School and Clackamas Community College. These take the form of the planned 3-lane green street design for Beavercreek Road and the intersections and trails at Clairmont, Loder and Meyers Roads. The physical linkages are only the beginning – the City, School District and College need to work together to promote land uses on the east side of Beavercreek Road that truly create an institutional connection.

For additional information, see Existing Conditions, Opportunities and Constraints Reports, Technical Appendix C.

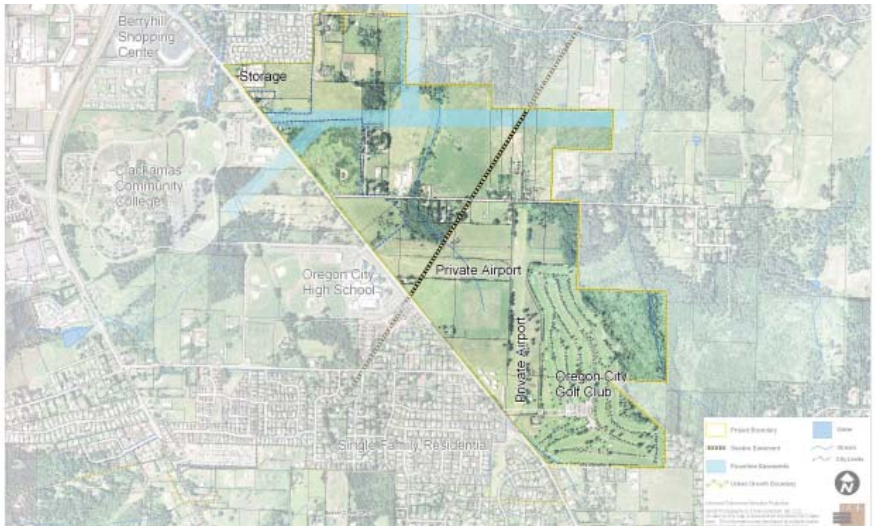


Figure 4 - Existing Conditions

Site Conditions and Buildable Lands

A portion of the study area (approximately 50 acres) is currently within the existing city limits and zoned Campus Industrial (CI). The study area's northern boundary is Thayer Road and the southern boundary is Old Acres Lane. Loder Road is the only existing road that runs through the project area.

Currently, the project area is largely undeveloped, which has allowed the site to retain its natural beauty. There are 448 gross acres in the project area, not including the right-of-way for Loder Road (approximately five acres). The existing land uses are primarily large-lot residential with agricultural and undeveloped rural lands occupying approximately 226 acres of the project area. The Oregon City Golf Club (OCGC) and private airport occupy the remaining 222 acres.

There are several large power line and natural gas utility easements within the project boundaries. These major utility easements crisscross the northern and central areas of the site. The utility easements comprise approximately 97 acres or 20% of the project area.

There are 51 total properties ranging in size from 0.25 acres to 63.2 acres. Many of these properties are under single ownership, resulting in only 42 unique property owner names (Source: Clackamas County Assessor). There are several existing homes and many of the properties have outbuildings such as, sheds, greenhouses, barns, etc. , which result in 127 existing structures on the site (Source: Clackamas County Assessor).

A key step in the concept planning process is the development of a Buildable Lands Map. The Buildable Lands Map was the base map from which the concept plan alternatives and the final recommended plan were. "Buildable" lands, for the purpose of the Beavercreek Road Concept Plan, are defined as the gross site area minus wetlands, steep slopes, other Goal 5 resources, public utility easements, road rights-of-way, and committed properties (developed properties with an assessed improvement value

greater than $350,000). Properties with an assessed improvement value of less than$350,000 (based on County assessment data) are considered redevelopable over the long-term as the existing structures are converted to higher value uses. The OCGC has an improvement value over $350,000, but has been included as buildable lands (minus the clubhouse) because the owners may wish to redevelop the property in coordination with the recommended concept plan over time. The private airport has also been included as buildable over the long-term, recognizing that the owners may choose to continue the airport's use for many years.

When land for power lines, the natural gas line, natural resources, and committed structures are removed the net draft buildable acreage is approximately 292 acres. The CAC reviewed the Preliminary Buildable Lands map and approved a three-tier system to define the buildable lands. Tier A or "Unconstrained" has approximately 292 acres, Tier B or "Low Impact Development Allowed with Review" has approximately 28 acres, and Tier C "Constrained" has approximately 131 acres. The "Low Impact" area was later further evaluated and recommended for conservation under a Environmentally Sensitive and Resource Area designation on the plan.

The Buildable Lands Map was reviewed at the July 20th and August 17th Citizen and Technical Advisory Committee (CAC/TAC) meetings, as well as at the August 24th, 2006 Open House. The draft buildable land boundaries and acreages shown in Figure 6 reflect the input received from the advisory committee members, property owners, and citizen input.

For additional information, see Existing Conditions, Opportunities and Constraints Reports, Technical Appendix C.

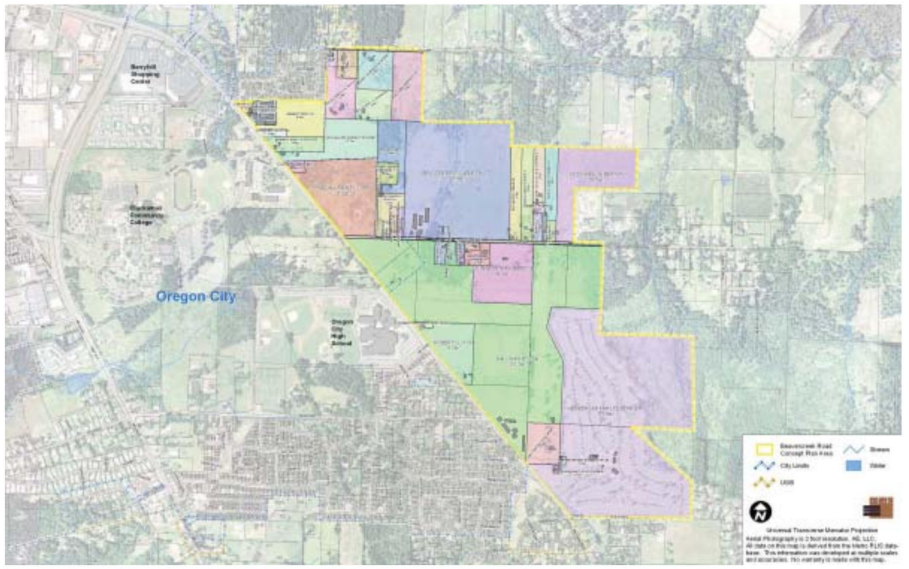


Figure 5 - Ownerships

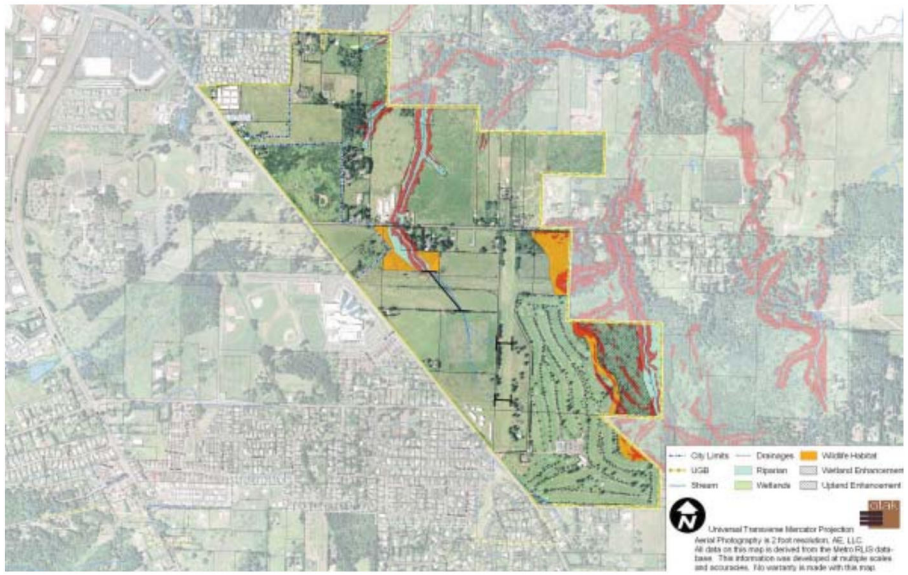


Figure 6 - Natural Resource Inventory

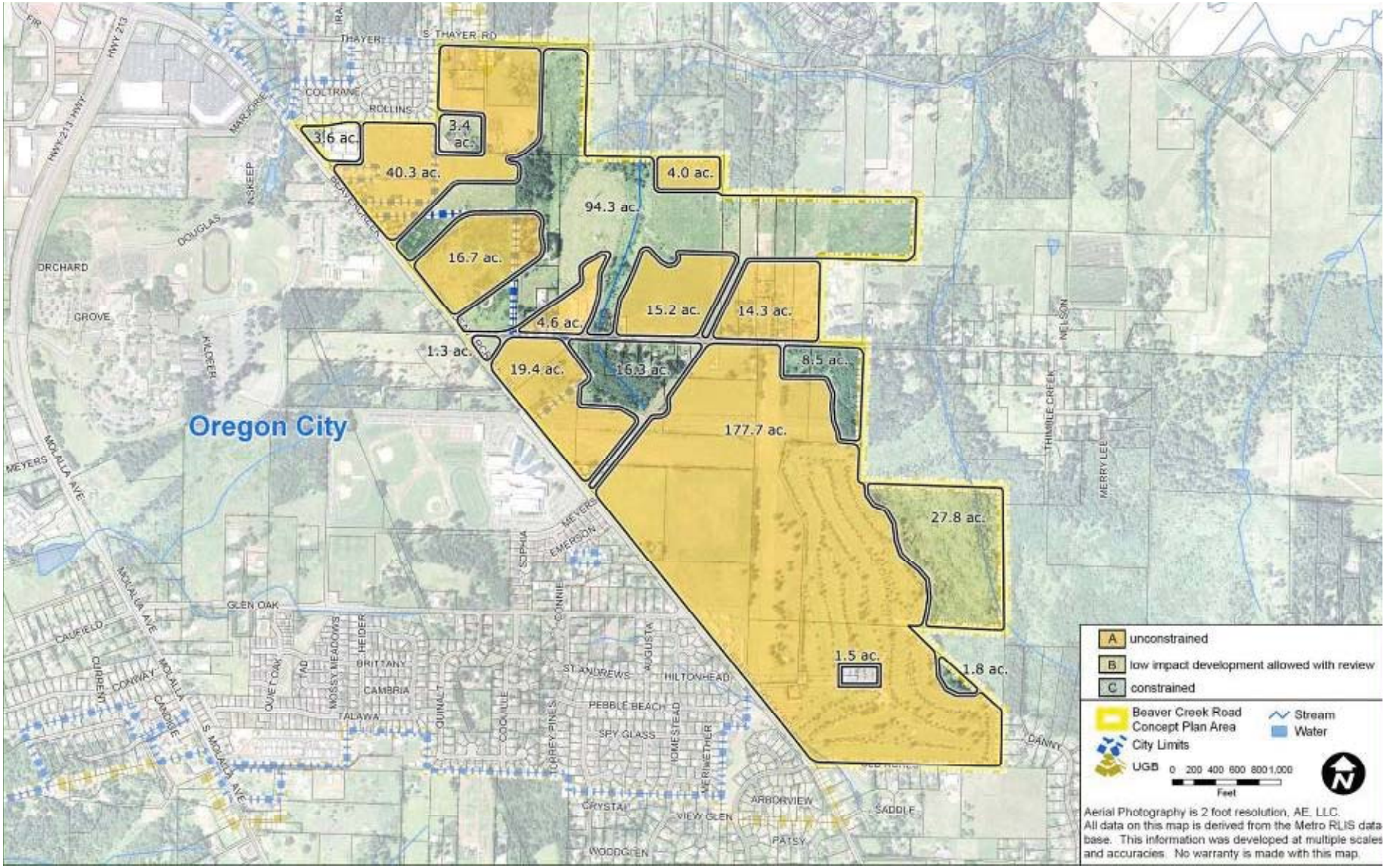


Figure 7 - Buildable Lands

Employment – A Key Issue

How much employment? What type? And where? These questions were extensively discussed during the development of the Concept Plan. Three perspectives emerged as part of the discussion:

Oregon City Perspective

Prior to initiating the Concept Plan process, the City adopted a comprehensive plan policy which emphasizes family wage employment on the site. The policy reads: "Require lands east of Clackamas Community College that are designated as Future Urban Holding to be the subject of concept plans, which is approved as an amendment to the Comprehensive Plan, [and will] guide zoning designations. The majority of these lands should be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the City's employment goals." Oregon City Comprehensive Plan, Policy 2.6.8.

Metro Perspective

Metro brought the majority of the concept plan area (245 gross acres) into the UGB in 2002 and 2004 to fulfill regional industrial employment needs. These areas (308 gross acres) are designated as the Industrial Design Type on Metro's 2040 Growth Concept Map. As part of its land need metrics reported to the region and state, Metro estimated 120 net acres of the Beavercreek Road Concept Plan's land would be used for employment uses. Metro representatives met with the Concept Plan CAC and emphasized: (1) it was important to Metro for the Concept Plan to fulfill their original intent for providing Industrial land; and, (2) that there was flexibility, from Metro's perspective, for the local process to evaluate creative ways to meet that intent.

Citizen Advisory Committee Perspective

The CAC discussed extensively the issues and options for employment lands. Many sources of information were consulted: a market analysis by ECONorthwest (See Appendix __), a developer focus group, land inventory and expert testimony submitted by property owners, the Metro perspective cited above, and concerns of neighbors. The advice ranged from qualified optimism about long term employment growth to strong opposition based on shorter term market factors and location considerations. Some members of the CAC advocated for a jobs target (as opposed to an acreage target) to be the basis for employment planning.

At it's meeting on September 14th, 2006, the CAC developed a set of "bookends" for the project team to use while creating the plan alternatives.

a. At least one plan alternative will be consistent with the Metro Regional Growth Concept.

b. At least one plan alternative (may be the same as above) would be designed consistent with Policy 2.6.8.

c. Other alternatives would have the freedom to vary from "a" and "b" above, but would also include employment.

d. No alternative would have heavy industrial, regional warehousing or similar employment uses".

After evaluating alternatives, the CAC ultimately chose a hybrid employment strategy. The recommended Concept Plan includes: (1) about 127 net acres of land as North Employment Campus, which is consistent with Metro's intent and similar to Oregon City's Campus Industrial designation; (2) about 29 acres as Mixed Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub; and, (3) mixed use neighborhoods to the south that also provide for jobs tailored to their neighborhood setting.

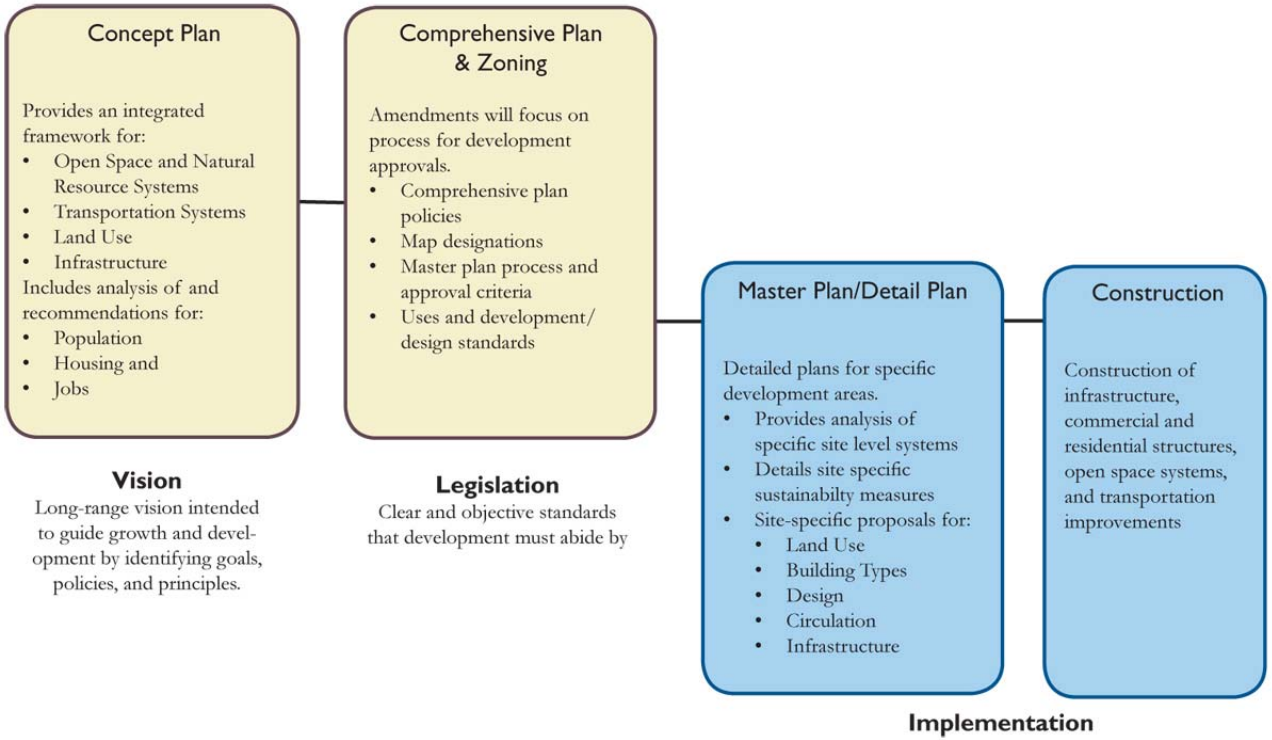
V. Concept Plan Summary

The Framework Plan Approach

The Beavercreek Road Concept Plan is a framework for a new, urban community. The plan is comprised of generalized maps and policies that integrate land use, transportation, open space, and green infrastructure. The framework maps and policies are supported by detailed code and requirements for master planning and design review. The approach here is to set the broad framework and intent on the figures and text in this Plan. Detailed development plans demonstrating compliance with the Concept Plan are required in the implementing code.

The framework plan approach is intended to:

- Ensure the vision, goals and standards are requirements in all land use decisions
- Provide for flexibility in site specific design and implementation of the Plan and code
- Allow for phased development over a long period of time (20+ years)



The code describes many detailed requirements such as street connectivity, block configuration, pocket parks, building scale, pedestrian connections, low impact development features, tree preservation, and sustainable buildings. These design elements will be essential to the success of the area as a walkable, mixed use community. The expectation of this Plan is that the flexibility is coupled with a high standard for sustainable and pedestrian-oriented design.

Land Use Sub-Districts

Figure 8 illustrates the five land-use "sub-districts" of the concept plan area. Each has a specific focus of land use and intended relationship to its setting and the plan's transportation and open space systems. Each is briefly described below and illustrated on Figures 9 through 12.

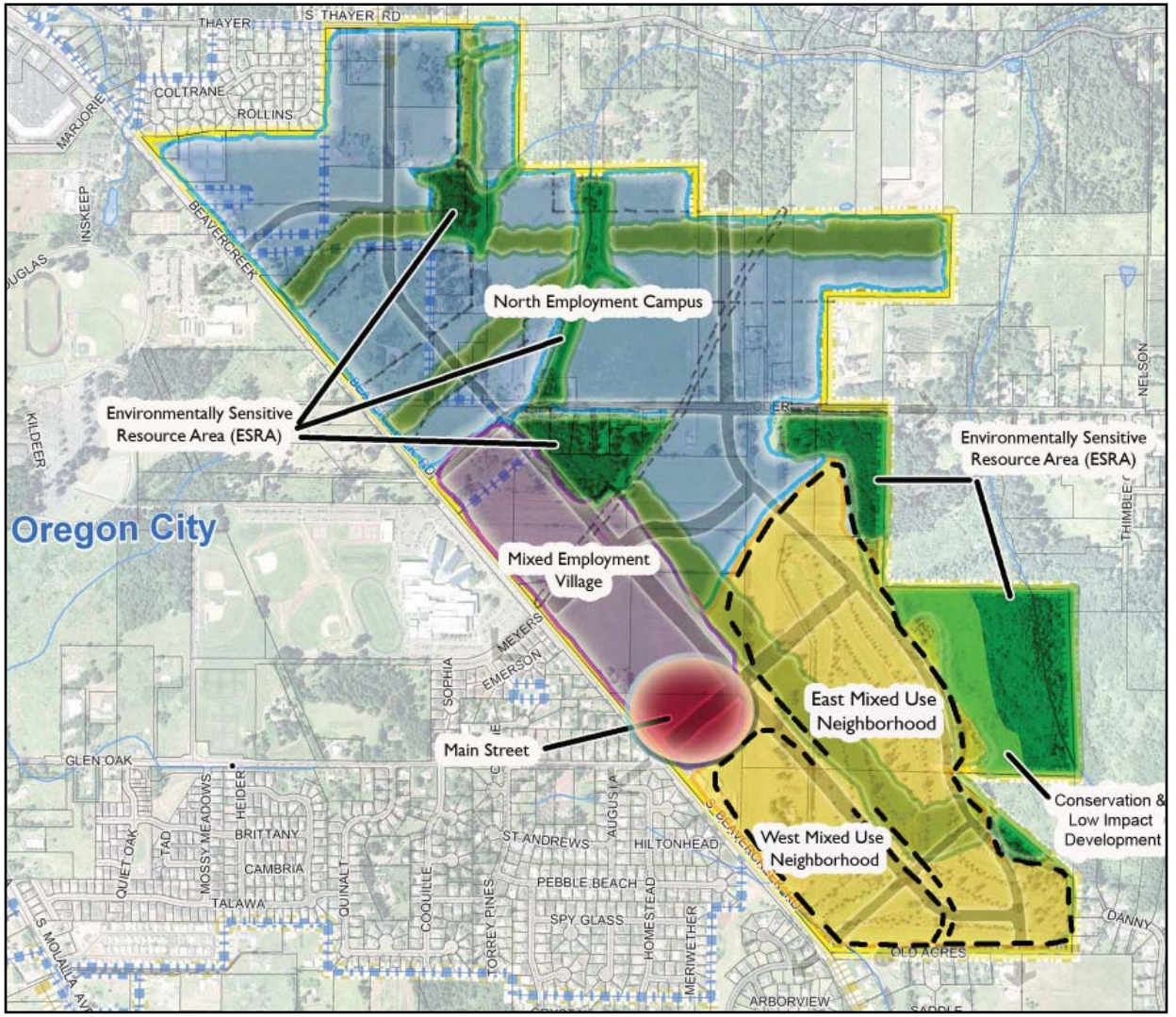


Figure 8 - Land Use Sub-districts

North Employment Campus – NEC

The purpose of the North Employment Campus is to provide for the location of family wage employment that strengthens and diversifies the economy. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of sites for employment by limiting incompatible uses. The sub-district is intended to comply with Metro's Title 4 regulations. Site and building design will create pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College (CCC) are encouraged to help establish a positive identity for the area and support synergistic activity between CCC and NEC properties. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beavercreek Road area.

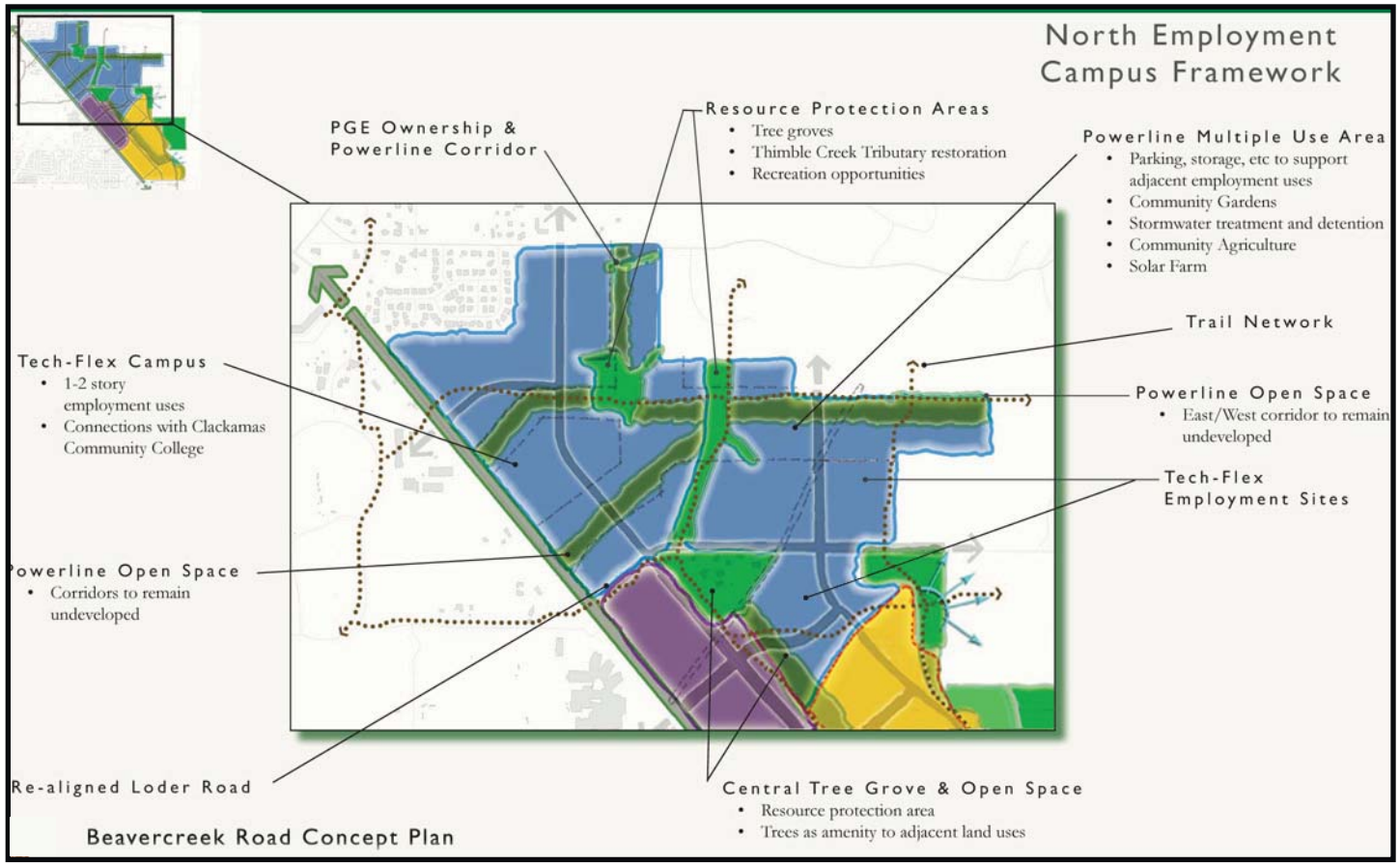


Figure 9 - North Employment Campus Framework

Mixed Employment Village – MEV

The purpose of the Mixed Employment Village is to provide employment opportunities in an urban, pedestrian friendly, and mixed use setting. The MEV is intended to be transit supportive in its use mix, density, and design so that transit remains an attractive and feasible option. The MEV allows a mix of retail, office, civic and residential uses that make up an active urban district and serve the daily needs of adjacent neighborhoods and Beavercreek Road sub-districts. Site and building design will create pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College and Oregon City High School are encouraged. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beavercreek Road area.

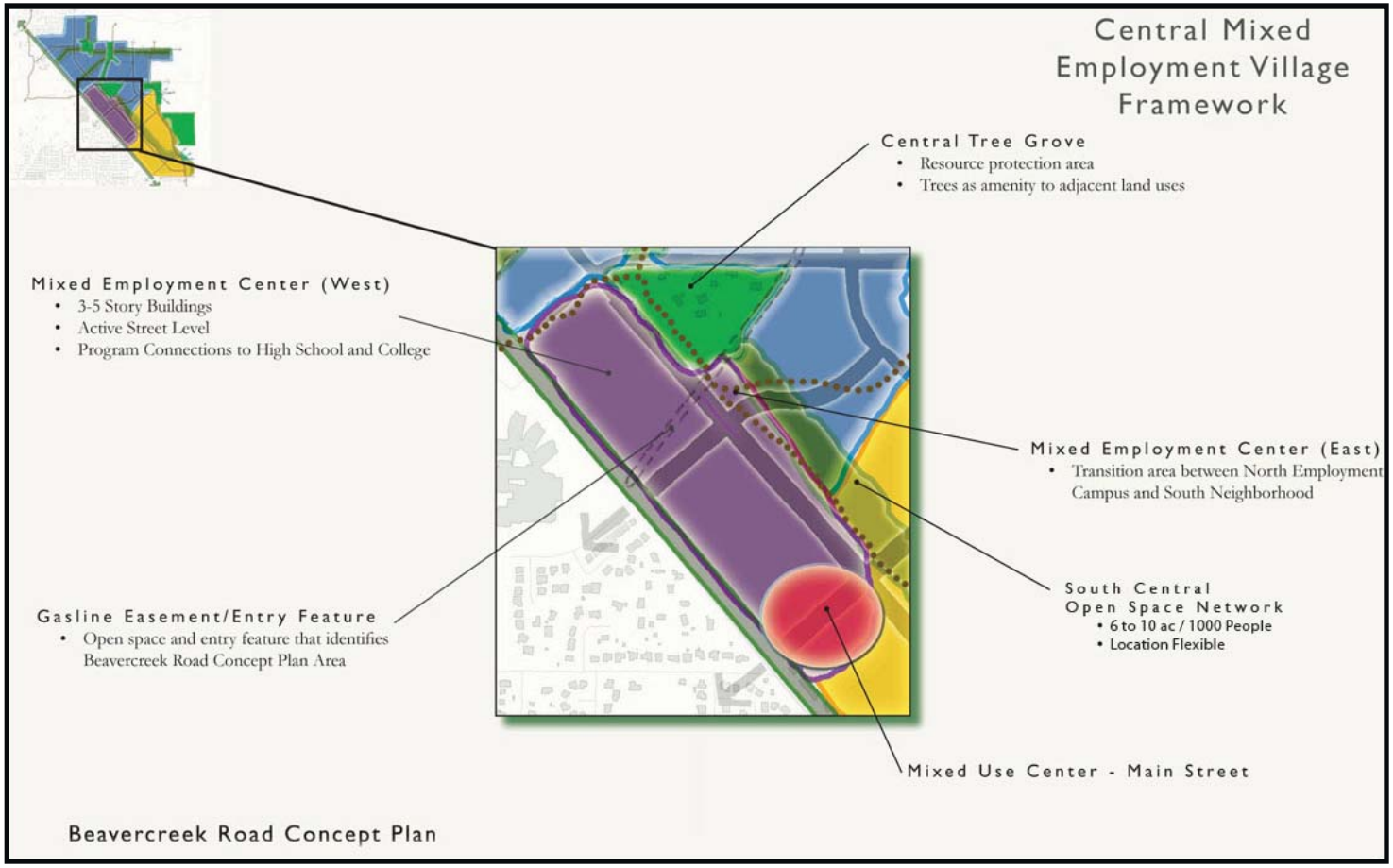


Figure 10 - Central Mixed Employment Village Framework

Main Street – MS

The purpose of this small mixed-use center is to provide a focal point of pedestrian activity. The MS allows small scale commercial, mixed use and services that serve the daily needs of the surrounding area. "Main Street" design will include buildings oriented to the street, an minimum of 2 story building scale, attractive streetscape, active ground floor uses and other elements that reinforce pedestrian oriented character and vitality of the area.

Figure 11 - Main Street Framework

West Mixed Use Neighborhood – WMU

The West Mixed Use Neighborhood will be a walkable, transit-oriented neighborhood. This area allows a transit supportive mix of housing, live/work units, mixed use buildings and limited commercial uses. A variety of housing and building forms is required, with the overall average of residential uses not exceeding 22 dwelling units per acre. The WMU area's uses, density and design will support the multi-modal transportation system and provide good access for pedestrians, bicycles, transit and vehicles. Site and building design will create a walkable area and utilize cost effective green development practices.

East Mixed Use Neighborhood – EMU

The East Mixed Use Neighborhood will be a walkable and tree-lined neighborhood with a variety of housing types. The EMU allows for a variety of housing types while maintaining a low density residential average not exceeding densities permitted in the R-5 zone. Limited non-residential uses are permitted to encourage a unique identity, sustainable community, and in-home work options. The neighborhood's design will celebrate open space, trees, and relationships to public open spaces. The central open space, ridge open space scenic viewpoints, and a linked system of open spaces and trails are key features of the EMU. Residential developments will provide housing for a range of income levels, sustainable building design, and green development practices.

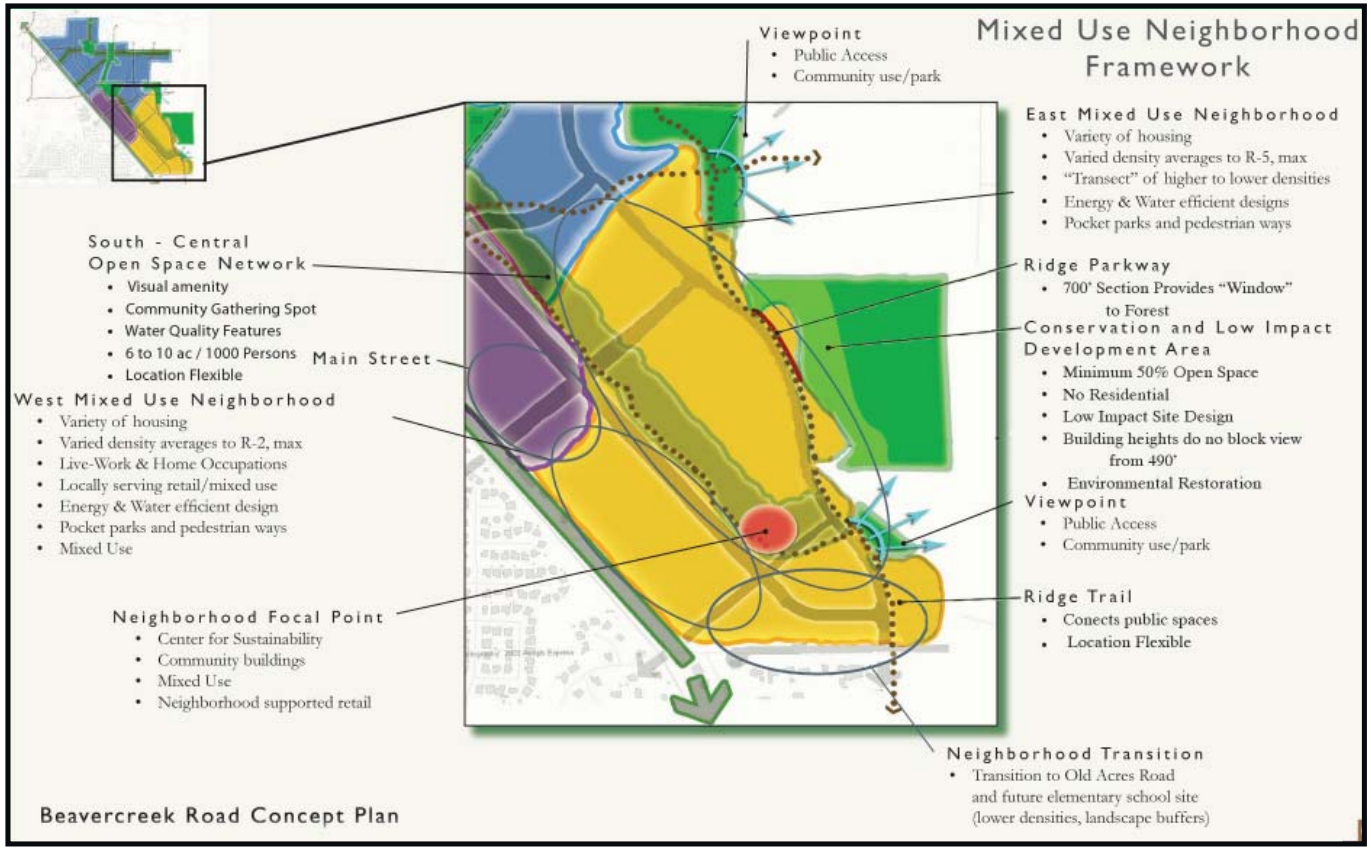


Figure 12 - West and East Mixed Use Neighborhoods

Open Space

The Open Space Framework illustrated on Figure 13 provides a network of green spaces intended to provide:

- A connected system of parks, open spaces and natural areas that link together and link to the Environmentally Sensitive Resource Areas.
- Scenic and open space amenities and community gathering places
- Access to nature
- Tree and natural area preservation
- Locations where storm water and water quality facilities can be combined with open space amenities, and opportunities to implement sustainable development and infrastructure
- Green spaces near the system of trails and pedestrian connections
- Open spaces which complement buildings and the urban, built environment

Power Line Open Spaces

The power line corridors and gas line corridor comprise 97 acres of land. The power line corridors north of Loder Road are a dominant feature. They are a dominant feature because they define open corridors and have a significant visual impact related to the towers. They also have a influence on the pattern of land use and transportation connections. In response to these conditions, the Concept Plan includes four main strategies for the use of the power line corridors:

- Provide publicly accessible open spaces. The implementing code includes a minimum 100 foot-wide open space and public access easement would be required at the time of development reviews, or, obtained through cooperative agreements with the utilities and property owners.
- Provide trails. A new east-west trail is shown on Figure 13 that follows the main east-west corridor. This corridor has outstanding views of Mt. Hood.
- Allow a broad array of uses. Ideas generated by the CAC, and permitted by the code, include: community gardens, urban agriculture, environmental science uses by CCC, storage and other "non-building" uses by adjacent industries, storm water and water quality features, plant nurseries, and solar farms.
- Link to the broader open space network. The power line corridors are linked to the open spaces and trail network in the central and southern areas of the plan.

South-Central Open Space Network

Park spaces in the central and southern areas of the plan will be important to the livability and sustainability goals for the plan. The basic concept is to assure parks are provided, provide certainty for the total park acreage, guide park planning to integrate with other elements, and provide flexibility for the design and distribution of parks.

The following provisions will apply during master planning and other land use reviews:

- Park space will be provided consistent with the City's Park and Recreation Master Plan standard of 6 to 10 acres per 1000 population.
- The required acreage may be proposed to be distributed to a multiple park spaces, consistent with proposed land uses and master plan design.
- A central park will be provided. The location and linearity of the park was first indicated by Metro's Goal 5 mapping. It was illustrated by several citizen groups during the design workshop held in October, 2006. This open space feature is intended as a connected, continuous and central green space that links the districts and neighborhoods south of Loder Road. The code provides for flexibility in its width and shape, provided there remains a clearly identifiable and continuous open space. It may be designed as a series of smaller spaces that are clearly connected by open space. It may be designed

as a series of smaller spaces that are clearly connected by open space. If buildings are incorporated as part of the central park, they must include primary uses which are open to the public. Civic buildings are encouraged adjacent to the central park. Streets may cross the park as needed. The park is an opportunity to locate and design low impact storm water facilities as an amenity for adjacent urban uses.

East Ridge

The East Ridge is a beautiful edge to the site that should be planned as a publicly accessible amenity and protected resource area. The natural resource inventory identified important resources and opportunities for habitat restoration in the riparian areas of Thimble Creek. In addition, Lidar mapping and slope analysis identified steeper slopes (greater than 15%) that are more difficult to develop than adjacent flat areas of the concept plan. The sanitary sewer analysis noted that lower areas on the east

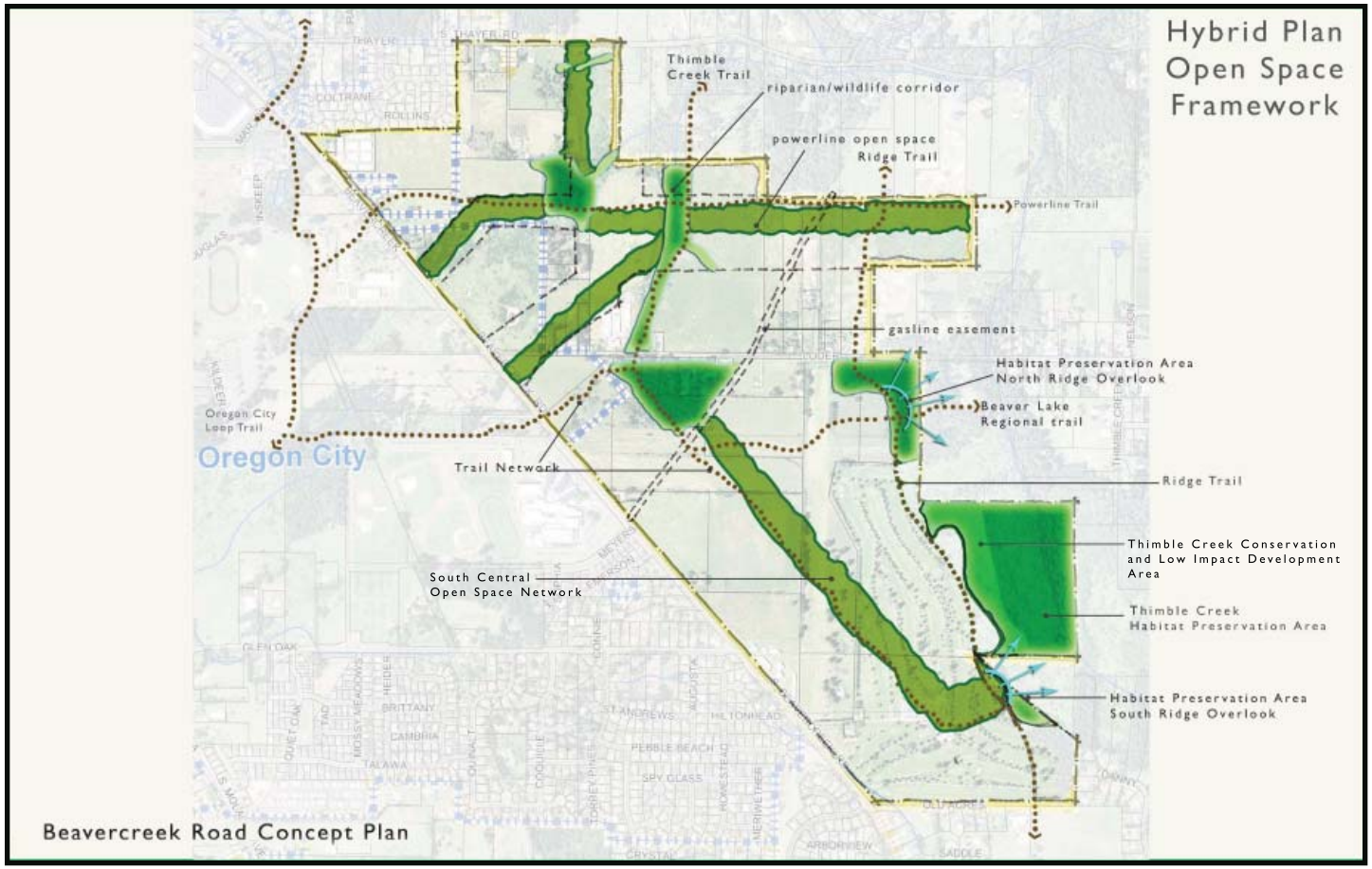


Figure 13 - Open Space Framework

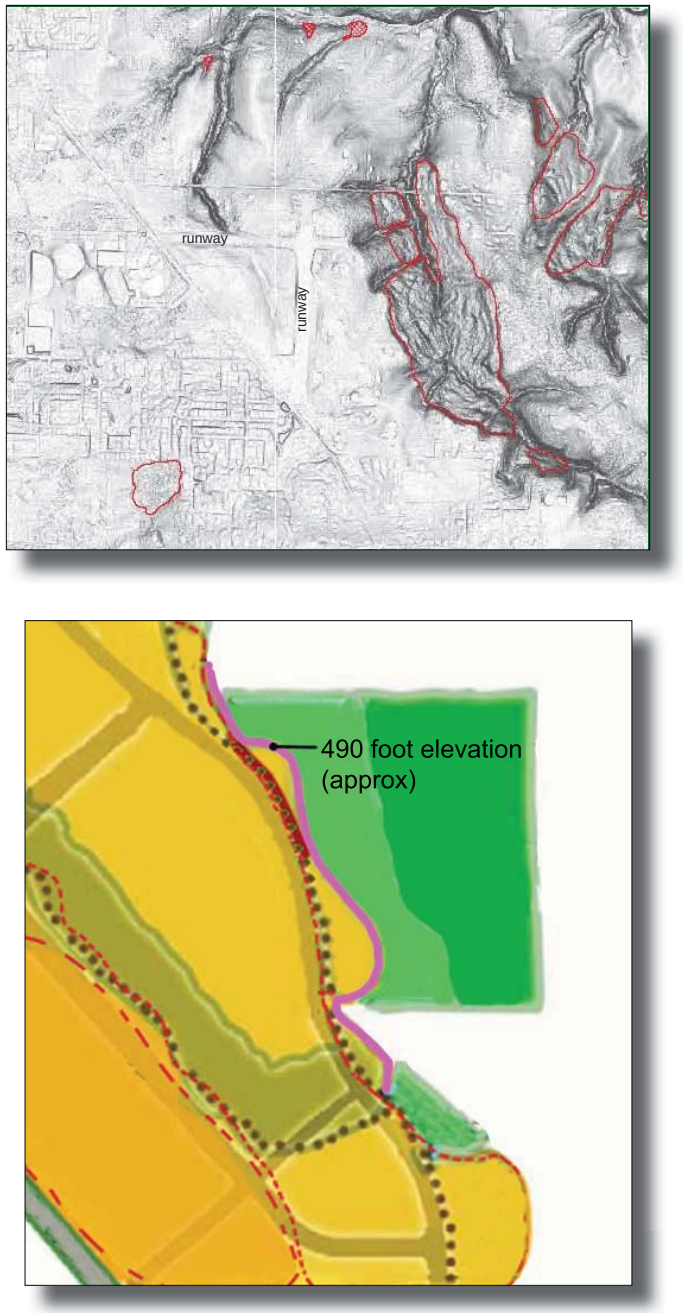


Figure 13A - East Ridge Lidar and 490 foot elevation

ridge could not be readily served with gravity systems - they would require private pump facilities. For all of these reasons, it is recommended here that an East Ridge open space and conservation area be designated.

The plan and code call for:

- Establishing the Class I and II Riparian area (per Metro mapping) plus 200 feet as a protected open space area. No development is permitted, except for very limited uses such as trails.
- Between the west edge of the above referenced protected open space area and the 490 foot elevation (MSL), establish a conservation area within which the following provisions apply:

  a. A minimum of 50% of the conservation area must be open space. No residential uses are permitted.

  b. All development must be low impact with respect to grading, site design, storm water management, energy management, and habitat.

  c. Building heights must not obscure views from the 490 foot elevation of the ridge.

  d. Open space areas must be environmentally improved and restored.

- Establishing a limit of development that demarks the clear edge of urban uses and a "window" to adjacent natural areas. In the central area of the est ridge, the "window" must be a minimum of 700 feet of continuous area and publicly accessible. The specific location of the "window" is flexible and will be establishing as part of a master plan.
- Creating two scenic view points that are small public parks, located north and south of the central area.
- Creating an East Ridge Trail - the location of the trail is flexible and will be established during master planning. It will be located so as to be safe, visible, and connect the public areas along the ridge. Along the "window" area described above, it will be coordinated with the location of the adjacent East Ridge Parkway.

Transportation

In summary, the key elements of the Concept Plan transportation strategy are to:

- Plan a mixed use community that provides viable options for internal trip making (i.e. many daily needs provided on-site), transit use, maximized walking and biking, and re-routed trips within the Oregon City area.
- Improve Beavercreek Road as a green street boulevard.
- Create a framework of collector streets that serve the Beavercreek Road Concept Plan area.
- Require local street and pedestrian way connectivity.
- Require a multimodal network of facilities that connect the Beavercreek Road Concept Plan area with adjacent areas and surrounding transportation facilities.
- Provide an interconnected street system of trails and bikeways.
- Provide transit-attractive destinations.
- Provide a logical network of roadways that support the extension of transit services into the Beavercreek Road Concept Plan area.
- Use green street designs throughout the plan.
- Update the Oregon City Transportation System Plan to include the projects identified in the Beavercreek Road Concept Plan, provide necessary off-site improvements, and, assure continued compliance with Oregon's Transportation Planning Rule.

Streets

Figure 14 illustrates the street plan. Highlights of the plan include:

- *Beavercreek as a green boulevard.* The cross-section will be a 5 lane arterial to Clairmont, then a 3 lane arterial (green street boulevard) from Clairmont to UGB. The signalization of key intersections is illustrated on the Street Plan.
- *Center Parkway as a parallel route to Beavercreek Road.* This new north-south route provides the opportunity to completely avoid use of Beavercreek Road for trips between Old Acres and Thayer Road. This provides a much-needed separation of local and through trips, as well as an attractive east-side walking and biking route. Major cross-street intersections, such as Loder, Meyers and Glen Oak may be treated with roundabouts or other treatments to help manage average speeds on this street. Minor intersections are likely to be stop-controlled on the side street approaches. The alignment of Center Parkway along the central open space is intended to provide an open edge to the park. The cross-section for Center Parkway includes a multi-use path on the east side and green street swale. Center Parkway is illustrated as a three-lane facility. Depending on land uses and block configurations, it may be able to function well with a two lane section and left turn pockets at selected locations.
- *Ridge Parkway as a parallel route to Center Parkway and Beavercreek Road.* The section of Ridge Parkway south of the Glen Oak extension is intended as the green edge of the neighborhood. This will provide a community "window" and public walkway adjacent to the undeveloped natural areas east of the parkway. Ridge Parkway should be two lanes except where left turn pockets are needed. Major intersections south of Loder are likely to only require stop control of the side street, if configured as "tee" intersections. Mini roundabouts could serve as a suitable option, particularly if a fourth leg is added.
- *Ridge Parkway.* Ridge Parkway was chosen to extend as the through-connection south of the planning area to Henrici Road. Center Parkway and Ridge Parkway are both recommended for extension to the north as long-term consideration for Oregon City and Clackamas County during the update of respective Transportation System Plans. It is beyond the scope of this study to identify and determine each route and the feasibility of such extensions. Fatal flaws to one or both may be discovered during subsequent planning. Nonetheless, it is prudent at this level of study, in this area of the community, to identify opportunities to efficiently and systematically expand the transportation system to meet existing and future needs.

- *Extensions of Clairmont, Meyers, Glen Oak Roads and the south entrance through to the Ridge Parkway.* These connections help complete the network and tie all parts of the community to adjacent streets and neighborhoods.
- *Realignment of Loder Road at its west end. Loder is recommended for re-configuration to create a safer "T" intersection.* The specific location of the intersection is conceptual and subject to more site specific planning.

The streets of the Concept Plan area are recommended to be green streets. This is an integral part of the storm water plan and overall identity and vision planned for the area. The green street cross-sections utilize a combination of designs: vegetated swales, planter islands, curb extensions, and porous pavement. Figures 15 – 19 illustrate the recommended green street cross-sections. These are intended as a starting point for more detailed design.

Trails

Figure 14 also illustrates the trail network. The City's existing Thimble Creek Trail and Metro's Beaver Lake Regional Trail have been incorporated into the plan. New trails include the Powerline Corridor Trail, multi-use path along Center Parkway, and the Ridge Trail.

Transit

The Concept Plan sets the stage for future transit, recognizing that how that service is delivered will play out over time. Specifics of transit service will depend on the actual rate and type of development built, Tri-Met resources and policies, and, consideration of local options. Three options have been identified:

1. A route modification is made to existing bus service to Clackamas Community College (CCC) that extends the route through CCC to Beavercreek Road via Clairmont, then south to Meyers or Glen Oak, back to HWY 213, and back onto Molalla to complete the normal route down to the Oregon City Transit Center. To date, CCC has identified Meyers Road as a future transit connection to the college.
2. A new local loop route that connects to the CCC transit center and serves the Beavercreek Road Concept Planning area, the High School, the residential areas between Beavercreek and HWY 213, and the residential areas west of HWY 213 (south of Warner Milne).
3. A new "express" route is created from the Oregon City Transit Center, up/down HWY 213 to major destinations (CCC, the Beavercreek Road Employment area, Red Soils, Hilltop Shopping Center, etc.).

It is the recommendation of this Plan that the transit-oriented (and Use mix), density, and design of the Beavercreek Road area be implemented so that transit remains a viable option over the long term. The City should work with Tri-Met, CCC, Oregon City High School, and developers within the Concept Plan area to facilitate transit.

Connectivity

The street network described above will be supplemented by a connected local street network. Consistent with the framework plan approach, connectivity is required by policy and by the standards in the code. The specific design for the local street system is flexible and subject to master plan and design review. Figure 20 illustrates different ways to organize the street and pedestrian systems. These are just three examples, and are not intended to suggest additional access to Beavercreek Road beyond what is recommended in Figure 14. The Plan supports innovative ways to configure the streets that are consistent with the goals and vision for the Beavercreek Concept Plan area.

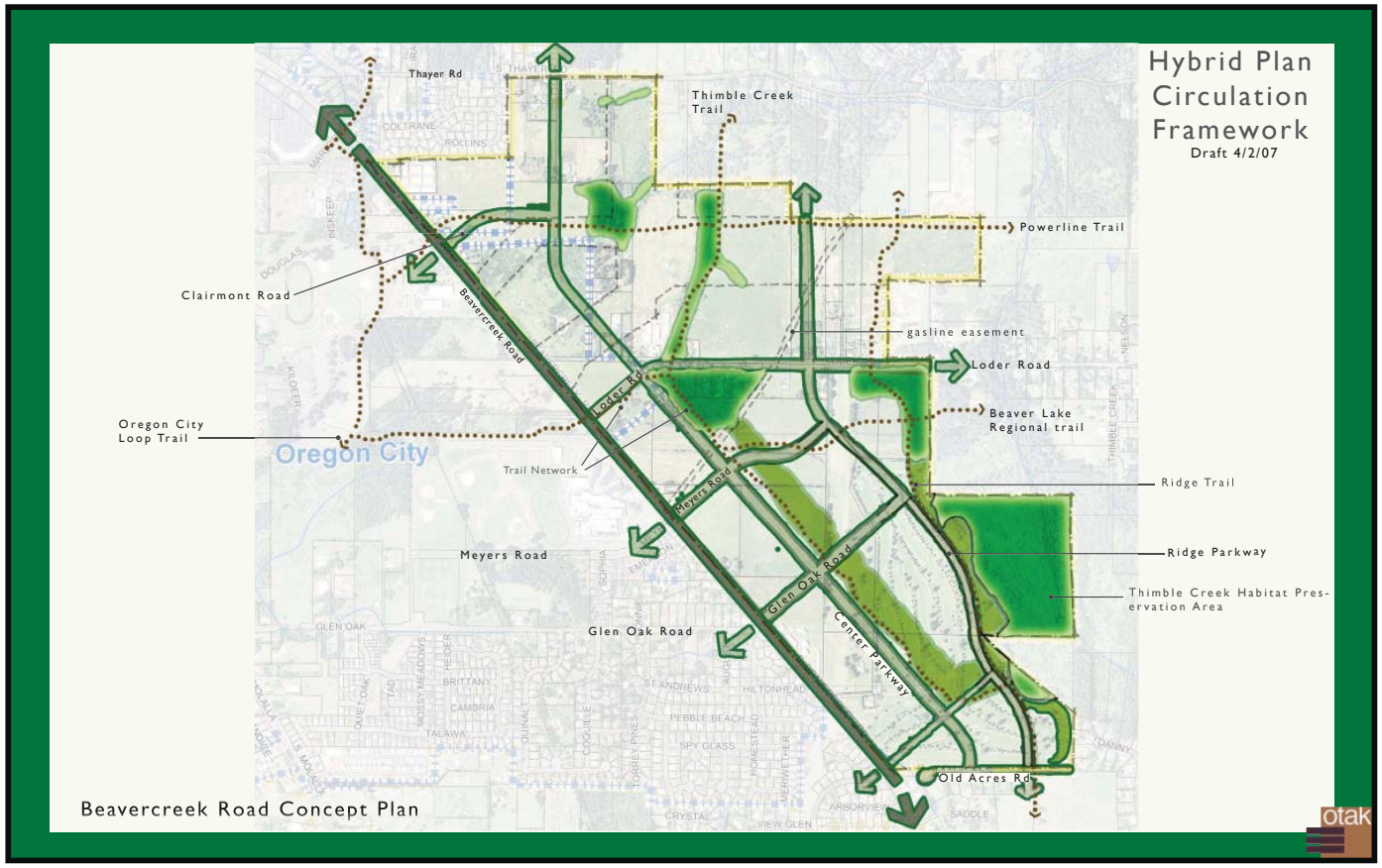


Figure 14 - Circulation Framework

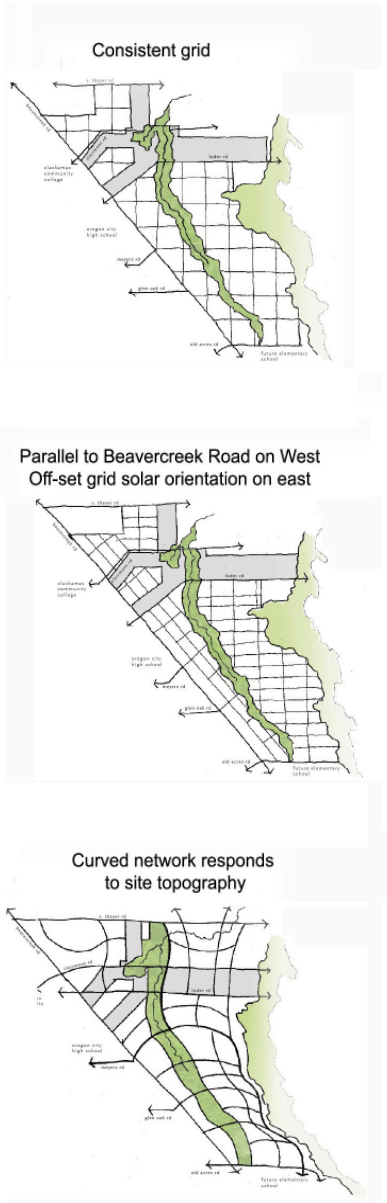


Figure 20 - Connectivity Diagrams

Conceptual only - See Figure 14 for recommended access points to Beavercreek Road.

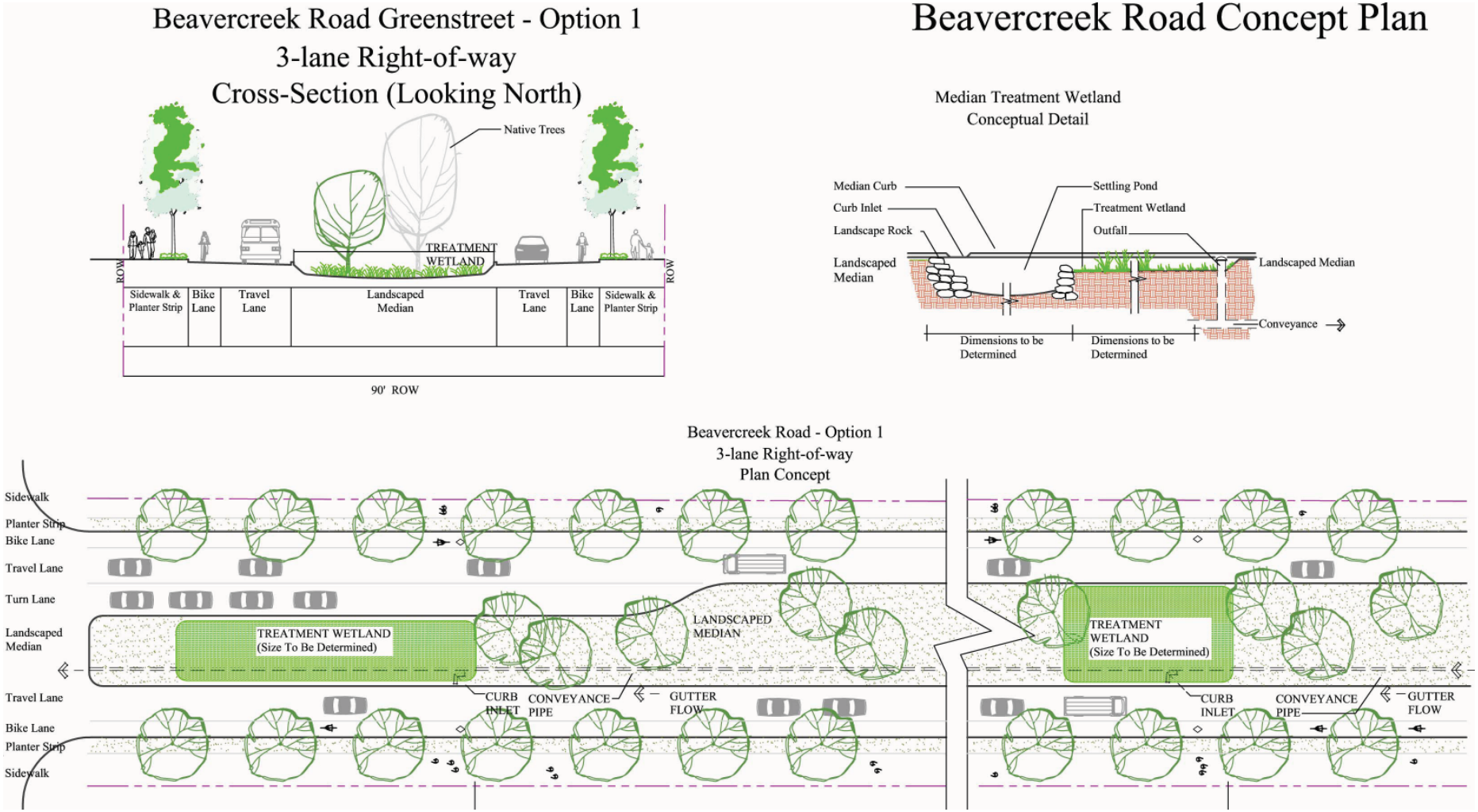


Figure 15 - Beavercreek Road Green Street

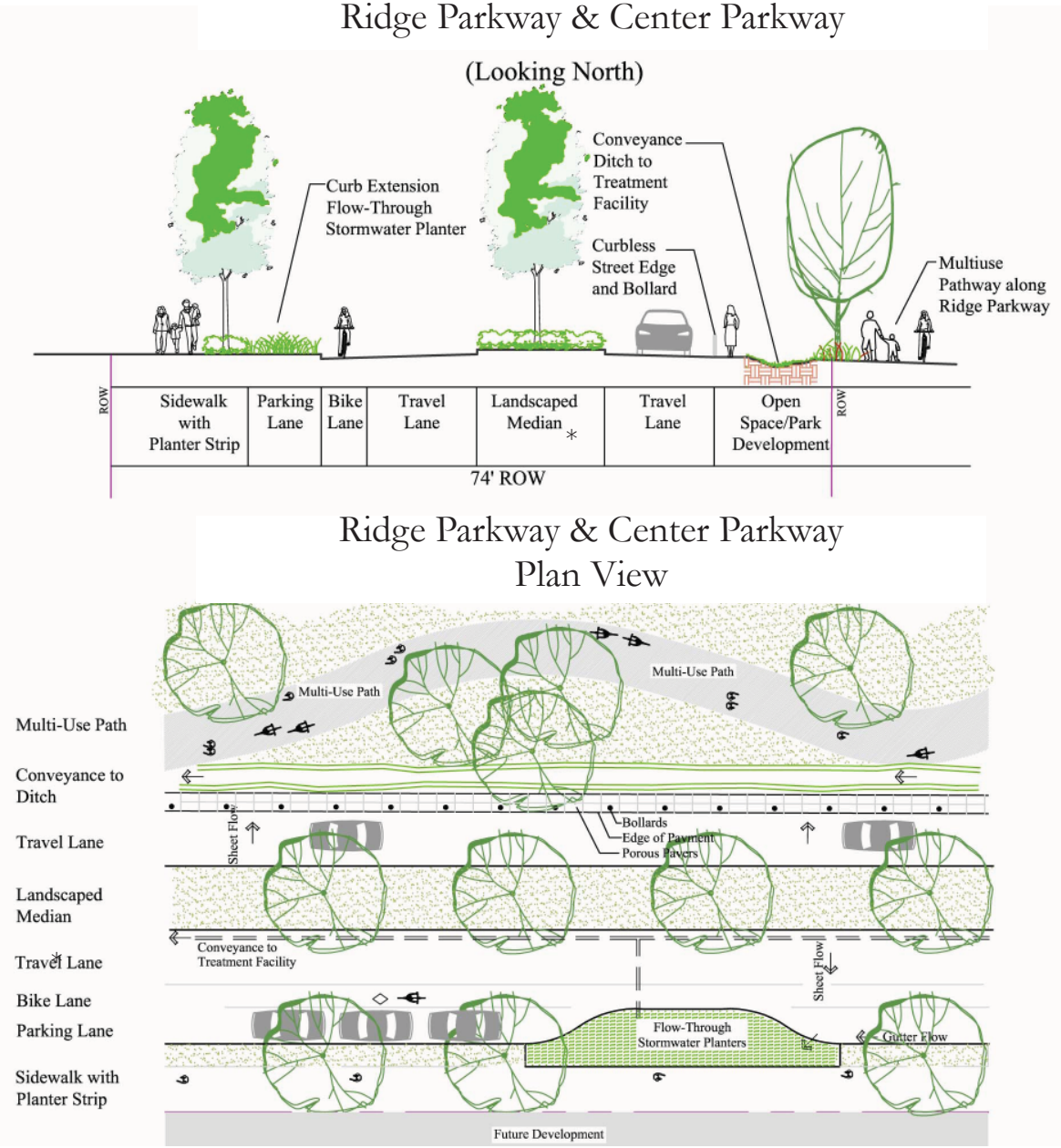


Figure 16 - Ridge Parkway and Central Parkway Green Streets

*Center median is optional for Ridge Parkway.

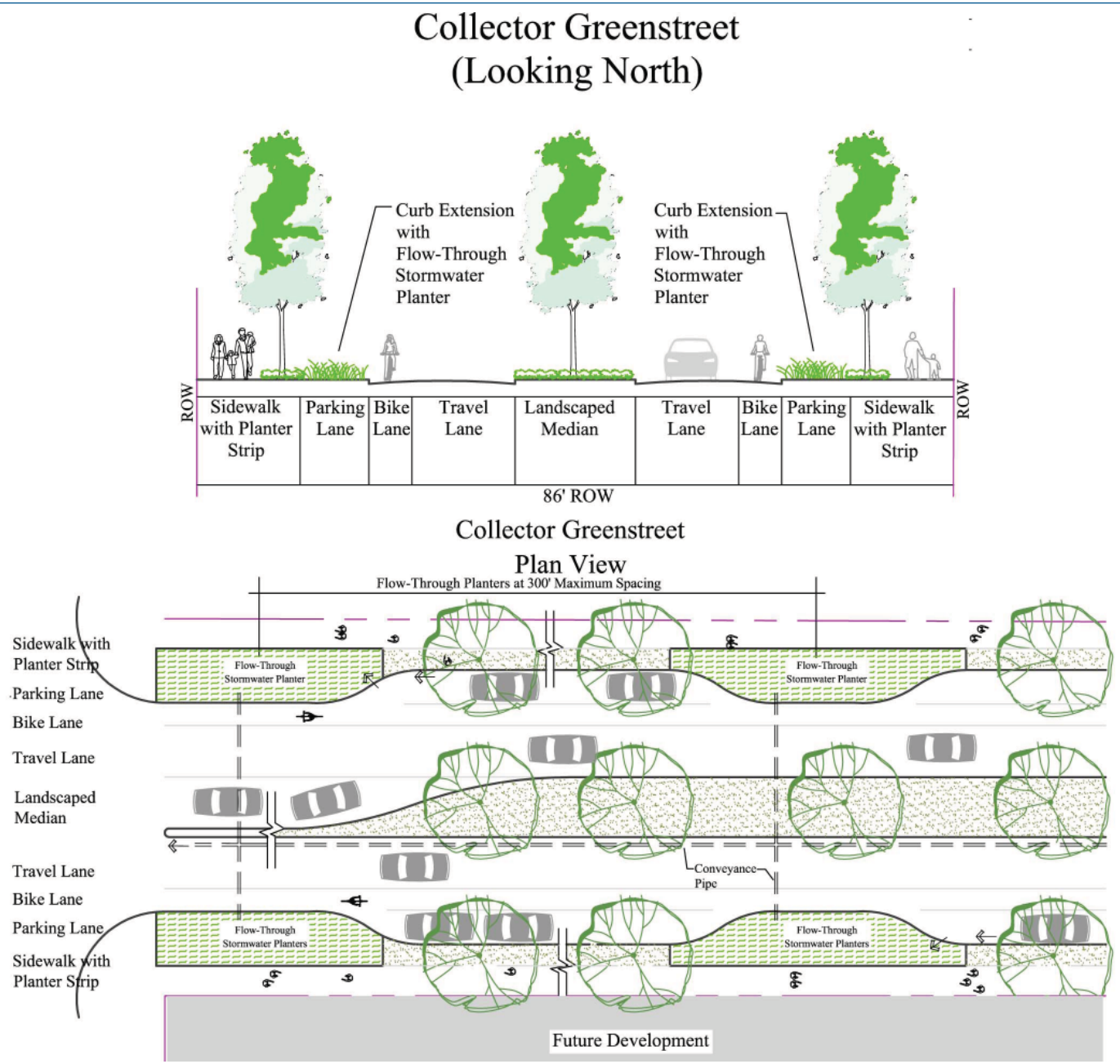


Figure 17 - Collector Green Street

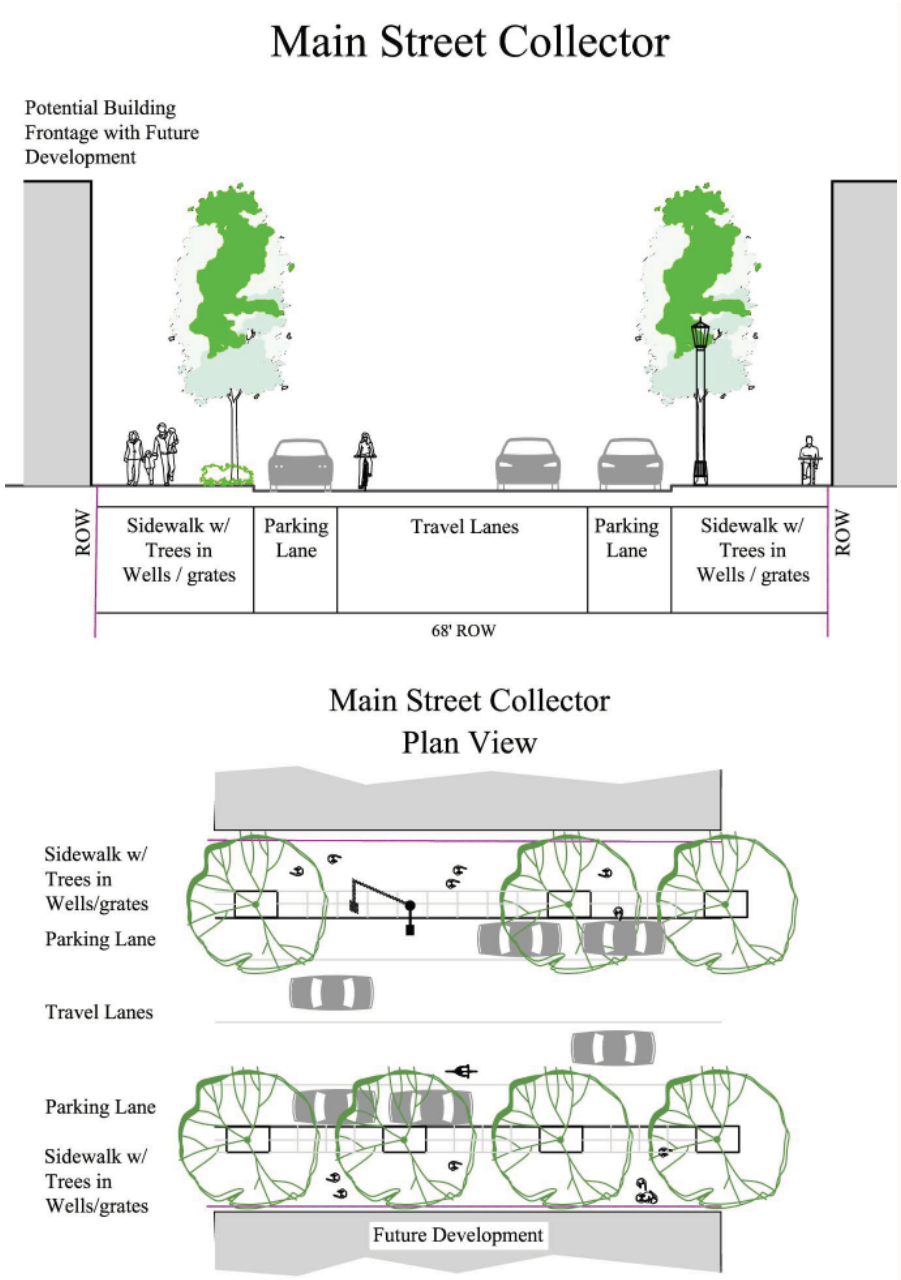


Figure 18 - Main Street Green Street

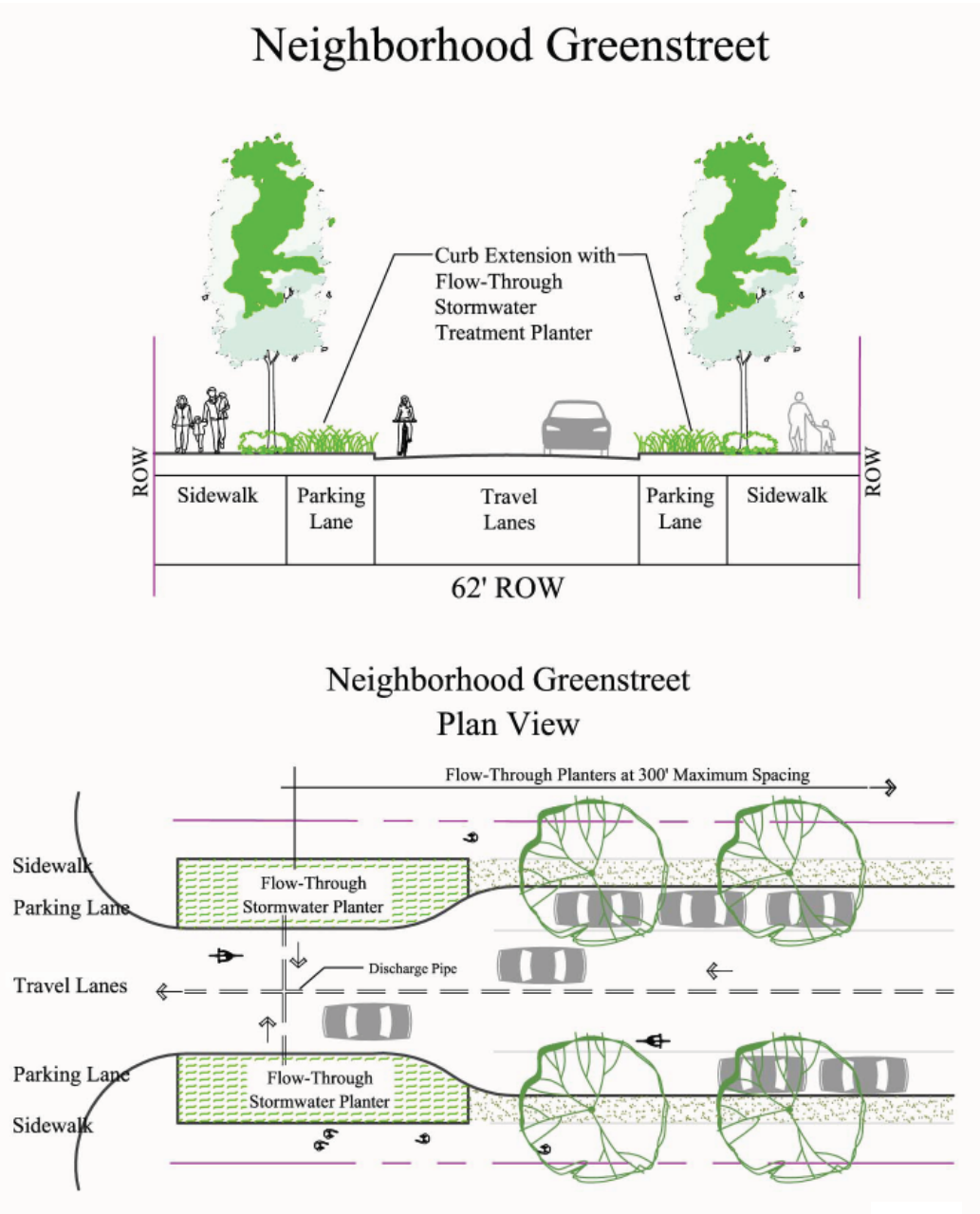


Figure 19 - Neighborhood Green Street

Cost Estimate

A planning-level cost estimate analysis was conducted in order to approximate the amount of funding that will be needed to construct the needed improvements to the local roadway system, with the build-out of the Beavercreek Road Concept Plan. The table below lists these improvements and their estimated costs. These generalized cost estimates include assumptions for right-of-way, design, and construction.

For additional information, please see Technical Appendix, Sections C2 and G.

Roadway Improvements	**Improvement**	**Estimated Cost**
Beavercreek Road: Marjorie Lane to Clairmont Drive	Construct 5-lane cross-section to City standards	$6,300,000
Beavercreek Road: Clairmont Drive to Henrici Road	Construct 3-lane cross-section to City standards	$12,300,000
Clairmont Drive: Beavercreek Road – Center Parkway	Construct new 3-lane collector to City standards and modify signal at Beavercreek Road	$2,400,000
Loder Road: Beavercreek Road to Center Parkway	Construct 3-lane cross-section to City standards and signalize Beavercreek Road intersection	$1,400,000
Loder Road: Center Parkway – East Site Boundary	Construct 3-lane cross-section to City standards	$4,200,000
Meyers Road: Beavercreek Road – Ridge Parkway	Construct new 3-lane collector to City standards and modify signal at Beavercreek Road	$3,500,000
Glean Oak Road: Beavercreek Road – Ridge Parkway	Construct new 3-lane collector to City standards and modify signal at Beavercreek Road	$3,400,000
Center Parkway	Construct new 3-lane collector with 12' multi-use path	$17,700,000
Ridge Parkway	Construct new 3-lane collector	$9,800,000
Total Roadway Improvements		**$61,000,000**
Intersection Only Improvements	**Improvement**	**Estimated Cost**
Beavercreek Road/Maplelane	Road Construct new WB right-turn lane	$250,000
Beavercreek Road/ Meyers Road	Construct new NB and SB through lanes	$5,000,000
Total Intersection Improvements		**$5,250,000**
TOTAL IMPROVEMENTS		***$66,250,000***

Transportation Cost Estimate

Figure 21 - Sustainable Stormwater Plan

Storm Water and Water Quality

This Beavercreek Road stormwater infrastructure plan embraces the application of low-impact development practices that mimic natural hydrologic processes and minimize impacts to existing natural resources. It outlines and describes a stormwater hierarchy focused on managing stormwater in a naturalistic manner at three separate scales: site, street, and neighborhood.

Tier 1 – Site Specific Stormwater Management Facilities (Site)

All property within the study area will have to utilize on-site best management practices (BMPs) to reduce the transport of pollutants from their site. Non-structural BMPs, such as source control (e.g. using less water) are the best at eliminating pollution. Low-impact structural BMPs such as rain gardens, vegetated swales, pervious surface treatments, etc. can be designed to treat stormwater runoff and reduce the quantity (flow and volume) by encouraging retention/infiltration. They can also provide beneficial habitat for wildlife and aesthetic enhancements to a neighborhood. These low-impact BMP's are preferred over other structural solutions such as underground tanks and filtration systems. Most of these facilities will be privately maintained.

Tier 2 – Green Street Stormwater Management Facilities (Street)

Green Streets are recommended for the entire Beavercreek Concept Plan area. The recommended green street design in Figures 15 - 19 use a combination of vegetated swales or bioretention facilities adjacent to the street with curb cuts that allow runoff to enter. Bioretention facilities confined within a container are recommended in higher density locations where space is limited or is needed for other urban design features, such as on-street parking or wide sidewalks. The majority of the site is underlain with silt loam and silty clay loam. Both soils are categorized as Hydrologic Soil Group C and have relatively slow infiltration rates.

The recommended green streets will operate as a collection and conveyance system to transport stormwater from both private property and streets to regional stormwater facilities. The conveyance facilities need to be capable of managing large storm events that exceed the capacity of the swales. For this reason, the storm water plan's conveyance system is a combination of open channels, pipes, and culverts. Open channels should be used wherever feasible to increase the opportunity for stormwater to infiltrate and reduce the need for piped conveyance.

Tier 3 – Regional Stormwater Management Facilities (Neighborhood)

Regional stormwater management facilities are recommended to manage stormwater from larger storms that pass through the Tier 1 and Tier 2 facilities. Figure 21 illustrates seven regional detention pond locations. Coordinating the use of these for multiple properties will require land owner cooperation during development reviews, and/or, City initiative in advance of development.

The regional facilities should be incorporated into the open space areas wherever possible to reduce land costs, and reduce impacts to the buildable land area. Regional stormwater facilities should be designed to blend with the other uses of the open space area, and can be designed as a water feature that offers educational or recreational opportunities. Stormwater runoff should be considered as a resource, rather than a waste stream. The collection and conveyance of stormwater runoff to regional facilities can offer an opportunity to collect the water for re-use.

rge Locations

evelopment stormwater runoff rates from the Beavercreek Road
pt Plan Area will need to match pre-development rates at the existing
ge locations, per City Stormwater Design Standards. Since there are
small discharge locations to Thimble Creek, flow control facilities
t be feasible at all discharge locations. In this situation, over-
on is needed at some discharge locations to compensate for the un-
d areas so that flows in Thimble Creek at the downstream point of
ance meet City Stormwater Design Standards for flow control.

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Water

The proposed water infrastructure plan creates a network of wat
pipelines as the "backbone" system. In addition, as individual pa
developed, a local service network of water mains will be needed
individual lots.

Since there are two pressure zones in the concept plan area, there
to be a network of pipes for each of the two zones. These syster
illustrated on Figure 22. The Fairway Downs Pressure Zone will
south one-third of the concept plan area. This zone receives wat

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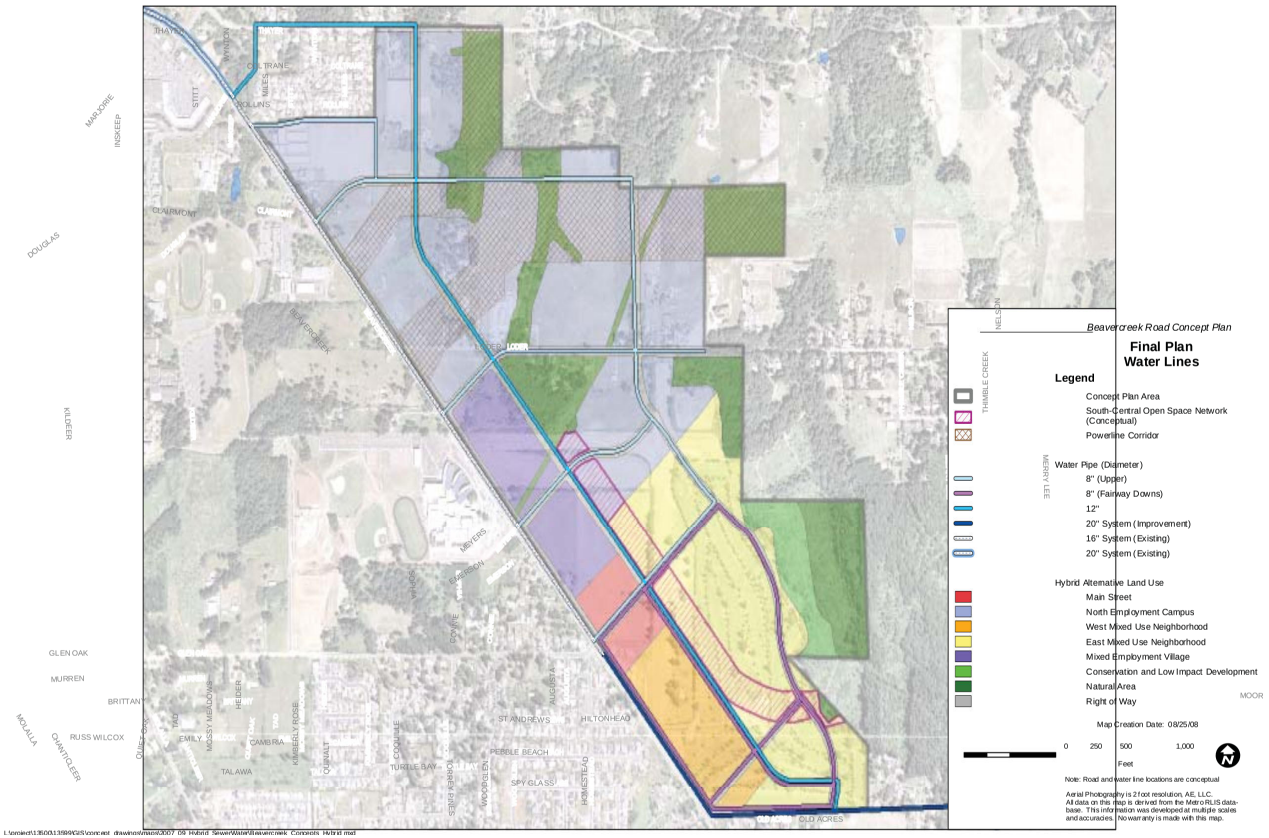


Figure 22 - Water Plan

In the Fairway Downs Pressure Zone, the majority of the water mains will be installed in the proposed public rights-of-way. However, a small portion of the system may need to be in strip easements along the perimeter of the zone at the far southeast corner of the concept plan area. The system layout shown is preliminary and largely dependent on future development and the final system of internal (local) streets. Additional mains may be needed or some of the water mains shown may need to be removed. For instance, if the development of the residential area located at the southeast end of the site, adjacent to Old Acres Road, includes internal streets, the water mains shown along the perimeter of the site may be deleted because service will be provided from pipes that will be installed in the internal street system.

Some of the planned streets in the Fairway Downs Pressure Zone will contain two water mains. One water main will provide direct water service to the area from the booster pump system. The other water main will carry water to the lower elevation areas in the Upper Pressure Zone.

The Upper Pressure Zone will serve the north two-thirds of the concept plan area. The "backbone" network for the Upper Pressure Zone will have water mains that are pressured from the Henrici and Boynton reservoirs. A single 12-inch water main will run parallel with Beavercreek Road through the middle of concept plan area. This water conduit will serve as the "spine" for the Upper Pressure Zone. A network of 8-inch water pipes will be located in the public rights-of-way and will provide water to the parcels that are identified for development. The system can be extended easterly on Loder Road, if needed.

The preliminary design ensures that the system is looped so that there are no dead-end pipes in the system. Along a portion of the north perimeter, approximately 1,600 feet of water pipe will be needed to complete a system loop and provide water service to adjacent lots. This pipe will share a utility easement with a gravity sanitary sewer and a pressure sewer. There may also be stormwater facilities in this same alignment.

In the Water Master Plan, under pipeline project P-201, there is a system connection in a strip easement between Thayer Road and Beavercreek Road at the intersection with Marjorie Lane. Consideration should be given to routing this connection along Thayer Road to Maplelane Road and then onto Beavercreek Road. This will keep this proposed 12-inch main in the public street area where it can be better accessed.

The estimated total capital cost for the "backbone" network within the concept plan area will be in the area of $5,400,000. This estimate is based the one derived for Alternative D, which for concept planning purposes, is representative of the plan and costs for the final Concept Plan. This is in addition to the $6.9 million of programmed capital improvement projects that will extend the water system to the concept plan area. All estimates are based on year 2003 dollars. Before the SDC can be established, the estimates will need to be adjusted for the actual programmed year of construction.

For additional information, please see Technical Appendix, Sections C6 and H3.

ary Sewer

orthern half of the concept area drains generally to the north and s the natural land contours formed by the uppermost portion of le Creek. The proposed sanitary sewer system in the vicinity of Road will follow the north-south street rights-of-way. This part of tem will terminate at the low point of the concept plan area in a l. A sanitary lift station over the wetwell will pump the wastewater n a westerly direction to a point that it can be discharged into a sewer that will flow west to the trunk sewer in Beavercreek Road. t station and pressure sewer project has been identified in the y Sewer Master Plan as projects BC-COL-5 and 6. A utility bridge ll carry the pressure pipe and gravity sewer pipe over Thimble is anticipated.

t road access to mp station that llel to Thimble will also be l.

The majority of the southern half of the concept area will have a sanitary sewer system that will convey waste water to the existing foot long trunk sewer in Beavercreek Road, which currently exte Highway 213 to approximately 800 feet south of Marjorie Lane. portion of the system can be built in the planned roadways and in existing Beavercreek Road right-of-way. This portion of the syste built in the planned roadways. A portion of the system, approxim feet long, will need to be built in the current alignment of Loder that the gravity sewer can be connected to the trunk sewer in Bea Road. The circulation plan includes a realignment of Loder Road. Therefore, a sewer easement will need to be retained across the fu parcel that now includes the current Loder Road alignment.

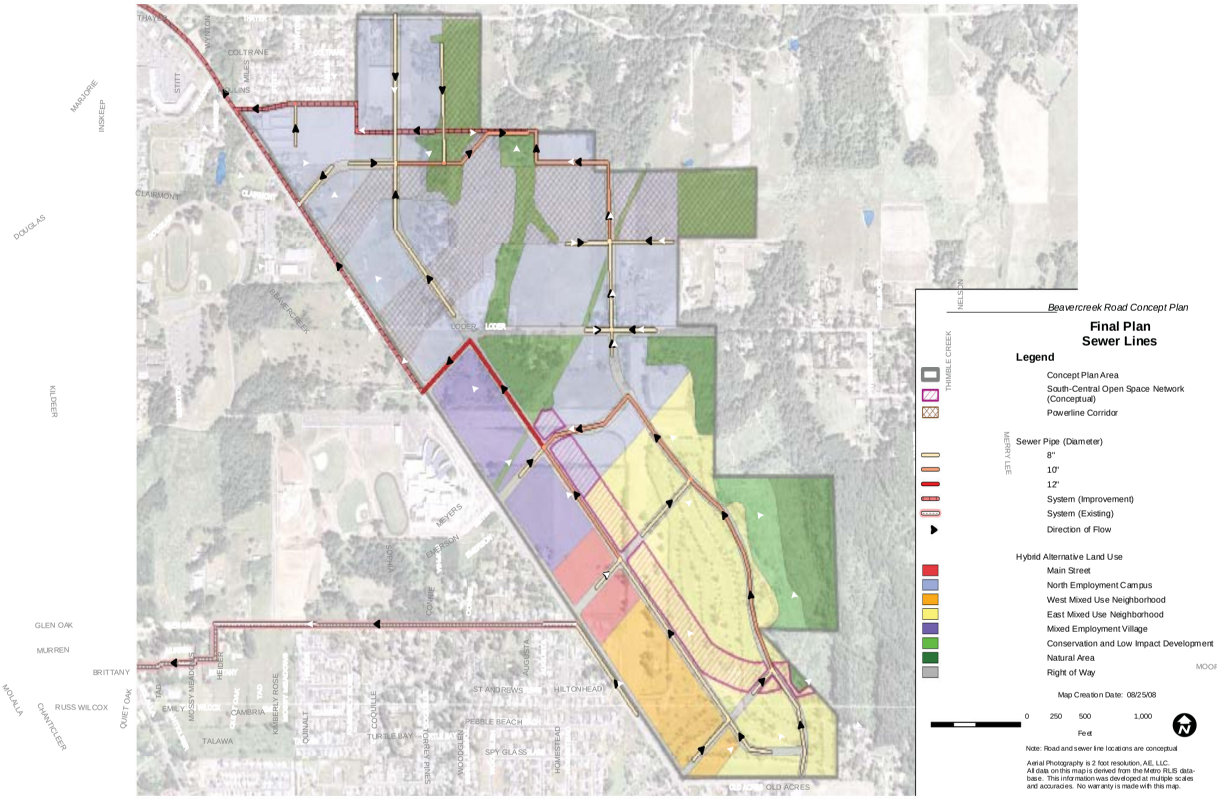


Figure 23 - Sewer Plan

The approxima elevation of 49 (MSL) is impor the southern ha the concept pla relative to gravi service. Roadw and developme constructed abo 490 ft will mos allow for gravit service. If land requiring sanita service (or roac with sewer und are located low 490 ft, individu stations and pr services may be required.

The estimated total capital cost will be in the vicinity of $4,400,000. This estimate is based on the cost analysis for Alternative D, which is comparable. This is in addition to the $2.3 million in sanitary sewer master plan capital costs that needed to bring the sanitary sewers to the concept plan area. These estimates are based on year 2003 dollars. The estimates will need to be adjusted for the programmed year of construction.

For additional information, please see Technical Appendix, Sections C6 and H2.

Funding strategies

For water, sewer, storm water and parks, there are five primary funding sources and strategies that can be used:

- *System development charges (SDCs)*– Oregon City requires developers to pay SDCs for new development. Developers pay these charges up front based on the predicted impact of the new development on the existing infrastructure and the requirements it creates for new improvements. Although the charges are paid by the developer, the developer may pass on some of these costs to buyers of newly developed property. Thus, SDCs allocate costs of development to the developer and buyers of the new homes or new commercial or industrial buildings.
- *Urban renewal/tax increment financing* - Tax increment financing is the primary funding vehicle used within urban renewal areas (URA). The tax increment revenue is generated within a URA when a designated area is established and the normal property taxes within that area are 'frozen' (often called the frozen base). Any new taxes generated within that area through either property appreciation or new investment becomes the increment. Taxing jurisdictions continue to collect income from the frozen base but agree to release assessed value above the base to the URA. The URA then can issue bonds to pay for identified public improvements. The tax increment is used to pay off the bonds.

Oregon City has the authority to establish an URA. The Beavercreek Road Concept Plan Area would have to meet the definition of 'blight' as defined in ORS 457. It is likely to meet 'blight' standards because its existing ratios of improvement-to-land values are likely low enough to meet that standard.

- *Local Improvement Districts* - Local Improvement Districts (LIDs) are formed for the purpose of assessing local property owners an amount sufficient to pay for a project deemed to be of local benefit. LIDs are a specific type of special assessment district, which more broadly includes any district that is formed within an existing taxing district to assess specific property owners for some service that is not available throughout the larger district. The revenues from the LID assessments are used to pay the debt payments on a special assessment bond or a note payable issued for the capital improvements.

LID assessments increase costs for property owners. Under a LID the improvements must increase the value of the taxed properties by more than the properties are taxed. LIDs are typically used to fund improvements that primarily benefit residents and property owners within the LID.

- *Bonds* - Bonds provide a financing mechanism for local governments to raise millions of dollars for parks and other capital projects. The City could back a bond with revenue from a LID, the Urban Renewal Districts, or property taxes citywide. General obligation (GO) bonds issued by local governments are secured by a pledge of the issuer's power to levy real and personal property taxes. Property taxes necessary to repay GO bonds are not subject to limitation imposed by recent property tax initiatives. Oregon law requires GO bonds to be authorized by popular vote.

Bond levies are used to pay principal and interest for voter-approved bonded debt for capital improvements. Bond levies typically are approved in terms of dollars, and the tax rate is calculated as the total levy divided by the assessed value in the district.

- Developer funded infrastructure – The City conditions land use approvals and permits to include required infrastructure. Beyond

the sources cited above, developers cover the remaining costs for the infrastructure required for their development.

Additional funding tools that could be investigated and implemented within the Concept Plan area include a Road District, a County Service District, Intergovernmental Agreements, an Advance Finance District, a Certificate of Participation, and a Utility Fee. There are benefits and limitations associated with each of the funding options that should be reviewed carefully before implementing.

For transportation infrastructure, the same sources as cited above are available. For larger facilities, such as Beavercreek Road, additional funds may be available. They include Metro-administered federal STP and CMAQ funding, and, regional Metro Transportation Improvement Plan funding. These sources are limited and extremely competitive. County funding via County SCSs should also be considered a potential source for Beavercreek Road. Facilities like Beavercreek Road are often funded with a combination of sources, where one source leverages the availability of another.

Sustainability

One of the adopted goals is: The Beavercreek Road Concept Plan Area will be a model of sustainable design, development practices, planning, and innovative thinking.

Throughout the development of the concept plan, sustainability has been paramount in guiding the CAC, the City, and the consultant team. The final plan assumes that sustainable practices will be a combination of private initiatives (such as LEED certified buildings), public requirements (green streets and low impact development policies), and public-private partnerships. It is recommended that City use incentives, education and policy support as much as possible for promoting sustainability at Beavercreek Road. Some initiatives will require regulation and City mandates, but caution and balance should be used. At the end of the day, it is up to the private sector to invest in sustainable development. The Beavercreek Road's site's legacy as a model of sustainable design will depend, in large part on the built projects that are successful in the marketplace and help generate the type of reputation that the community desires and deserves.

The key to fulfilling the above-listed goal will be in the implementation. For the City's part, implementation strategies that support sustainable design will be included within the Oregon City Comprehensive Plan policies and Code provisions. They will be applied during master plan and design review permitting. Some of these strategies will be "required" while other are appropriate to "encourage." These sustainability strategies include:

- Energy efficiency
- Water conservation
- Compact development
- Solar orientation
- Green streets/infrastructure
- Adaptive reuse of existing buildings/infrastructure
- Alternative transportation
- Pedestrian/Cyclist friendly developments
- Natural drainage systems
- Tree preservation and planting to "re-establish" a tree canopy
- Minimizing impervious surfaces
- Sustainability education (builder, residents, businesses and visitors)
- Collaboration with "local" institutional and economic partners, particularly Clackamas Community College and Oregon City High School
- Community-based sustainable programs and activities

Principles for Sustainable Community Design

The CAC discussed Principles for Sustainable Community Design that were offered by one of the members. These provide a good framework for how the Concept Plan is addressing sustainability.

Mix Land Uses - Promote a mix of land uses that support living wage jobs and a variety of services.

All of the sub-districts are, to some degree, mixed use districts. The Mixed Use Village, Main Street and West Mixed Use Neighborhood allow a rich mix of employment, housing, and services. Taken together, the entire 453 acre area will be a complete community.

Housing Types - Create a range of housing choices for all ages and incomes.

The concept plan includes housing in many forms: mixed use formats in the 3-5 story buildings, high density apartments and condominiums, live-work units, townhomes, small cottage lots, and low density single family homes.

Walk-ability - Make the Neighborhood "walkable" and make services "walk-to-able."

The plan provides a street and trail framework. The code will require a high level of connectivity and maximum block sizes for most sub-districts. Services are provided throughout the plan as part of mixed use areas and a broad range of permitted uses.

Transportation - Provide a range of transportation options using a connected network of streets and paths.

The plan provides for all modes: walking, biking, driving and transit. Transit-supportive land use is specifically required in the Mixed Employment Village, Main Street and West Mixed Use Neighborhoods. The framework of connected streets and paths will be supplemented by a further-connected system of local streets and walking routes.

Open Space - Protect and maintain a functioning green space network for a variety of uses.

Open space is distributed throughout the plan. New green spaces are connected with existing higher-value natural areas.

Integrate Systems - Integrate ecological and man-made systems to maximize function, efficiency and health.

Infrastructure systems (green storm water, multi-modal transportation) are highly integrated with the open space network and array of land uses. It will be important for the implementation of the plan to further integrate heating, cooling, irrigation and other man-made systems with the Concept Plan framework.

Ecological Health - Manage natural resources to eliminate pollution to watersheds and lesson impact on habitat and green infrastructure.

Methods to achieve this principle are identified in the Stormwater Infrastructure Report. Additionally, the code requires measures to preserve natural resources and eliminate pollution to watersheds necessary to achieve this principle.

Reuse, Recycle, Regenerate - Reuse existing resources, regenerate existing development areas.

The principle will be applied primarily at time of development and beyond.

Green Buildings - Build compact, innovative structures that use less energy and materials.

The draft code includes provisions for green buildings. This is a new area for the City to regulate, so a public-private Green Building Work Group is recommend to explore issues, build consensus, and develop specific code recommendations.

Work Together - Work with community members and neighbors to design and develop.

The development of the alternatives and the recommended plan has been a collaborative process with all project partners. The concept plan process through implementation and subsequent project area developments will continue to be a collaborative process where all stakeholders are invited to participate.

For additional information, please see Technical Appendix, Sections C3, D, and F.

Metrics

Land Use

The following table summarizes the acreages for major land uses on the Concept Plan.

Land Use Category (acres)	Hybrid
North Employment Campus (adjusted gross acreage)*	149
Mixed Employment Village	26
Main Street	10
West Mixed Use Neighborhood	22
East Mixed Use Neighborhood	77
Total Acres of "built" land use	**284**
Other Land Uses (not "built")	
Parks/Open Space/Natural Areas (Total)**	113
Major ROW+	56
Existing Uses (unbuildable)	0
Total Project Area Gross Acres	**453**

***Adjusted gross acreage** is the sum of 50% of the employment land use shown under the powerline easement plus all other unconstrained employment land use areas. Calculations shown below:

Land Use Category (acres)	Hybrid
Total North Employment Campus	175
Unconstrained NEC	**123**
Employment with powerline overlay	52
Useable portion of powerline overlay (50%)	**26**
North Employment Campus (adjusted gross acreage)*	**149**

Housing and Employment Estimates

The Concept Plan has an estimated capacity for approximately 5000 jobs and 1000 dwellings. The following table displays the estimates and assumptions used to estimate jobs and housing. On a net acreage, these averages are 33 jobs/ net developable acre and 10.3 dwellings/ net developable acre.

Land Use Category	Hybrid Gross Acres	Hybrid Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
North Employment Campus (adjusted gross acreage)	149	127	0.3	450	3,678		
Mixed Employment Village	26	21	0.44	350	1,139		
Main Street****	10	8	0.44	350	219	25	100
West Mixed Use Neighborhood	22	18			15	22	387
East Mixed Use Neighborhood	77	62			21	8.7	536
Total # of Jobs					**5,073**		
Total # of Housing Units							**1,023**
Total Acres of Developed Land++	**284**	**235**					

***For Hybrid -** Net acres equals gross acres minus 15% for local roads and easements in Employment. Mixed Employment, Mixed Use, and residential areas assume 20% for local roads and easements

* *Based on Metro 2002-2022 Urban Growth Report: An Employment Land Need Analysis. Includes total on site employment (full and part time). Mixed Employment FAR and job density reflects a mix of office, tech/flex, and ground floor retail.

***Number of Jobs in Employment, Mixed Employment, Mixed Use calculated by multiplying total acres by the FAR; Converting to square feet; and dividing by number of jobs/square foot. Jobs in residential areas (Work at Home Jobs) estimated at 4% (potential could be as high as 15%).

**** Mixed Use land use assumes 50% of acreage devoted to commercial uses and the remaining 50% devoted to vertical mixed use.

+Number of units calculated by multiplying total net acres of residential land use by average units per acre

++Includes 50% of useable power line corridor (26 acres total) as part of developed land (included in Employment land area)

+++Does not include powerline corridor acreage as part of developed land

VI. Goals and Policies

The following goals and policies are recommended for adoption into the Oregon City Comprehensive Plan. The goal statements are those developed by the Citizen Advisory Committee as goals for the plan.

Goal 1 Complete and Sustainable Community

Create a complete and sustainable community, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center.

Policy 1.1

Adopt new comprehensive plan and zone designations, and development code, that implement the Beavercreek Concept Plan. Require all development to be consistent with the Concept Plan and implementing code.

Policy 1.2

Establish sub-districts to implement the Concept Plan. The sub-districts are:

North Employment Campus – NEC

The purpose of the North Employment Campus is to provide for the location of family wage employment that strengthens and diversifies the economy. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of sites for employment by limiting incompatible uses. The sub-district is intended to comply with Metro's Title 4 regulations. Site and building design will create pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College (CCC) are encouraged to help establish a positive identity for the area and support synergistic activity between CCC and NEC properties. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beavercreek Road area.

Mixed Employment Village – MEV

The purpose of the Mixed Employment Village is to provide employment opportunities in an urban, pedestrian friendly, and mixed use setting. The MEV is intended to be transit supportive in its use mix, density, and design so that transit remains an attractive and feasible option. The MEV allows a mix of retail, office, civic and residential uses that make up an active urban district and serve the daily needs of adjacent neighborhoods and Beavercreek Road sub-districts. Site and building design will create pedestrian-friendly areas and utilize cost effective green development practices. Business and program connections to Clackamas Community College and Oregon City High School are encouraged. Businesses making sustainable products and utilizing sustainable materials and practices are encouraged to reinforce the identity of the area and promote the overall vision for the Beavercreek Road area.

Main Street – MS

The purpose of this small mixed-use center is to provide a focal point of pedestrian activity. The MS allows small scale commercial, mixed use and services that serve the daily needs of the surrounding area. "Main Street" design will include buildings oriented to the street, and minimum of 2 story building scale, attractive streetscape, active ground floor uses and other elements that reinforce pedestrian oriented character and vitality of the area.

West Mixed Use Neighborhood – WMU

The West Mixed Use Neighborhood will be a walkable, transit-oriented neighborhood. This area allows a transit supportive mix of housing, live/work units, mixed use buildings and limited commercial uses. A variety of housing and building forms is required, with the overall average of residential uses not exceeding 22 dwelling units per acre. The WMU area's uses, density and design will support the multi-modal transportation system and provide good access for pedestrians, bicycles, transit and vehicles. Site and building design will create a walkable area and utilize cost effective green development practices.

East Mixed Use Neighborhood – EMU

The East Mixed Use Neighborhood will be a walkable and tree-lined neighborhood with a variety of housing types. The EMU allows for a variety of housing types while maintaining a low density residential average not exceeding the densities permitted in the R-5 zone. Limited non-residential uses are permitted to encourage a unique identity, sustainable community, and in-home work options. The neighborhood's design will celebrate open space, trees, and relationships to public open spaces. The central open space, ridge open space scenic viewpoints, and a linked system of open spaces and trails are key features of the EMU. Residential developments will provide housing for a range of income levels, sustainable building design, and green development practices.

Policy 1.3

Within the Northern Employment Campus sub-district, support the attraction of family wage jobs and connections with Clackamas Community College.

Policy 1.4

Within the Mixed Employment Village and Main Street sub-districts, promote job creation, mixed use and transit oriented development. Adopt minimum densities, limitations on stand-alone residential developments, and other standards that implement this policy.

Policy 1.5

The Main Street sub-district may be located along the extension of Glen Oak Road and not exceed 10 gross acres. The specific configuration of the MS sub-district may be established as part of a master plan.

Policy 1.6

Within the West and East Mixed Use Neighborhoods, require a variety of housing types. Allow lot size averaging and other techniques that help create housing variety while maintaining overall average density.

Policy 1.7

Within the MEV, MS, WMU and EMU sub-districts, require master plans to ensure coordinated planning and excellent design for relatively large areas (e.g. 40 acres per master plan). Master plans are optional in the NEC due to the larger lot and campus industrial nature of the area.

Goal 2 Model of Sustainable Design

Be a model of sustainable design, development practices, planning, and innovative thinking.

Policy 2.1

Implement the Sustainable Storm Water plan recommended in the Concept Plan. During site specific design, encourage innovative system design and require low impact development practices that manage water at the site, street and neighborhood scales.

Policy 2.2

Storm water facilities will be designed so they are amenities and integrated into the overall community design.

Policy 2.3

Support public and private sector initiatives to promote sustainable design, development practices and programs, including but not limited to:

- Energy efficiency
- Water conservation
- Compact development
- Solar orientation
- Green streets/infrastructure
- Adaptive reuse of existing buildings/infrastructure
- Alternative transportation
- Pedestrian/Cyclist friendly developments
- Natural drainage systems
- Tree preservation and planting to "re-establish" a tree canopy
- Minimizing impervious surfaces
- Sustainability education (builder, residents, businesses and visitors)
- Collaboration with "local" institutional and economic partners, particularly Clackamas Community College and Oregon City High School
- Community based sustainable programs and activities

Policy 2.4

Work with stakeholders and the community to develop LEED or equivalent green building standards and guidelines to apply in the Concept Plan area.

Goal 3 Green Jobs

Attract "green" jobs that pay a living wage.

Policy 3.1

Coordinate with county, regional and state economic development representatives to recruit green industry to the Concept Plan area.

Policy 3.2

Promote the Concept Plan area as a place for green industry.

Policy 3.3

Work with Clackamas Community College to establish programs and education that will promote green development within the Concept Plan area.

Goal 4 Sustainable Industries

Maximize opportunities for sustainable industries that serve markets beyond the Portland region and are compatible with the site's unique characteristics.

Policy 4.1

As master plans are approved, ensure there is no net loss of land designated North Employment Campus.

Policy 4.2

Coordinate with County, regional and state economic development representatives to recruit sustainable industries that serve markets beyond the Portland region.

Goal 5 Natural Beauty

Incorporate the area's natural beauty into an ecologically compatible built environment.

Policy 5.1

Incorporate significant trees into master plans and site specific designs. Plant new trees to establish an extensive tree canopy as part of the creation of an urban community.

Policy 5.2

Provide scenic viewpoints and public access along the east ridge.

Policy 5.3

Protect views of Mt Hood and locate trails and public areas so Mt Hood can be viewed within the community

Policy 5.4

Establish open space throughout the community consistent with the Open Space Framework Plan. Allow flexibility in site specific design of open space, with no net loss of total open space area.

Policy 5.5

Protect steeply sloped and geologically sensitive areas along the east ridge from development.

Goal 6 Multi-modal Transportation

Provide multi-modal transportation links (such as bus routes, trails, bike-ways, etc.) that are connected within the site as well as to the surrounding areas.

Policy 6.1

Work with Tri-Met and stakeholders to provide bus service and other alternatives to the Concept Plan area.

Policy 6.2

As land use reviews and development occur prior to extension of bus service, ensure that the mix of land uses, density and design help retain transit as an attractive and feasible option in the future.

Policy 6.3

Ensure that local street connectivity and off-street pedestrian routes link together into a highly connected pedestrian system that is safe, direct, convenient, and attractive to walking.

Policy 6.4

The "walkability" of the Concept Plan area will be one of its distinctive qualities. The density of walking routes and connectivity should mirror

the urban form – the higher the density and larger the building form, the "finer" the network of pedestrian connections.

Policy 6.5
Require trails to be provided consistent with the Concept Plan Circulation Framework.

Policy 6.6
Provide bike lanes on Beavercreek Road and all collector streets, except for Main Street. The City may consider off-street multi-use paths and similar measures in meeting this policy. Bike routes will be coordinated with the trails shown on the Circulation Framework.

Goal 7 Safety Along Beavercreek Road
Implement design solutions along Beavercreek Road that promote pedestrian safety, control traffic speeds and access, and accommodate projected vehicular demand.

Policy 7.1
Design Beavercreek Road to be a green street boulevard that maximizes pedestrian safety.

Policy 7.2
Work with the County and State to establish posted speeds that are safe for pedestrians and reinforce the pedestrian-oriented character of the area.

Policy 7.3
Control access along the east side of Beavercreek Road so that full access points are limited to the intersections shown on the Circulation Framework. Right in-Right-out access points may be considered as part of master plans or design review.

Goal 8 Oregon City High School and Clackamas Community College

Promote connections and relationships with Oregon City High School and Clackamas Community College.

Policy 8.1
Coordinate with OCHS and CCC when recruiting businesses and promoting sustainability. Within one year of adoption of the Concept Plan, the City will convene dialogue with OCHS, CCC and other relevant partners to identify target industries and economic development strategies that are compatible with the vision for the Concept Plan. Encourage curricula that are synergistic with employment and sustainability in the Concept Plan area.

Policy 8.2
Prior to application submittal, require applicants to contact OCHS and CCC to inform them and obtain early comment for master plans and design review applications.

Policy 8.3
Improving the level-of-service and investing in the Highway 213 corridor improves the freight mobility along Highway 213, which provides access to Beavercreek Road and the Concept Plan area. Protecting the corridor and intersections for freight furthers the City goal of providing living-wage employment opportunities in the educational, and research opportunities to be created with CCC and OCHS.

Goal 9 Unique Sense of Place

Have a unique sense of place created by the mix of uses, human scale design, and commitment to sustainability.

Policy 9.1

Utilize master plans and design review to ensure detailed and coordinated design. Allow flexibility in development standards and the configuration of land uses when they are consistent with the comprehensive plan, development code, and vision to create a complete and sustainable community.

Policy 9.2

Implement human scale design through building orientation, attractive streetscapes, building form/architecture that is matched to the purpose of the sub-district, location of parking, and other techniques. The design qualities of the community should mirror the urban form – the higher the density and larger the buildings, the higher the expectation for urban amenities and architectural details.

Policy 9.3

Density should generally transition from highest on the west to lowest in the eastern part of the site.

Policy 9.4

Promote compatibility with existing residential areas at the north and south end of the Concept Plan area. Transition to lower densities, setbacks, buffers and other techniques shall be used.

Goal 10 Ecological Health

Manage water resources on site to eliminate pollution to watersheds and lesson impact on municipal infrastructure by integrating ecological and man-made systems to maximize function, efficiency and health.

Policy 10.1

Utilize low impact development practices and stormwater system designs that mimic natural hydrologic processes, minimize impacts to natural resources and eliminate pollution to watersheds.

Policy 10.2

Prepare the Environmentally Sensitive Resource Area overlay to protect, conserve and enhance natural areas identified on the Concept Plan. Apply low-density base zoning that allows property owners to cluster density outside the ESRA and transfer to other sites.

Appendix

1. Project Goals

2. Concept Plan Alternatives

3. GIS Analysis Map

4. Job and Housing Estimates

Appendix I

	To: Beavercreek Road Concept Plan Citizens and Technical Advisory Committees From: Tony Konkol Date: March 13, 2007 Subject: Project Goals with Objectives

The following project goals and supplemental objectives were prepared using the *Ideas we Like, Principles of Sustainable Development,* and the Advisory Committees' long-term vision for the project area. This update reflects input by the Citizens and Technical Advisory Committees at their March 8th, 2007 meeting.

The Beavercreek Road Concept Plan Area will:

Goal

1. Create a **complete community**, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center;

   Objective 1.1
   Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.
   Objective 1.2
   Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.
   Objective 1.3
   Continue to coordinate with the Oregon City School District and Clackamas Community College to identify partnerships, land needs and programs that would be beneficial to all parties and contribute to the community.
   Objective 1.4
   Encourage neighborhood-oriented and scaled mixed-use centers that provide goods, services, and housing for local workers and residents of all ages and incomes.
   Objective 1.5
   Become a model of sustainability that may be implemented throughout the City.
   Objective 1.6
   Allow the integration of housing and employment uses where practicable.
   Objective 1.7
   Work with Metro to ensure that there is enough land available within the Beavercreek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.

2. Be a **model of sustainable design**, development practices, planning, and innovative thinking;

   Objective 2.1
   Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.
   Objective 2.2
   Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.
   Objective 2.3
   Encourage neighborhood-oriented and scaled mixed-use centers that provide goods, services and housing for local workers and residents of all ages and incomes.
   Objective 2.4
   Encourage environmentally responsible developments that are economically feasible, enhance livability of neighborhoods and enhance the natural environment.
   Objective 2.5
   Investigate development standards that offer incentives for developments that exceed energy efficiency standards and meets green development requirements and goals.

3. Attract **"green" jobs** that pay a living wage;
   Objective 3.1
   Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.
   Objective 3.2
   Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.
   Objective 3.3
   Encourage neighborhood-oriented and scaled mixed-use centers that provide goods, services and housing for local workers and residents of all ages and incomes.
   Objective 3.4
   Allow the integration of housing and employment uses where practicable.
   Objective 3.5
   Work with Metro to ensure that there is enough land available within the Beavercreek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.
   Objective 3.6
   Create a "brand" for the area that reflects the desire for sustainable development that will serve as the theme to attract and recruit businesses and developers as well as guide the design standards and build-out of the area.

4. Maximize opportunities for **sustainable industries that serve markets beyond the Portland region** and are compatible with the site's unique characteristics;

   Objective 4.1

Create a "brand" for the area that reflects the desire for sustainable development that will serve as the theme to attract and recruit businesses and developers as well as guide the design standards and build-out of the area.

Objective 4.2

Work with Metro to ensure that there is enough land available within the Beavercreek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.

Objective 4.3

Support locally based and founded employers that provide living wages jobs.

Objective 4.4

Support the development of sustainable industries that utilize green design standards and development practices.

5. Incorporate the area's **natural beauty** into an ecologically compatible built environment;

Objective 5.1

Design the adjacent land-uses to Beavercreek Road in such a manner to ensure that the pedestrian experience is not diminished through the development of fences, parking lots, backs of buildings, or other impediments to pedestrian access and circulation.

Objective 5.2

Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.

Objective 5.3

Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.

Objective 5.4

Work with Metro to ensure that there is enough land available within the Beavercreek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.

6. Provide **multi-modal transportation links** (such as bus routes, trails, bike-ways, etc.) that are connected within the site as well as to the surrounding areas;

Objective 6.1

Provide public connectivity routes for bicycles and pedestrians that encourage non-vehicular trips to employment, retail and recreational areas within the study area and to the communities beyond.

Objective 6.2

Provide an integrated street system that is designed as practicable to minimize the impacts to the environment through the use of green streets, swales and other natural stormwater systems that provide water quality and quantity control and contribute to the natural beauty of the area.

Objective 6.3

Explore local and regional transit opportunities that will increase non-single occupancy vehicle travel.

7. Implement **design solutions along Beavercreek Road** that promote pedestrian safety, control traffic speeds and access, and accommodate projected vehicular demand;

   Objective 7.1
   Develop and maintain a multi-modal transportation system that is safe for all users and will minimize conflict points between different modes of travel, especially across Beavercreek Road to the existing neighborhoods, Clackamas Community College, Oregon City High School and the Berry Hill Shopping Center.
   Objective 7.2
   Design the adjacent land-uses to Beavercreek Road in such a manner to ensure that the pedestrian experience is not diminished through the development of fences, parking lots, backs of buildings, or other impediments to pedestrian access and circulation.

8. Promote connections and relationships with **Oregon City High School and Clackamas Community College**;

   Objective 8.1
   Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.
   Objective 8.2
   Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.
   Objective 8.3
   Continue to coordinate with the Oregon City School District and Clackamas Community College to identify partnerships, land needs and programs that would be beneficial to all parties and contribute to the community.

9. Have a **unique sense of place** created by the mix of uses, human scale design, and commitment to sustainability.

   Objective 9.1
   Provide public connectivity routes for bicycles and pedestrians that encourage non-vehicular trips to employment, retail and recreational areas within the study area and to the communities beyond.
   Objective 9.2
   Provide an integrated street system that is designed as practicable to minimize the impacts to the environment through the use of green streets, swales and other natural stormwater systems that provide water quality and quantity control and contribute to the natural beauty of the area.
   Objective 9.3
   Allow a variety of employment uses that may integrate and utilize the surrounding city and rural economies.
   Objective 9.4
   Develop plans that consider the existing rural lands and uses around the Urban Growth Boundary.

Objective 9.5

Encourage neighborhood-oriented and scaled mixed-use centers that provide goods, services and housing for local workers and residents of all ages and incomes.

Objective 9.6

Allow the integration of housing and employment uses where practicable.

Objective 9.7

Work with Metro to ensure that there is enough land available within the Beavercreek Road Study Area to meet the need for employment/industrial development and reduce the jobs to housing imbalance in the sub-region.

Objective 9.8

Create a "brand" for the area that reflects the desire for sustainable development that will serve as the theme to attract and recruit businesses and developers as well as guide the design standards and build-out of the area.

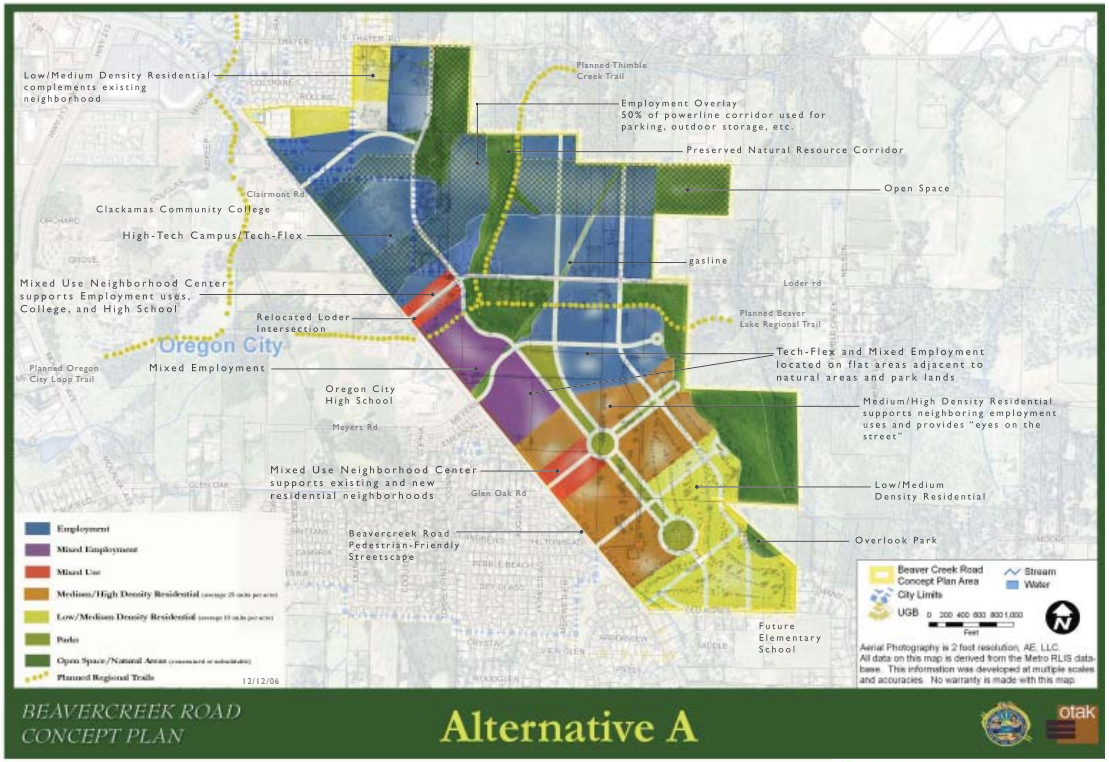
Objective 9.9

Design the adjacent land-uses to Beavercreek Road in such a manner to ensure that the pedestrian experience is not diminished through the development of fences, parking lots, backs of buildings, or other impediments to pedestrian access and circulation.

10. Ecological Health – Manage water resources on site to **eliminate pollution to watersheds** and lesson impact on municipal infrastructure by integrating ecological and man-made systems to maximize function, efficiency and health.

Objective 10.1

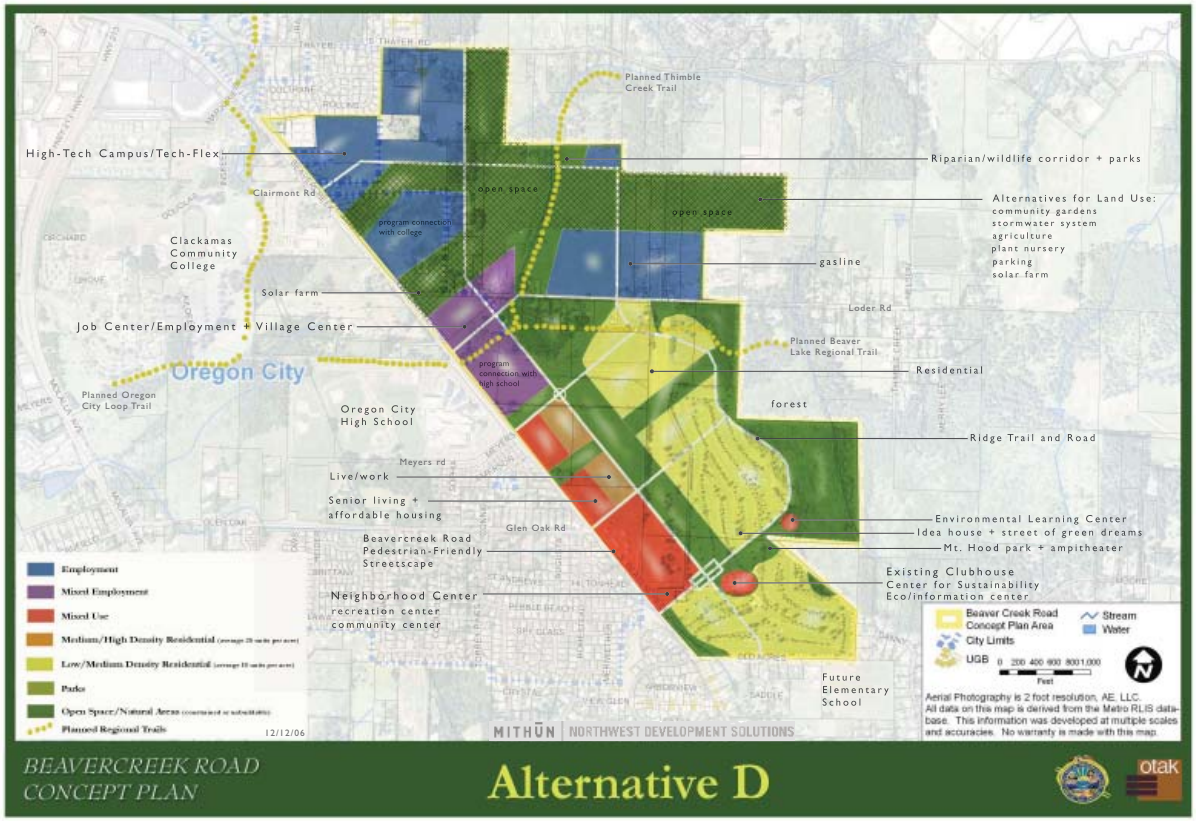
Provide an integrated street system that is designed as practicable to minimize the impacts to the environment through the use of green streets, swales and other natural stormwater systems that provide water quality and quantity control and contribute to the natural beauty of the area.



BEAVERCREEK ROAD CONCEPT PLAN

Alternative A

otak



BEAVERCREEK ROAD CONCEPT PLAN

Alternative D

otak

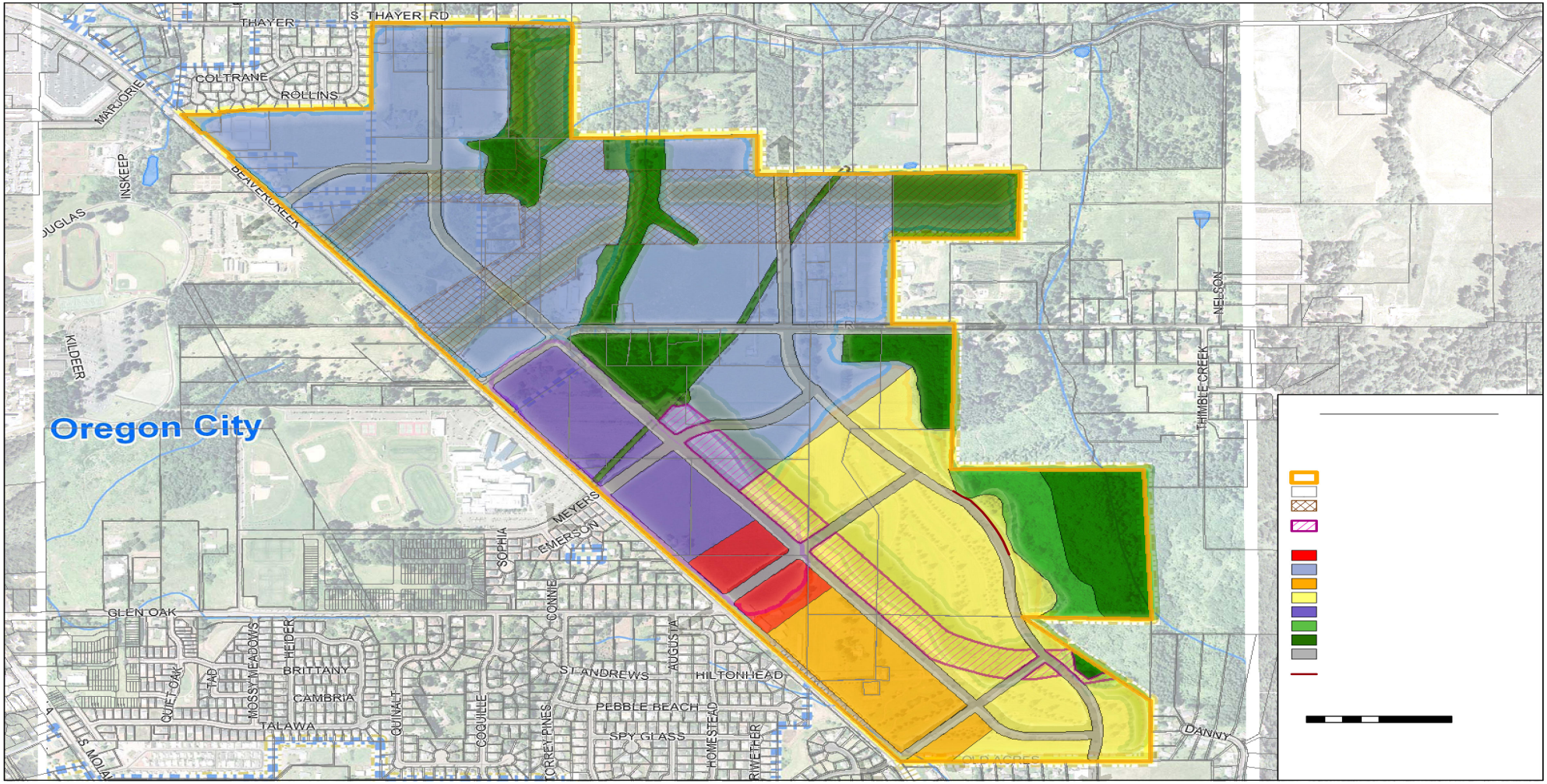

Oregon City
THAYER
S THAYER RD
COLTRANE
ROLLINS
MARJORIE
INSKEEP
BEAVERCREEK
KILDEER
NELSON
THIMBLE CREEK
MEYERS
EMERSON
SOPHIA
CONNIE
GLEN OAK
HEIDER
MOSSY MEADOWS
BRITTANY
QUIET OAK
TAD
CAMBRIA
TALAWA
QUINALT
COQUILLE
CORET PINES
ST ANDREWS
AUGUSTA
HILTONHEAD
PEBBLE BEACH
SPY GLASS
HOMESTEAD
RIVERTHER
DANNY
OLD ACRES

Table 2
Beavercreek Concept Plan Job & Housing Density Assumptions
Revised - 7/10/07

Land Use Category	Hybrid Gross Acres	Hybrid Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
North Employment Campus (adjusted gross acreage)	149	127	0.3	450	3,678		
Mixed Employment Village	26	21	0.44	350	1,139		
Main Street****	10	8	0.44	350	219	25	100
West Mixed Use Neighborhood	22	18			15	22	387
East Mixed Use Neighborhood	77	62			21	8.7	536
Total # of Jobs					**5,073**		
Total # of Housing Units							**1,023**
Total Acres of Developed Land++	**284**	**235**					

Land Use Category	Plan A Gross Acres	Plan A Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
Employment (adjusted gross acreage)	139	118	0.3	450	3,431		
Mixed Employment	24	20	0.44	350	1,117		
Mixed Use****	10	9	0.44	350	233	25	106
Medium/High Density Residential	50	43			43	25	1,063
Low/Medium Density Residential	53	45			18	10	451
Total # of Jobs					**4,841**		
Total # of Housing Units							**1,619**
Total Acres of Developed Land++	**276**	**235**					

Land Use Category	Plan D Gross Acres	Plan D Net Acres*	FAR/Acre**	SF/Job**	# of Jobs***	Avg. Units/Acre	# of Units+
Employment (adjusted gross acreage)	84	71	0.3	450	2,073		
Mixed Employment	25	21	0.44	350	1,164		
Mixed Use****	29	25	0.44	350	675	25	308
Medium/High Density Residential	9	8			8	25	191
Low/Medium Density Residential	99	84			34	10	842
Total # of Jobs					**3,953**		
Total # of Housing Units							**1,341**
Total Acres of Developed Land+++	**246**	**209**					

***For Hybrid -** Net acres equals gross acres minus 15% for local roads and easements in Employment. Mixed Employment, Mixed Use, and residential areas assume 20% for local roads and easements

* *Based on Metro 2002-2022 Urban Growth Report: An Employment Land Need Analysis. Includes total on site employment (full and part time). Mixed Employment FAR and job density reflects a mix of office, tech/flex, and ground floor retail.

***Number of Jobs in Employment, Mixed Employment, Mixed Use calculated by multiplying total acres by the FAR; Converting to square feet; and dividing by number of jobs/square foot. Jobs in residential areas (Work at Home Jobs) estimated at 4% (potential could be as high as 15%).

**** Mixed Use land use assumes 50% of acreage devoted to commercial uses and the remaining 50% devoted to vertical mixed use.

+Number of units calculated by multiplying total net acres of residential land use by average units per acre

++Includes 50% of useable power line corridor (26 acres total) as part of developed land (included in Employment land area)

+++Does not include powerline corridor acreage as part of developed land

Appendix IV

Table 3
Land Use Metrics/Assumptions - HYBRID
Revised - 7/10/07

Land Use Category (acres)	Hybrid	Alt. A	Alt. D
North Employment Campus (adjusted gross acreage)*	149	139	84
Mixed Employment Village	26	24	25
Main Street	10	10	29
West Mixed Use Neighborhood	22	50	9
East Mixed Use Neighborhood	77	53	99
Total Acres of "built" land use	**284**	**276**	**246**
Other Land Uses (not "built")			
Parks/Open Space/Natural Areas (Total)**	113	132	166
Major ROW+	56	36	30
Existing Uses (unbuildable)	0	7	7
Total Project Area Gross Acres	**453**	**~450**	**~450**

***Adjusted gross acreage** is the sum of 50% of the employment land use shown under the powerline easement plus all other unconstrained employment land use areas. Calculations shown below:

Land Use Category (acres)	Hybrid	Alt. A	Alt. D
Total North Employment Campus	175	166	84
Unconstrained NEC	**123**	**111**	**84**
Employment with powerline overlay	52	55	0
Useable portion of powerline overlay (50%)	**26**	**28**	**na**
North Employment Campus (adjusted gross acreage)*	**149**	**139**	**84**

** Open Space/Natural areas is the sum of all "unbuildable lands" as shown on the *Buildable Lands Map* plus two areas under the powerlines. Calculations shown below.

Open Space/Natural Areas Break-Out	Hybrid	Alt. A	Alt. D
Open Space -Gas Overlay	3	4	4
Open Space - Unbuildable Powerlines***	48	49	0
Environmental Resources/*Buildable Lands Map*	61	61	61
Parks	na	12	na
Other Open Space Areas	18	6	101
Open Space/Natural Areas (Total)	**130**	**132**	**166**

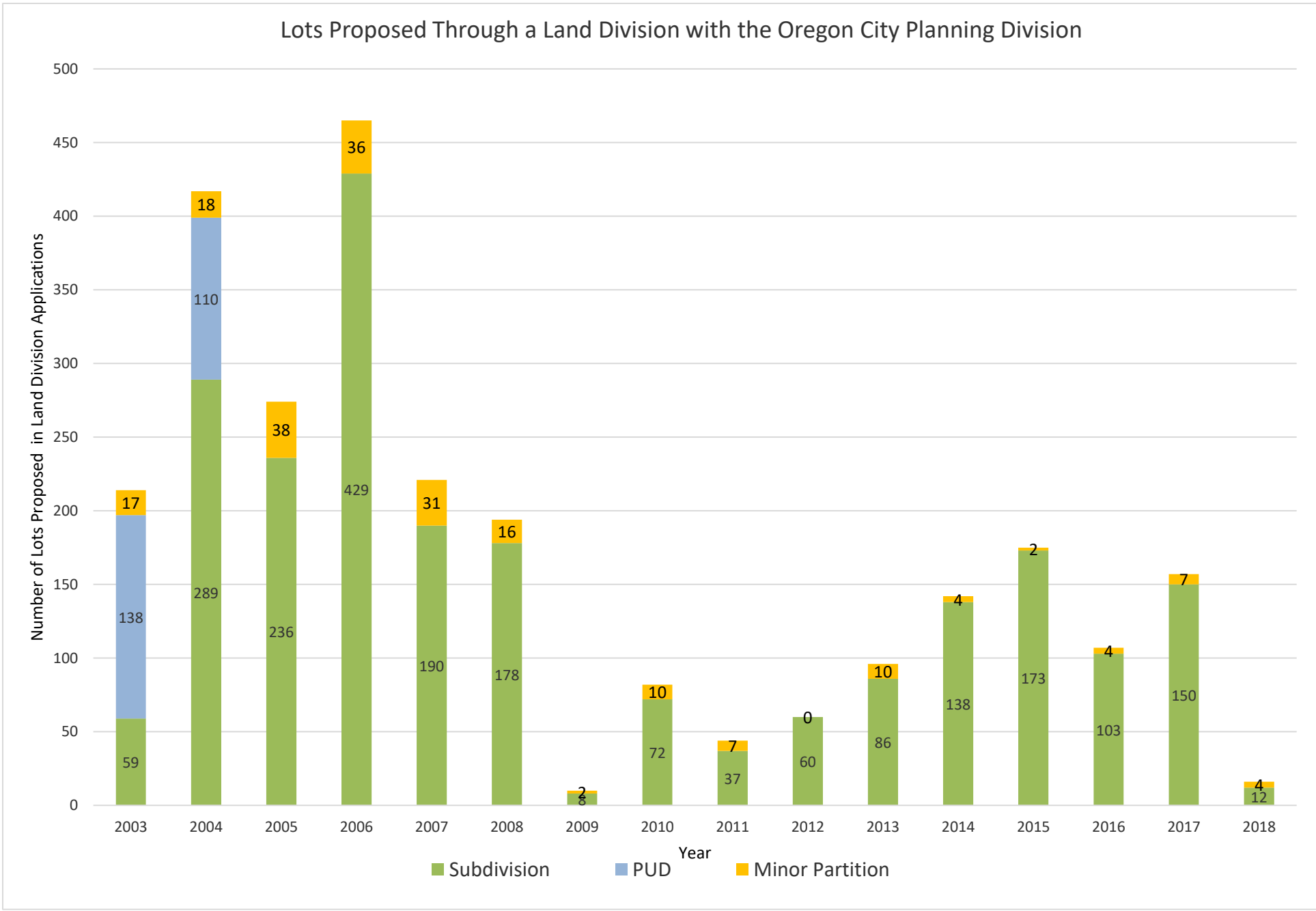
***For Hybrid** - Unbuildable Powerlines area includes 12 acres on east edge of site under powerlines plus 50% of employment area under powerlines (~26 acres) and the PGE parcel (10 acres). **For Alt. A** - Unbuildable Powerlines area includes 12 acres on east edge of site under powerlines and 10 acres of the PGE Parcel and 50% of powerline area (27 acres).

+Major ROW are approximate location & acreage (may be shown as crossing natural resource areas. Actual location and size of ROW will be addressed during development review/master planning). Includes 2 acre adjustment for GIS polygon alignment.

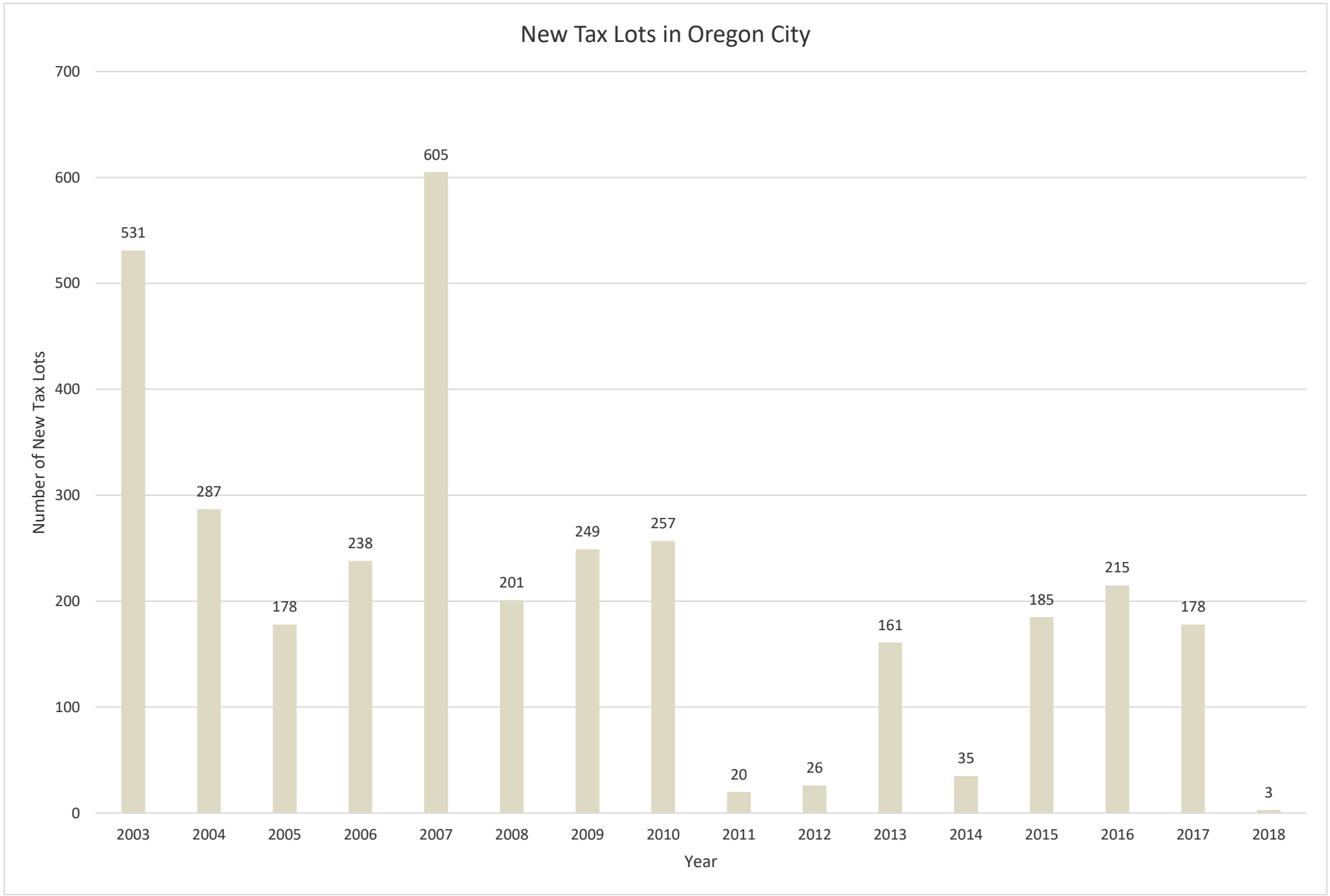
City of Oregon City Community Development Department Statistics as of

June 30, 2018

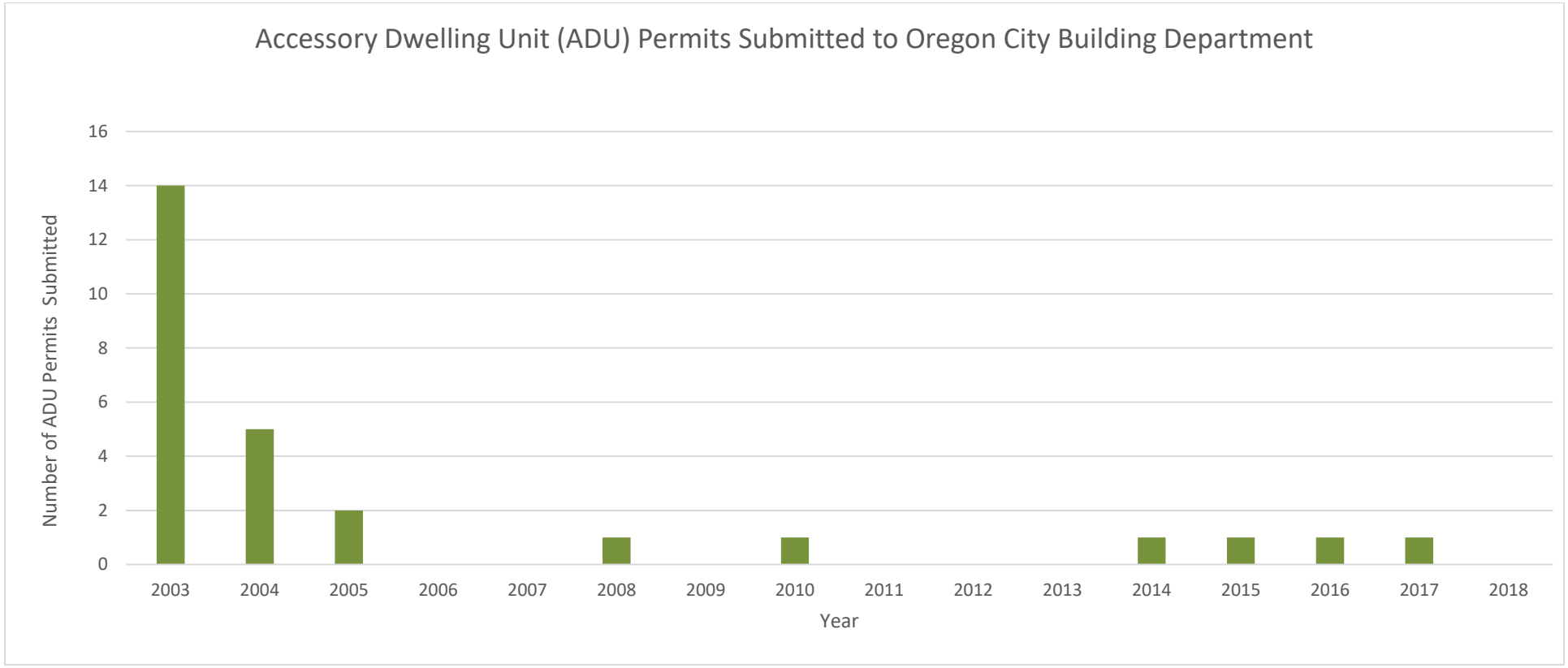
Data may contain errors or omissions.

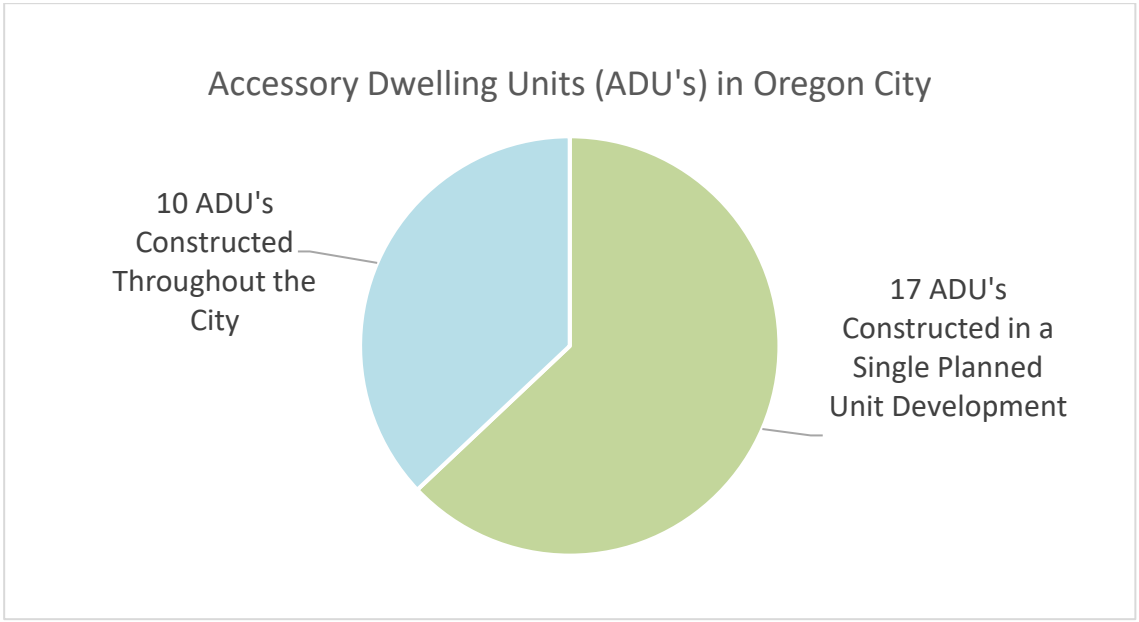


The Planned Unit Development (PUD) process was removed in 2004. Data provided by Eden and EnerGov software as of June 30, 2018.

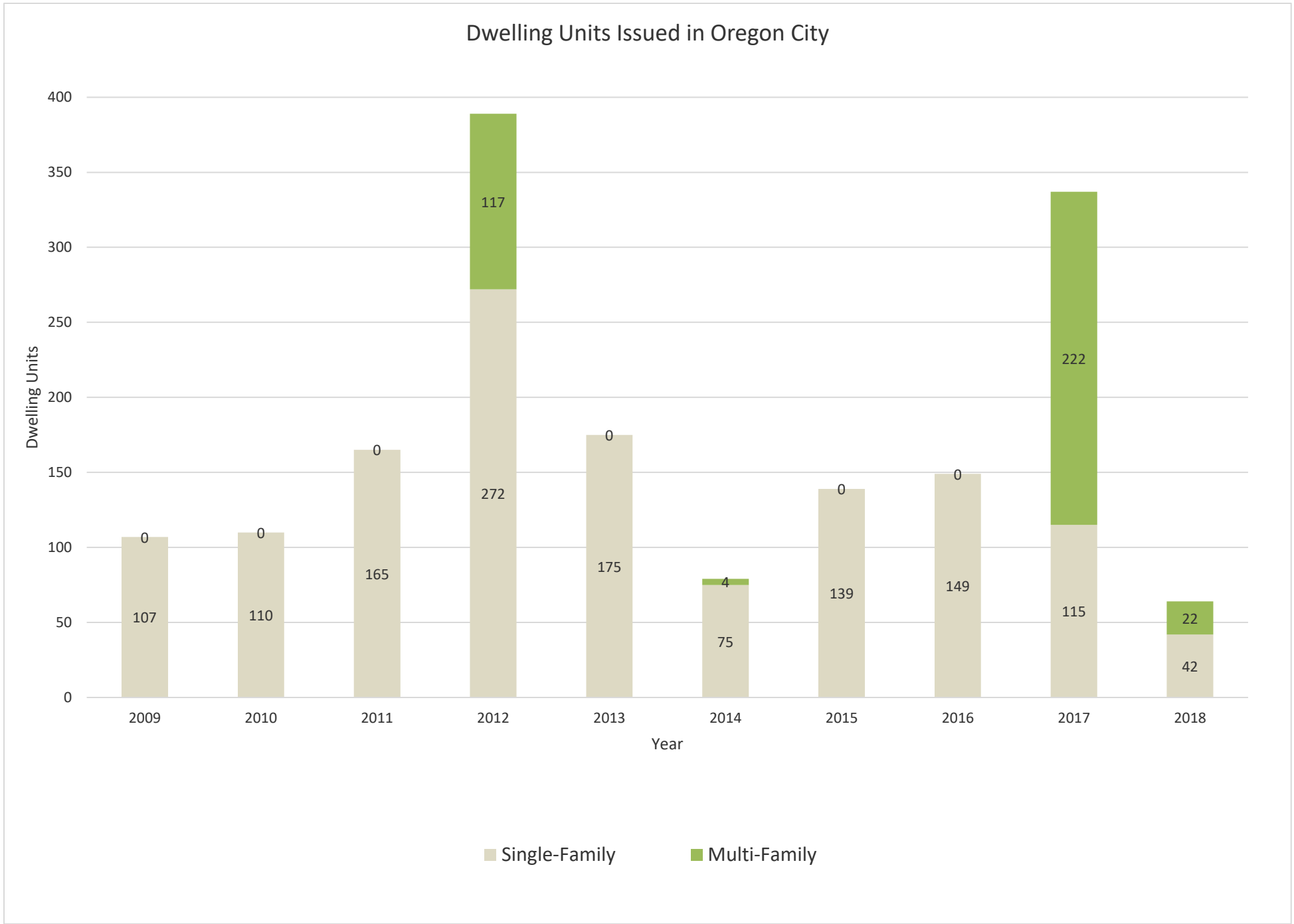


Data provided by the Clackamas County Tax Assessor.

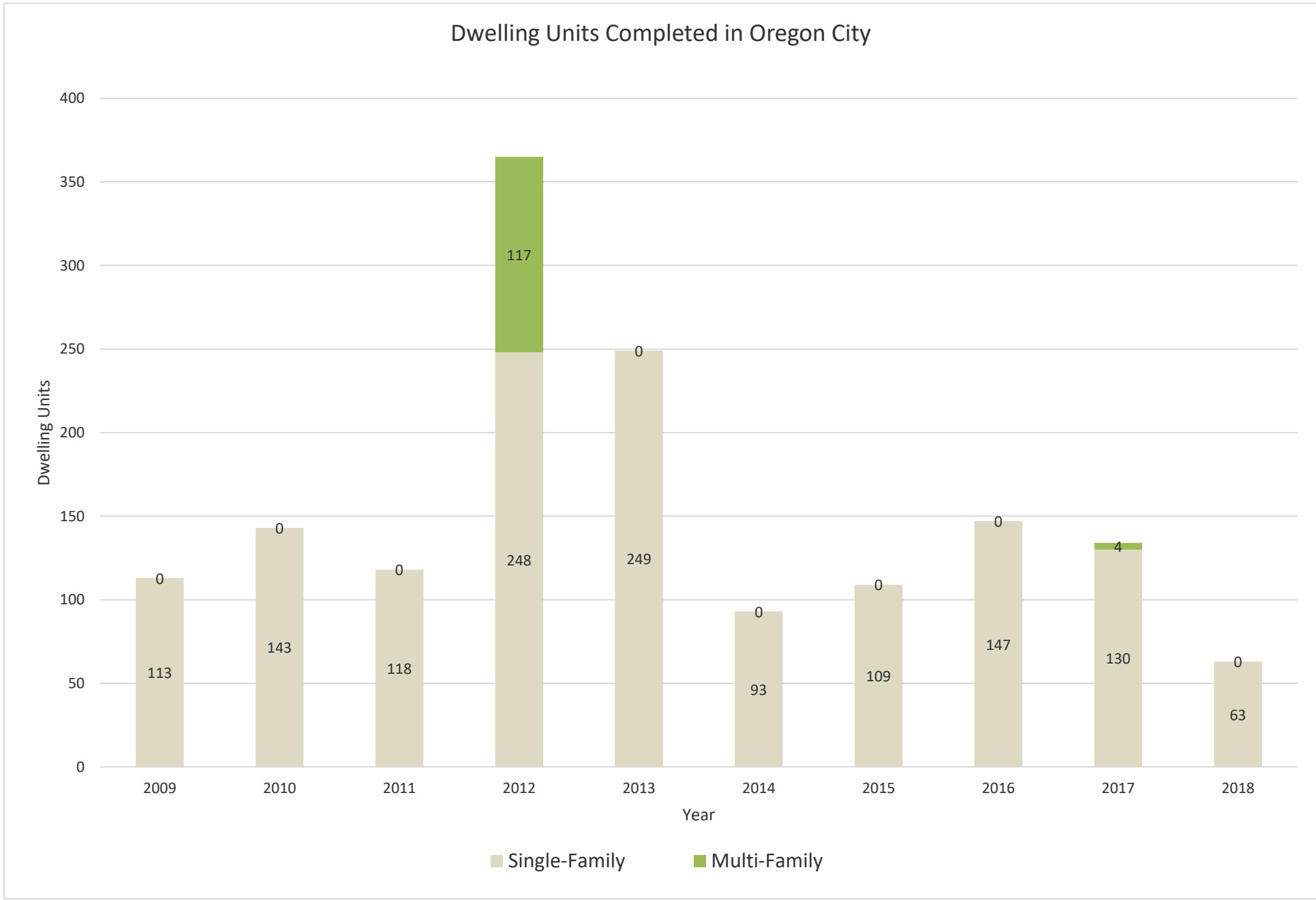




Data provided by Eden software.


Dwelling Units Issued in Oregon City
Dwelling Units
400
350
300
250
200
150
100
50
0
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
Year
0
107
0
110
0
165
117
272
0
175
4
75
0
139
0
149
222
115
22
42
Single-Family
Multi-Family

Data provided by Eden and EnerGov software as of June 30, 2018.



Data provided by Eden and EnerGov software as of June 30, 2018.

COMMENT FORM

OREGON CITY

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 8/27/18

Item Number From Agenda 2

NAME: Tom Geil

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** _____

City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

COMMENT FORM

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OREGON CITY

Date of Meeting 8/27/19

Item Number From Agenda PLANNING COMM.

NAME: PAUL EDGAR

****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 211 5TH AVE

City, State, Zip: OC

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

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Date of Meeting 8-27-2018

Item Number From Agenda 3a

NAME: Nancy Ide

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 16333 Oaktree Terrace

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 503-758-6363

E-MAIL ADDRESS: nancyide40c@gmail.com

SIGNATURE: Nancy Ide

COMMENT FORM

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OREGON CITY

Date of Meeting 8/27/18

Item Number From Agenda 3a

NAME: NIKOLAI URSIN

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS: **Street:** 1605 N SUMNER ST

City, State, Zip: PDX, OR 97217

PHONE NUMBER: 503-545-6142

E-MAIL ADDRESS: ursin@nwhousing.org

SIGNATURE:

COMMENT FORM

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OREGON CITY

Date of Meeting 8/27/18

Item Number From Agenda 3a

NAME: Karla Laws

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS: **Street:** 419 Roosevelt St.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503 956 0634

E-MAIL ADDRESS: karla.laws@gmail.com

SIGNATURE: Karla Laws

COMMENT FORM

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OREGON CITY

Date of Meeting 8-27

Item Number From Agenda 3a

NAME: Jennifer Ostrick

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 511 Roosevelt St

City, State, Zip: Oregon City OR 97045

PHONE NUMBER:

E-MAIL ADDRESS: lyno321@hotmail.com

SIGNATURE:

COMMENT FORM

OREGON CITY

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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 8/27/18

Item Number From Agenda 3a

NAME: Robin Schmidt (The Father's Heart)

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 603 12th St.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-722-9780

E-MAIL ADDRESS: tfhrobin@gmail.com

SIGNATURE: Robin Schmidt

COMMENT FORM

OREGON CITY

*****PLEASE PRINT CLEARLY*****

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting _____

Item Number From Agenda N/A ROD

NAME: PATTI WEBB

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 310 3rd

City, State, Zip: _____

PHONE NUMBER: 503, 616 12

E-MAIL ADDRESS: _____

SIGNATURE: _____

COMMENT FORM

OREGON CITY

*****PLEASE PRINT CLEARLY*****

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- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 8/27/2018

Item Number From Agenda 3a

NAME: JAMES K. McGUIRE (JIM McGUIRE)

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 5807 SE. HILL ST.

City, State, Zip: MILWAKIE, OR 97222

PHONE NUMBER: 503-496-8035

E-MAIL ADDRESS: JJMcGUIRE3574@GMAIL.COM

SIGNATURE: J. McJ

COMMENT FORM

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting 9/13/2018

Item Number From Agenda WORK SESSION 3a.

NAME: PAUL EDGAR

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:**

City, State, Zip: OC,

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

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OREGON CITY

Date of Meeting Aug 13

Item Number From Agenda 1 3a.12

waiting for worksession

NAME: MARK NOLL

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 10835 S. NAVAJO WAY

City, State, Zip: Ore. City 97045

PHONE NUMBER: 503 804-2138

E-MAIL ADDRESS: MSNOLL@Q.Com

SIGNATURE: Mark S Noll

COMMENT FORM

OREGON CITY

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Date of Meeting 8-13-18

Item Number From Agenda 3a

NAME: Adam Zagel

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 139 Kamm St

City, State, Zip: Oregon City, OR

PHONE NUMBER: 503-381-2023

E-MAIL ADDRESS: adamzagel@gmail.com

SIGNATURE:

COMMENT FORM

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OREGON CITY

Date of Meeting 8-13-18

Item Number From Agenda —

waiting for workshop

NAME: Rian Gepford-McGowan

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 16760 S. Swan Ave.

City, State, Zip: OC City, OR 97045

PHONE NUMBER: 404/840-8016

E-MAIL ADDRESS: mcgowanlanette@gmail.com

SIGNATURE: R McGowan

COMMENT FORM

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- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
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OREGON CITY

Date of Meeting 8/13/2018

Item Number From Agenda 3.a.—Equitable Housing

NAME: Dave Neeley

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS: **Street:** 16614 Parrish Road

City, State, Zip: Oregon City, Oregon 97045

PHONE NUMBER: 503-407-2178

E-MAIL ADDRESS: intstatz@sbcglobal.net

SIGNATURE:

COMMENT FORM

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- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 8/13/18

Item Number From Agenda ~~3~~ 2

NAME: Karla Laws

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 419 Roosevelt St

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503 956 0634

E-MAIL ADDRESS: karla.laws@gmail.com

SIGNATURE: Karla Laws

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
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- Give to the Clerk in Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 8/13/2018

Item Number From Agenda PLANNING CITIZENS COMMENTS MAX 2.

NAME: PAUL EDGAR

***Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS: **Street:**

City, State, Zip: O.C.

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM

OREGON CITY

*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to ***3 MINUTES***.
- Give to the Clerk in Chambers ***prior*** to the meeting.

Date of Meeting Aug 13 2018

Item Number From Agenda [redacted] 2.

NAME: Patricia WEBBS

*****Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: **Street:** 310 3rd Ave

City, State, Zip: Oregon City

PHONE NUMBER:

E-MAIL ADDRESS: pdq boxerrescue@yahoo.com

SIGNATURE: PATT. WEBBS

August 27, 2018, Planning Commission Work Session

Written comments from Nancy Ide, Co-founder of Homeless Solutions Coalition of Clackamas County.

Good evening. My name is Nancy Ide, and I am speaking this evening with my hat on as co-founder of the Homeless Solutions Coalition of Clackamas County. The Coalition has a vision to provide compassionate and respectful solutions to those who are homeless through community partnership.

Tonight I would like to speak specifically to one area of the code amendments you are considering – the area of transitional housing or shelters for our community members who are on the low-or no-income spectrum. These folks are people like you and I who are residents of Clackamas County, but due to their unfortunate circumstances, cannot find stable housing in our city or county.

https://www.facebook.com/ClackamasCounty/videos/2116653238409113/

Recently, a video was prepared by Clackamas County and Vahid Brown, the County's Housing and Policy Coordinator spoke to help dispel myths about who the homeless are in our region. I'd like to read the comments from Vahid Brown.

Vahid: I've worked with people in our community who haven't had stable housing for years, and [they include] every type of person from every walk of life. One of the big myths you hear, particularly on the West Coast, is what's called the Magnet Myth. It's the idea that the West Coast's weather is nice, the people are friendly, the communities are welcoming, and there's an abundance of services. So, [the myth says], people come to Clackamas County from outside the region or state to be homeless here. The County did a survey two years ago on the Springwater Trail and got very solid data on homelessness in the County. We asked them:

- where they lived before they were homeless; and
- how long they lived in Oregon.

Exhibit A.

ENTERED INTO THE RECORD
DATE RECEIVED: 8/27/18
SUBMITTED BY: Nancy Ide
SUBJECT: 3a. Equitable Housing + Code Attendants

The overwhelming majority of them - 90% - were Oregonians for more than ten years. I asked them where they were last housed before camping on the Trail, and they would point to an apartment complex a few blocks from where we were. Not in every case, but two-thirds of them identified their last housing as the neighborhood in which they were currently camping. This is common across the West Coast. People lose their housing and they stay in the community they know.

That's where they have their networks, where they know the lay of the land. It makes sense.

Many people who were at working-class incomes are experiencing homelessness in our community. Not everyone has a mental illness or a substance-abuse disorder. Substance-abuse is consistent across the [overall] population, regardless of their housing status. Substance abuse disorders don't discriminate, but [affect] people all age brackets, including parents with children. For instance, this year, 65% of the head start children in our free preschools, the 3-5 year old children, are homeless. That's 2 out of 3 children. <u>THAT</u> is what homelessness looks like in Clackamas County. We're talking about OUR neighbors – <u>ALL</u> types of folks.

The [homeless] people that reinforce the <u>stereotype</u> are the folks that are most visible because you see them on the sidewalk going through a mental health crisis. But [those individuals] represent a <u>tiny fraction</u> of the overall community of people who are struggling to maintain stable housing in our community.

Those are words from Vahid Brown and I'd like to publicly thank him for his tireless, hands-on work in our region helping the homeless find housing.

I chose to use Mr. Brown's words today because of his conclusions that the homeless people in our county are mostly local residents who came upon hard times.

As a city, it is our obligation to not be selective, but to provide housing opportunities to all income brackets in our community. The other proposed code amendments you are considering are addressing a variety of equitable housing options without a conditional use, but the missing piece is housing for our homeless and low-income residents. I encourage you to recommend codes that permit shelters in the MUC and MUD zone districts without a conditional use. I also encourage you to use specific federal language for housing to help applicants secure grant funding for building transitional housing. The phrase "transitional shelter" is old school, and the federal government is simply saying "shelter" to define a variety of housing options for homeless and low-income persons. Once a person is housed, the County is doing its part by providing a variety of services to promote good health and well-being, and Clackamas Community College is ready and waiting with workforce training to help transition the homeless into a sustainable, independent living environment.

Please help provide the missing piece in our Oregon City community by permitting shelters without a conditional use.

Thank you.

My name is Robin Schmidt. I'm the Executive Director of The Father's Heart Street Ministry in Oregon City. I want to thank you for this opportunity and for all that you are doing on behalf of the most vulnerable in our community. I am impressed with your desire to find and implement solutions for them. In the last two years of my directing, I have seen so much support from the local community. I have heard countless times the appreciation for us being available to those in need. The community seems to appreciate a place that they can contribute to the needs of others, not only with their item and financial donations, but many times they bring people in need for services. There seems to be an underlying compassion that runs through Oregon City and it's citizens. We are so glad to be a part of this community.

The Father's Heart is a Day Center for those experiencing homelessness and those on the verge of losing their homes. We also have served for many years as an emergency warming shelter for up to 49 people when the weather is freezing or below. Because of Oregon City granting emergency resolutions, we have been able to offer a safe, caring place for people to receive a warm meal and a warm place to lay their head. We also help keep people from filling emergency rooms in the hospital by preventing them from sickness. You could honestly say that we save lives.

The people served in the emergency shelter many times are also fighting physical health issues, disabilities, mental health on top of dealing with severe weather. They come to us many times with soaked wet clothes and or shoes. We are able to offer them dry clothes and shoes, hand and feet warmers, a warm meal and a supervised, safe night of rest. We are also able to refer people to our Day Center for receiving much needed services.

Sometimes people are brought to us by people in the community that see someone in distress, also police officers and sometimes even some are released to us from the local hospital because they have no place to go but us. We are grateful for the privilege of serving the community by caring for those in great need in severe weather.

Those that come to our Day Center are not only able to receive meals, but also showers with a clothing exchange, computer access, access to a phone and use us as their mailing address. We also have weekly services from Clackamas county

Exhibit B.

ENTERED INTO THE RECORD
DATE RECEIVED: 8/27/18
SUBMITTED BY: Robin Schmidt
SUBJECT: 3a.
Equitable Housing

housing, weekly veterans representatives and monthly foot care and Medical care.

In the last month alone, we have seen clients advocated for and supported in court, transported to appointments, 3 people find affordable housing, with one moving in to her new home tomorrow! We have given out numerous bus tickets to those just starting employment, many sleeping bags for those waiting to get inside. We had one guest come back to thank us for being available in his great time of need and sharing with us that he has been sober for on year, working and living in his own home. Another guest in his late 80's and a veteran wrote me a note to thank us for the "good program" we have at TFh.

Day or night, The Father's Heart greatly respects our neighborhood and community at large. We have strict guidelines for appropriate behavior inside as well as outside on our property. Guests that come in for emergency shelter must be able to comply to our guidelines to stay as a guest. Every night the guidelines are gone over with all guests to make sure that peace is maintained for all. This means being considerate while outside on our property. There are designated areas for smoking and visiting outside and no one is allowed outside after 10pm.

It is made clear that those that can't comply will be asked to leave or sometimes trespassed. This however, is not something that occurs often. We have found that people are too appreciative of the emergency shelter to jeopardize their stay.

The Father's Heart encourages you to change the current terminology of "emergency resolution" to "permitted use". In the past, the cold weather comes earlier than the passing of an emergency resolution. Last year, I actually opened the shelter at midnight of the day the resolution was passed. I couldn't live another night telling people as soon as the resolution passes we can open. So, at midnight I drove over to the transit center and the nearby streets and told people we were open. The simple fact is that we cannot operate at night without funding. We couldn't receive funding from the county until the city passed an emergency resolution.

Changing the code to "permitted use" would also allow us the necessary time to prepare and schedule volunteers and staffing for the operation of the emergency

warming shelter. In years previous, we have had to tell volunteers that we hope to be operating by a certain date, but that is only if the resolution is passed. As you can see, a permitted use would help us greatly for scheduling with confidence the volunteers that want to serve.

The Father's Heart is only interested in maintaining a well serving Day Center and providing an emergency warming shelter in extreme weather. We are honored to be in Oregon City.

Thank you for your time. I'd now like to introduce Jim McGuire, a former guest of The Father's Heart Day Center as well as the emergency warming shelter.

This isn't my first time coming before you. But I hope it's my last. And frankly, I don't know what all our advocating, picketing, letter writing, meeting taking has done. Getting local meetings was met with a mere shoulder shrug and an aloof response. Getting county, state officials involved was useless.

I came here before to advocate on behalf of my neighborhood. We were a great little place. Kids laughing and riding their bikes in the street, families standing on corners chatting, front yard BBQs. Now, our street has lost 7 kids. We have 5 rental house and one on the way. Our children aren't allowed to play outside without supervision. This, this is what you all created. Now, I don't feel safe walking my dog at dark. I walk along Human excrement in our alleys. I have to make sure I look ahead to ensure my children don't see sexual acts in the alleys. "Neighbors" come home clearly under the influence, blaring music and screaming profanity. Again. I say, this, this is what you all created. You didn't hear the pleas of my street. But maybe you'll acknowledge that will not be an isolated incident if you do not change your codes. And take notes for the upcoming proposed changes.

~~I come here to ask that you own what you are creating~~. It is your job to plan for growth. And each and every one of you should be putting the desires of the community first. We can choose to be a town, known for the jail, the courthouse, the homeless, the transitional houses for criminals, sexual offenders and addicts. OR you can create a city for young professionals. A place where families can come, put down roots and grow. You can cultivate a city known for its unique location, amazing locally owned businesses and our historical preservation ~~of this country~~. But it's up to you to make a choice. As much as we'd like to say we can have it all, we simply can't. Families don't want to raise their children around felons. Families want to feel safe walking their neighborhood.

So, when I hear a complaint I ask for 2 possible solutions.

Options. Stop transitional homes. Stop ADUs. Focus on the very flawed codes we currently have and make rules so that tax paying, voting citizen are the ones who get to drive the direction of their neighborhoods. ~~How can tighter regulations~~ à la twelve Utah

OR Re-write the code so neighborhoods can be involved. Focus on making clear rules that are defined so that we don't have homes filled with felons, addicts, and sex offenders with no consequence and with no oversight. The ADUs need clear

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EXHIBIT: C
SUBMITTED BY: Jennifer Ostrick

defined rules so that we don't have sheds as "ADUs". Owners of the property must be held accountable. There must be a system in place that examines the integrity of the area where these multi-living dwellings will occur and actually stop the development if it negativity impacts that area. A simple, "the code is the code, or my hands are tied" are simply unacceptable. outcomes.

This isn't just a "my street concern". And if you are naiive enough to think that this won't impact you, then I can't speak to that. What I can say is I run all over this town. My last run I found 5 needles. When I ran around CCC I had to literally run around 3 homeless people.

I keep hearing we are worried to become the next Portland. But Portland has a vibe to "embrace all". When you move to Portland, you have a sense of what you are getting. From food carts, to people sleeping in your yard. Oregon City does not. Oregon City is tore into so many parts that what defines us has been lost. Rules aren't made for those who follow them. They are made for those who try to get around them. I don't fear Portland, I fear that we will become the next Gothum city.

Now I need to go home. Lock my doors, arm my security system and put my children to bed.

From: Paul Edgar
Sent: Tuesday, August 28, 2018 11:04 AM
To: Pete Walter; Laura Terway; guttmcg@msn.com
Cc: Rocky Smith - Home; Damon Mabee; Mike Mitchell; Brain Shaw - OC Commissioner
Subject: Metro's Chapter 3.07, "Urban Growth Management Functional Plan" & "Regional Functional Plan Requirements" with 2018 updates

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It is my belief that Metro's Chapter 3.07 Urban Growth Management Functional Plan should be reviewed for compliance and direction as it states in 3.07.010 Purpose:

"Any city of county determination not to incorporate all required functional plan polices into comprehensive plans shall be subject to conflict resolution and mediation processes included within RUGGO, Goal I provisions, prior to final adoption of inconsistent policies or actions".

Last night before the Planning Commission 8/27/18, I referenced Title 7 - Housing Choices & Title 12 - Protection of Residential Neighborhoods - 3.07.1220, Residential Density.

Title 3.07.1220 Residential Density - "Metro shall not require any city or county to authorize an increase in the residential density of a single family neighborhood in an area mapped solely as Neighborhood."

There is significant guidance found in virtually all of the Titled Sections that directly applies to the current considerations, efforts and actions to update Oregon City's Equitable - Affordable Housing with new policies and code revisions.

My personal comments are that the great middle of the housing needs are mostly driven by the conditions of the Marketplace and the lack of new lands found within the identified Urban Growth Boundary. We should be very careful prescribing new infill with inconsistent density requirements in established neighborhoods that adversely and negatively destroy the character and culture that holds a neighborhood together.

Found in Title 3.07.760 - "Recommendations to Implement other Affordable Housing Strategies" are table 3.07-720 on Five-Year Voluntary Affordable Housing Production Goals. There are lists by "Jurisdiction" of "Needed new housing units for households earning less that 30% of the median household income and Needed new housing units for households earning 30 - 50% of the median household incomes."

How we address the creating of code revisions for housing people below the 30% of the median household incomes is of the highest priority and it is to me the one lost group of housing.

My personal belief that this can happen best in Planned Communities within Cluster Housing Concepts, where efforts are to have primary access to transit and education with very small lots.

Exhibit D. Paul Edgar
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We as society and tax payers cannot afford the so called affordable housing high rise projects, that are to the most part subsidized with significant tax payer funded efforts to reduce the costs that are now approaching $250,000 plus per dwelling unit. There is also cost that we will pay as a society where the next generation is brought up in environments where there are elevators and no trees, green grass, parks and fresh air.

Please review the many outstanding Senior Housing Communities and ideas can be picked up.

We should review how we can re-purpose Industrial and CI lands on all side of Clackamas Community College, that have sat idle and transfer some of those lands their zoning to other places and thus open the door to Greater Need Process of Review, that could solve the problems with the opportunity to locate housing, where NIMBY and other neighborhood reactions are minimized. The key to these open lands is that they satisfy the critical transit and education/re-education and job skills building components with the highest weight values. There are many and multiple tears/levels of very low cost housing that needs to be addressed and each can be considered a stepping stone to the next level.

When market costs of housing and income levels do not match and people are forced to the street or to their cars. The proposed housing on the upper floors of possible housing between McLoughlin Blvd and Main Street in those new allowable floors (re-setting the height Standard to 75-Ft.) would not be affordable - equitable housing to anyone 30% below the median average income. Most everything being suggested within these revisions that seems to get talked about is for people above the median average income or on the higher ends of income. To me we are losing track of what this whole revision process is and should be all about.

Please make this information part of the record of these hearings and available to all members of the Oregon City Planning Commission.

https://www.oregonmetro.gov/sites/default/files/2018/04/16/urban-growth-management-functional-plan-04162018.pdf

Thank You,

Paul Edgar, Canemah Neighborhood Resident

From: Karla Laws
To: Laura Tierney; Pete Walter
Subject: Roosevelt
Date: Monday, August 27, 2018 11:00:52 PM

Late afternoon to evening activities of homeless & transitional house at 523 in the past few days on Roosevelt. Totally My neighbor and my household witnesses sexually acts, unsafe shouting/cussing, possible drug dealings, indecent exposure. My children do not feel safe and see inappropriate things. In the upper middle shed photo doing sexual activities just trying to walk to their car from their own porch. The person living in the shed will not leave. No bathroom facilities. If codes become more lenient, I don't see how this will improve.

Please share w who you see fit. Please keep my identity & contact anonymous for the protection of my family.

& tonight at 10:03pm. Shed being occupied illegally with no bathroom facility. Ppl from 523 occupy this shed frequently, at least 3 different ladies overnight. Seen ppl homeless and high go in here too on a regular basis.

Exhibit E. Karla Laws
File: LEG-18-00001
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Karla Laws

Sent from my iPhone

Fort Kennedy Vision Statement

On Tiny Houses in a Cluster

"Our direction is to enable All Veterans to move forward in their lives after military service. We will provide transitional housing, shelter for homeless service men and woman. To ensure All Veterans receive the support through employment, family counseling, and help with well-deserved benefits. We will work with all Veteran Agencies in the community, we will achieve a much needed 'Hand Up, not a Hand Out' for our Homeless Veterans."

We would like to comment on affordable housing, with efforts to create transition shelters/housing and very low cost (affordable) housing, **where we can move more people/families, affordably off of our streets.**

The focus of Fort Kennedy has been initially on creating encampments, with Transitional Shelters and Semi-Permanent Housing (Tiny Houses) for our Homeless Veterans.

Fort Kennedy currently operates a Veteran specific day center, at 7600 Johnson Creek Road on the second floor of a building within space provided by Crosspoint Northwest. We subsequently allocate space for non-profits; Gold Star Wives, Vietnam Veterans Post 392, and PTSD foundation of America and even the VA.

Our Veterans and non-Veterans and how we (as society) address these conditions and various reasons and core causes of the lack of housing and subsequent homelessness, there will always be an open wounds.

Our seniors and the working poor find their ability to find Housing is equally a problem/opportunity, which needs to be addressed positively and overlaps the greater needs of society.

We have significant segment of people without adequate housing that have Mental Health Issues, many of our Veterans also have the additional problem of PTSD and those problems can be compounded, where a lot are addicted and/or self-medicate and that results in additional major problems/opportunities.

We have look to all transitional opportunities to move people from being dependent within society, to where they are self-supporting, that includes addressing all educational opportunities including job training.

We also need to talk about the "Not In My Back Yard" (NIMBY) issues, of where and how we create/locate - locations, for the full spectrum of people priced out of housing opportunities, including opening up the UGB.

Paul Edgar, Board Member of Fort Kennedy, 501(c) (3)

To provide everyone a better idea of what a 20-unit planned community built in a cluster for Homeless Veterans - Housing, could be using an Oregon City company might cost, we gathered following information.

ITEMS ENTERED INTO RECORD
FILE: LEG-18-00001
DATE: 8-27-2018

EXHIBIT: F
SUBMITTED BY: Paul Edgar

Better Built Barns, 13781 S. Forsythe Rd. (Just off Clackamas River Drive.) in Oregon City to provide Fort Kennedy a quote on Affordable Tiny Houses.

We asked them to spec-out a 10' x 20' units (200 sq. ft.) in their Country Barn style, with 9' base walls and a loft. (Floor to ceiling interior peak, would be approximately 13' high, which provides a lot of cube.)

We asked for them to upgrade these structures where these Tiny House Units would be built on Post and Beam, but with 2' x 6' Construction and with a pressure treated material for the floor structures.

The Gambrel Roof rafter would be 4' in height to the initial curb, then would then go up an additional 2' to the peak, providing a floor to ceiling height of approximately 13' and also have one 5' wide dormer, and built with addition of vents, roofing pre-engineered for Solar Panels.

Each of these Tiny Housing units would have two 3.0' man doors, four 3' x 3' windows for legal egress, and two 2' x 2' windows.

Each Tiny Housing unit would have an 8' x 10' sleeping loft and below it 8' x 10' walled in room (Handicap accessible bedroom, or have two bunk-beds.)

The preliminary estimated cost is based on building 20 of these Tiny House units (all material and labor) at one site. The cost would be $8,500 per structure or $170,000 in total. (This would be achieved as a result of, gaining a 10% volume discount, by building all structures at one location)

There would be no plumbing, electrical and/or wall heating units, but that could be easily added after the fact, hopefully by donation.

They would be ready for standard insulation and hard board interior walls possibly over that of sheet-rock, to prevent damage.

This same Tiny House units could be designed to where they could have an 8' x 10' kick-out on the back side, if there was a need for a future bathroom and/or micro kitchen. (This would make the structures 280 Sq. Ft. and add $3,000 more and would open the door to SDC Fees and other Impact Fees being assessed.)

Each of these Tiny House structures could easily sleep up to four (4) people comfortably and more in emergency conditions.

What we are attempting is to build are Affordable Housing Units on Post and Beam, which are in a size, which is below a size (200 Sq. Ft.) of what requires Building Permits and is additionally not assessed with SDC or other Impact Fees.

To make this vision complete, we see a need for a central commissary building that becomes the kitchen - meeting space, with toilets and showers. This building should be envisioned, as part of creating an effective planned community.

Centralizing outreach efforts, where effective peer-to-peer intervention can take place, in combination with counseling, we can transition Homeless Veterans into a sustainable life and will prevent suicides.

Testimony for Planning Commission consideration of the Equitable Housing Code Amendments- LEG-18-00001 on 8/27/2018

- My name is Nikolai Ursin
    - Served as a member of the Technical Advisory Team for the Equitable Housing Strategy
    - Here on behalf of NHA, one of the largest non-profit housing organizations in the state
    - Roughly 2000 units in 15 Oregon counties, with nearly a third of our portfolio located in Clackamas County
    - Was before Commission in March discussing Pleasant Ave Veterans Housing
        - Narrowly approved by this body in a last minute 5/2 vote that was almost held up due to factors that may no longer applicable to future projects if the package before you is passed into code.
        - I'm here today to say that that is a good thing, and here's why:

- The need for housing is clear
    - The last point in time homeless count found more than 2000 people living in the streets/shelters/cars in Clackamas County. These include veterans, children, the disabled, and hard working families that just fell into difficult times due to the loss of work, illness, or other factors outside of their control.
    - The cost of market rate housing is now out of reach for many who call this community home, where the median home value is now at $410,000 and the average rent for a 2-bedroom unit is $1230.
    - For a family earning minimum wage or several dollars an hour higher, this rent is far out of reach.
    - This imbalance causes all sorts of problems, from family instability, to greater traffic caused by folks who now must live far from their places of employment simply to keep a roof over their head.
    - It's for these reasons this process got underway.
- Overly prescriptive code can get in the way of innovative development
    - Pleasant Avenue Veterans Housing was designed to produce the most housing for the least cost. It was unadorned, but still elegant. The design reduced material waste, thereby reducing its carbon footprint. It was a model we hoped to prove here and take to other areas of the state to

Exhibit G. Nikolai Ursin
File: LEG-18-00001
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replicate, but then we discussed our effort with planning staff and found that it couldn't be done.
    - Articulation and modulation, ground floor building height, maximum façade width. These were all adjusted, at great cost of funding and time, and we still couldn't get our project through land use review without variances.
    - I am thrilled that the code revisions take this into account, and provide a more predictable path for those wishing to build needed housing for the community.
- Parking is not free
    - While we did not dispute the parking requirements through a variance request for our project, these did come with a price-tag.
    - Offstreet parking costs roughly $10k per space to build, not taking into account circulation requirements. Structured parking can range between $25-50K depending on if it is underground.
    - These are not absorbed by the developer in market rate buildings. Rather, they are passed along to the renter/owner. If the city wants to have housing that is equitable, parking is something you have to consider.
    - If there's a market for parking, the market will provide it.
    - It makes sense that in a city with such topographic challenges, the market would provide parking, and I suspect most new development provides plenty of parking for buyers
    - However, times are changing. Self driving cars, electric bikes and scooters, and other technologies may reshape transporation in ways we can barely imagine.
    - I'd hope this commission wouldn't get in the way of the market and its ability to experiment in ways to most efficiently build what Oregon City buyers/renters demand.
- Finally, I want to applaud the city for this inclusive and participatory process
    - The code amendments before you were thoughtfully and thoroughly considered.
    - Your expert staff and excellent consultants took city code and made it interesting and relevant.
    - The eventual recommendation was supported by the majority of those who participated in the various committees, and I have a feeling there were many involved who wish the community could do even more to bring about equitable housing for Oregon City residents.

    - After what I hope is unanimous approval of this package of code amendments, I'd welcome review of System Development Charges and Tax abatement programs that further reduce the cost of developing needed housing. In addition, I'd encourage the city to look for ways to provide further investments in housing through dedicated Construction Excise Taxes, Tax Increment Financing, and your city's support of Measure 26-199, the regional affordable housing bond that will be on the ballot this November.
    - All of these together can truly address the housing crisis facing our communities, so that hardworking families are able to afford a safe and stable place to live in Oregon City.
- Thank you and I'd welcome any questions you may have.

From:	Nikolai Ursin
To:	Pete Walter
Subject:	Planning CommissionTestimony_08272018
Date:	Thursday, August 30, 2018 10:10:17 AM
Attachments:	Planning CommissionTestimony_08272018.docx

Hey Pete,

Per your request, attached is a written version of the testimony I provided during this week's planning commission meeting. Hope the rest of the meeting went alright. It's really a shame that they seemed so adverse to reducing parking requirements. Everyone seems afraid to experience Portland's challenges, which are so different than what might take place in Oregon City. As far as I can tell, it's going to be a long long time before housing built in Oregon City resembles the scale of Portland's typical development. They're regulating for something that won't happen. And it especially won't happen if so much parking is required...

Anyway, let me know if there's more I can do to help.

Cheers!
Nikolai

To: Oregon City Planning Commission and City Planning Commission
From: Robert J. Zimmer, Ph.D.; member of Project Advisory Team, Oregon City Equitable Housing Project
Date: August 17, 2018
Re: Feedback on Equitable Housing Project Recommendations

In June 2016, I made a major investment in Oregon City by purchasing Mt. Pleasant, a 68 space manufactured housing community. It was in terrible condition because the previous owners at one time were in the process of closing the park, in order to redevelop it for single-family, detached housing, i.e. "highest and best use". At its nadir, the park was half empty and in a state of serious disrepair causing unsafe living conditions for the residents.

To date, I have invested over $400,000 in improvements including repairing and sealing the streets, installing 13 exterior light poles with boring for 6 poles, repairing walkways, landscaping the entrance and installing new mailboxes, with overhead cedar shelters. With these improvements, residents are beginning to show real pride of ownership by remodeling and cleaning up their own homes.

As a park owner with 16 years' experience in manufactured housing, I was invited to join the Project Advisory Team (PAT) of the Oregon City Equitable Housing Project lead by Pete Walter. Having read the report, I support fully the proposed zoning code changes to promote more equitable housing options to current and prospective residents. I think the recommended code and regulatory changes are fair, reasonable, practical and creative solutions to a very complex, multidimensional, burgeoning problem.

Though I have owned and managed apartments in California for forty years, I will focus my suggestions on manufactured housing parks, which provide the most affordable home ownership options. Prospective buyers can purchase a 3 bedroom, 2 bath resale home with carport and shed for $60,000-$80,000 in Oregon City. With monthly space rent under $600, utilities about $100, and low vehicle tax rate versus property tax rate, home ownership is comparatively cheap and affordable. The problem is that they sell quickly because of the dearth of homes available on the market, i.e. demand far exceeds supply.

With a total inventory of approximately 1,000 manufactured homes in Oregon City, the supply is extremely tight, and all parks are at full capacity. There is no available space in Oregon City to place a newly purchased home unless an existing house is demolished.

The solution is to encourage developers to build more manufactured housing communities in Oregon City. Three specific recommendations pertaining to manufactured homes are:

1. Stipulate in the report that manufactured home communities are permitted in R-2 High Density Zones, if they meet design standards.
2. Remove square footage requirements so as to allow "tiny homes" or park models with less than a 400' square footprint.
3. Allow manufactured homes to be included as another option for cluster housing. (Cumberland MHP is a 7 space park in S.E. Portland.)

My last recommendation deals with warming shelters or transitional housing. As part of their mission, churches and other not-for-profit organizations are doing an amazing job assisting individuals and families who are struggling in their daily lives. Increasing shelter capacity and allowing shelters to operate year round is imperative. Also, Southern California shelters open up their doors when the "wind-chill" temperature hits 32 degrees.

To achieve increased development of affordable housing units for current and future Oregon City residents requires the Oregon City Planning Commission to approve the creative, compassionate and pragmatic changes recommended in the Project Advisory Team's report. Crises demand bold leadership at the highest levels, and affordable housing in Oregon City is a crisis.

July 23, 2018

Members of the Oregon City Planning Commission:

As the landowners of 545 Holmes Lane we are affected by the zoning changes proposed under the Equitable Housing grant and would like to share our thoughts about the proposed changes.

We support the goals of "Diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities" that the city has embraced. We also value our neighborhood and the lifestyle gained through a piece of property that originally was a portion of the Holmes Land claim. It is our thought that placing apartments *only* on the land at 535 and 545 Holmes Lane diminishes the historical importance of the history directly across the street. The Rose Farm is an important piece of the history of Oregon City and the surrounding area should enhance and reflect that history. We feel that small, single family homes in this area would enhance the pioneer spirit of the city.

We attended the focus group meeting when R-2 zoning was discussed and felt that the members were open to a wide variety of housing types in the zone but we also felt that they were deeply swayed by a photo of very ugly single family homes on small lots. Two photos were presented and one was very well received while the second was not well received at all. It is our belief that with the correct zoning requirements, single family housing could fit well on 2000 square foot lots.

If Oregon City is to provide affordable housing choices for all, then the possibility of home ownership is the ultimate goal. We believe that smaller homes, which fit the density requirement offers a greater opportunity to meet the goals then larger facilities where rent is the only possibility and the renter receives nothing in return for their monthly payments.

Please consider including single family housing in the R2 zone or at least in the Holmes Lane properties.

Thank you for your consideration.

Chris and Barb Streeter

545 Holmes Lane, Oregon City, Oregon 97045

Fort Kennedy Vision Statement

On Tiny Houses

We would like to comment on affordable housing, with efforts to create transition shelters/housing and very low cost (affordable) housing, **where we can move more people/families, affordably off of our streets.**

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We have Veterans and non-Veterans and how we (as society) attempt to create conditions, that address various reasons and core causes of the lack of housing and homelessness, there will always be an open wound.

Senior Housing is equally a problem/opportunity, which needs to be addressed positively.

We have significant segment of people without adequate housing that have Mental Health Issues, many with PTSD and a lot who are addicted and self-medicate and that is a major problem/opportunity.

We have look to all transitional opportunities to move people from being dependent on society, to where they are self-supporting, that includes addressing all educational opportunities including job training.

We would also like to talk about the "Not In My Back Yard" (NIMBY) issue, of where and how we create/locate - locations, for the full spectrum of people priced out of housing opportunities, including opening up the UGB.

Paul Edgar, Board Member of Fort Kennedy, 501(c) (3)

To give everyone a better idea of what a 20-unit planned community for Homeless Veterans - Housing, using this Oregon City company might cost, We gathered following information.

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We asked them to spec-out a 10' x 20' units (200 sq. ft.) in their Country Barn style, with 7' base walls. (Floor to ceiling peak, would be approximately 13' high, providing a lot of cube.)

We asked for it to be upgraded where these Tiny House Units would be built on Post and Beam, with 2' x 6' Construction and with a pressure treated material for the floors.

The roof would be 4' in height above the walls, to the initial bend and would then go up an additional 2' to the peak, providing a floor to ceiling height of 13′ and have one 5' wide dormer, and in addition to 4 roof vents.

Each of these Tiny Housing units would have two 3.0' man doors, four 3' x 3' windows, and two 2' x 2' windows.

Each housing unit would have an 8' x 10' sleeping loft and below it 8' x 10' walled in room (Handicap accessible bedroom, or have two bunk-beds.)

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There would be no plumbing, electrical and wall heating units, but that could be easily added, hopefully by donation.

They would be ready for standard insulation and hard board interior walls possibly over sheet-rock, to prevent damage.

This same Tiny House units could be designed to where they could have a 8' x 10' kick-out on the back side, if there was a need for a future bathroom and/or micro kitchen.(This would make the structures 280 Sq. Ft. and add $3,000 more and would open the door to SDC Fees and other Impact Fees being assessed.)

Each of these Tiny House structures could easily sleep up to four (4) people comfortably and more in emergency conditions.

What we are attempting to build are Post and Beam Structures, which are in a size, which is below a size (200 Sq. Ft.) of what requires Building Permits and is additionally assessed with SDC Fees or other Impact Fees.

To make this vision complete, we see a need for a central commissary, kitchen, meeting space, toilets and showers. This building should be envisioned, as part of creating an effective planned community.

Centralizing outreach efforts, where effective peer-to-peer intervention can take place, in combination with counseling, we can transition Homeless Veterans into a sustainable life and will prevent suicides.

Pete Walter

From: Debbie Chelson <dchelson@gmail.com>
Sent: Wednesday, July 18, 2018 1:47 PM
To: Pete Walter
Subject: Sufficient Cell Phone Towers for Proposed Growth Plans

Dear Mr. Walter –

I've just reviewed the proposals for amendments to the Oregon City Municipal Code as posted at https://www.orcity.org/planning/housing-and-other-development-and-zoning-code-amendments.

I'm in agreement that we need a variety of affordable housing options, but am concerned that the city also ensures sufficient cell phone towers for this growth. As it is, there are many low or spotty signal strength areas, particularly in the residential neighborhoods. As we add more people to the area I think we must plan for an abundance of cell coverage. This is not only important for the day-to-day cell usage of individuals and businesses, but essential in times of emergencies when first responders need to stay connected to each other and the citizens.

Thank you for taking this into consideration as we plan for additional options and opportunities in Oregon City.

Kind regards,

Debbie

Debbie Chelson
11524 Shelby Rose Drive
Oregon City, OR 97045
971-678-5680 (cell)
dchelson@gmail.com

Matheson Email 7.24.2018

Matheson v. City of Oregon City Amended Petition for Writ of Review and Amended Complaint FINAL 07182017

Norby Ltr re 17 CV25621 Matheson v City of Oregon Cityunderlined

Norby ltr re17CV25621 Resp Motion for reconsideration

ocroofpolice

ocroofreply

OCstats

Petitioner-Plaintiffs' Response in Opposition to Respondent's Motion for Reconsideration-Case No. 17CV25621-1

Pete Walter

From: Mark J. Matheson <mark.matheson@drteamsint.com>
Sent: Monday, July 23, 2018 3:05 PM
To: Pete Walter
Subject: Fwd: For the record - Planning Commission -
Attachments: Matheson v. City of Oregon City Amended Petition for Writ of Review and Amended Complaint FINAL 07182017.pdf; Petitioner-Plaintiffs' Response in Opposition to Respondent's Motion for Reconsideration-Case No. 17CV25621-1.pdf; Norby Ltr re 17 CV25621 Matheson v City of Oregon Cityunderlined.pdf; Norby ltr re17CV25621 Resp Motion for reconsideration.pdf; ocroofpolice.pdf; ocroofreply.pdf; OCstats.JPG

I forgot that you were the POC for the planning commission

-------- Original Message --------

Subject: For the record - Planning Commission -
Date:2018-07-23 14:44
From:"Mark J. Matheson" <mark.matheson@drteamsint.com>
To: Laura Terway <lterway@ci.oregon-city.or.us>, Denyse McGriff <guttmcg@msn.com>, Kattie Riggs <kriggs@orcity.org>
Cc: Miranda Sierra <sierra318@gmail.com>, Patti Webb <Pdqboxerrescue@yahoo.com>, Gary Avery <gavery@gavery.net>, Karla Laws <karla.laws@gmail.com>, Mike Simon <mike1e4e5@gmail.com>, Al Snell <classiccycleinc@yahoo.com>, Gordon Wilson <gordon@gkwphoto.com>, Tom O'Brien <tom.obrien4@comcast.net>

For the record

I would like to suggest postponing any unnecessary changes to the code's until the elections are over.

As someone who has an authentic reason to question the motivations behind City decisions, and someone who happens to be a candidate for Mayor of Oregon City I stand adamantly against any changes to the code for three (3) reasons

1. Damon Mabee, a Planning Commissioner has declared his intention to run for Mayor and should stay neutral until after the elections
2. Dan Holladay has not declared his intention to run for Mayor yet and the proposals under his Administration should be treated as a lame duck initiatives
3. There is a pattern of abuse and inconsistency when it comes to applying the code

I am submitting the material emblematic of "code practices gone wild" and information the Planning Commission should consider. The material led Honorable Norby's from Clackamas County Circuit Court to make the conclusion ***"the lawfulness of the Stop Work Order is also irreparably compromised"*** pg 5, paragraph 4, last sentence, and the conclusion the ruling by the Oregon City Municipal Court ***"on the scope of the project and the legality of the Stop Work Order"*** that it was unnecessary to review any other part of the complaint. Pg 6, last paragraph first sentence. Both conclusion coming from ignoring and/or mishandling the administrative policy and/or the municipal code.

The above facts are from a settled case. The legal battles currently being waged in Circuit Court are the efforts of the 6 attorney's the City retained to defend the indefensible, stemming out, in part from the illegal action. The City took an aggressive action and is actively attempting downplay the fact they illegally used a Stop Work Order on someone. A recent hearing can support the fact the City insists the reversal was caused by a clerical error from mishandling the recordings. An idea that has been consistently shot down by the facts.

https://www.youtube.com/watch?v=vXhZe1KoEfI&feature=youtu.be

For the record the action the City took against my wife was reversed in part because of the questionable legality of the Stop Work Order. It was a claimed I stated in September 19, 2016 letters I sent in response to the violation. For the record, Mike Roberts, Chris Long and David Mueller lied under under oath about receiving the Sept. 9, 2016 letters. They were forced to recanted their testimony after being presented with copies of the letters they said they had not seen. ***In my view if City agents are willing to lie under oath to win a code enforcement case then the entire process has cascaded into a corrosive process and extremely untrustworthy.***

I believe the OC Planning Commission should serious review the motivation behind the code changes, how they are applied, who they are directly or indirectly benefiting, and their impact to the community. In light of Tom O'Brien's stellar investigation published in the Oregon City News, the Planning Commission has more than enough reason to question the process.

https://pamplinmedia.com/cr/28-opinion/400555-296115-oregon-city-mayor-commissioners-asked-to-resign

Mr. O'Brien clearly establishes a connection between Dan Holladay and the real estate industry by the fact he "received over $6,165 from four developers, Dan Fowler (former mayor and real-estate developer), Mark Handris (ICON Construction & Development LLC), Richard Langdon (Oregon Real Estate Investment LLC) & Scott T. Parker (Parker Development Company)"

The Planning Commission should move beyond a code's intent or the revenue it may generate and resolve the abuse and inconsistency. In the MUC portion alone it ignores the fact the it excludes 30 homes in Barclay Hills from residential mortgage products because it does not include residential homes in its zoning language. The Container Housing being proposed for Barclay Hills neighborhood was told building in Container Houses in Oregon City was a turnkey process, and was not subject to any public comments. Dan Holladay openly declared and without any due process that a house on Roosevelt Street could be converted into a commercial facility, and unilaterally annex property into the City against the Planning Commission's recommendation. It seems the Planning Commission would be doing the community a favor by agreeing to stay unnecessary decisions until after the elections.

Higher density housing models work when the underlying property values can sustain an above average housing market and support the impact for improving roads and infrastructure amenities. The average home in the Oregon City is approximately $254,000 whereas Happy Valley is $411,300. Without any in-depth analysis, when the City Administration sacrifices the volume of residential permits over the quality, and absent of any conversations about creating jobs, the City will rapidly slide into a bedroom community and be forever dependent on fee's, increases in local taxes, and the County government as its only industry.

Sincerely,

Mark J. Matheson
--
Mark J. Matheson, Founder and CEO
The Advantage Group, LLC Nw
www.drteamsint.com
503.953.0250

CONFIDENTIALITY NOTICE
This message may be legally privileged and is confidential information intended only for the use of the individual or entity to which it is addressed. It is exempt from disclosure
under applicable law including court orders. If you are not the intended recipient, you are
hereby notified that any use, dissemination, distribution or copy of this message is strictly
prohibited. If you have received this message in error, please notify the original sender and
delete this message from your computer.

Mark J. Matheson
Anna Marie Matheson
855 Molalla Avenue
Oregon City, Oregon 97045
(503) 954-0250
mark.matheson@drteamsint.com
On behalf of Petitioner/Plaintiffs, *Pro Se*

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

ANNA MARIE MATHESON,

Petitioner/Plaintiff,

MARK J. MATHESON, THE ADVANTAGE GROUP, LLC, NW, an OREGON LIMITED LIABILITY COMPANY, OREGON CITY COMMUNITY EMERGENCY RESPONSE TEAM, an OREGON NONPROFIT CORPORATION, and A BETTER OREGON CITY COALITION, an OREGON NONPROFIT CORPORATION,

Plaintiffs,

vs.

CITY OF OREGON CITY, an Oregon municipal corporation formed under the laws of the State of Oregon,

Respondent/Defendant,

DAN HOLLADAY, the City of Oregon City Mayor, in his official and personal capacity, and ANTHONY J. KONKOL, III, the City of Oregon City Manager, in his official and personal capacity,

Defendants

Case No.: 17CV25621

AMENDED PETITION FOR WRIT OF REVIEW; AMENDED COMPLAINT FOR DECLARATORY JUDGMENT; COMPLAINT FOR VIOLATIONS OF 42 U.S.C. § 1983 AND 42 U.S.C. § 1985; NEGLIGENCE; FALSE LIGHT; INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; BREACH OF DUTY OF GOOD FAITH AND FAIR DEALING; INTENTIONAL NTERFERENCE WITH CONTRACTUAL RELATIONS; INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

FEE AUTHORITY ORS 21.160(1)(d) and ORS 21.105(2)

NOT SUBJECT TO MANDATORY ARBITRATION

DEMAND FOR JURY TRIAL

Petitioner/Plaintiffs hereby amend the Petition for Writ of Review and Complaint for Declaratory Judgment filed on June 20, 2017, demand a jury trial with regard to their civil rights and tort claims, and allege:

A. PARTIES; JURISDICTION; VENUE

1.

At all times material to this Amended Petition for Writ of Review and Complaint (Amended Petition and Amended Complaint), Petitioner/Plaintiff Anna Marie Matheson (Mrs. Matheson) and Plaintiff Mark J. Matheson (Mr. Matheson), are husband and wife, and are residents of Clackamas County, Oregon.

2.

At all times material to this Amended Petition and Amended Complaint, Plaintiff The Advantage Group LLC, NW (TAG) is an Oregon limited liability company with a principal place of business located at 855 Molalla Avenue, Oregon City, in Clackamas County, Oregon. Mr. Matheson is a member/manager of TAG.

3.

At all times material to this Amended Petition and Amended Complaint, Plaintiff Oregon City Community Emergency Response Team (OC CERT) is an Oregon nonprofit corporation with a principal place of business located at 855 Molalla Avenue, Oregon City, in Clackamas County, Oregon. Mr. Matheson is the Registered Agent, Incorporator and Vice President of OC CERT.

4.

At all times material to this Amended Petition and Amended Complaint, Plaintiff A Better Oregon City Coalition (ABOCC) is an Oregon nonprofit corporation with a principal place of business located at 855 Molalla Avenue, Oregon City, in Clackamas County, Oregon. Mr. Matheson is the Secretary and Incorporator of ABOCC.

5.

Petitioner/Plaintiffs are collectively and individually a "person" as defined in 42 U.S.C. § 1983, 42 U.S.C. § 1985**,** ORS 28.130 and common law.

6.

At all times material to this Amended Petition and Amended Complaint, the Respondent/Defendant the City of Oregon City (the City) is a municipal corporation duly organized and existing under the laws of the State of Oregon and is a corporate entity capable of suing and being sued.

7.

At all times material to this Amended Petition and Amended Complaint, Defendant Dan Holladay (Holladay) is the elected Mayor of the City with a term from January 1, 2015 to December 31, 2018. Holladay is made a Defendant in both his official and personal capacities.

8.

At all times material to this Amended Petition and Amended Complaint, Defendant Anthony J. Konkol, III (Konkol) is the City Manager. Konkol has served as the City Manager since March 2016. Konkol is made a Defendant in both his official and personal capacities.

9.

The Respondent/Defendants are collectively and individually a "person" as defined in 42 U.S.C. § 1983, 42 U.S.C. § 1985, ORS 28.130, and common law.

10.

Respondent/Defendants were timely notified of the Petitioner/Plaintiffs' intent to file tort claims against them as required by the Oregon Tort Claims Act, a set forth in ORS 30.275 (hereafter, the OTCA).

11.

This Court has jurisdiction over this Amended Petition and Amended Complaint under the provisions of 42 U.S.C. § 1983, 42 U.S.C. § 1985(3), ORS 455.475, ORS 34.030, ORS 31.230, ORS 28.010 to ORS 28.160, ORS 183.484, Oregon Residential Specialty Code (ORSC) at Section 104.6 and 105.2, Oregon Structural Specialty Code (OSSC) at Section 104.6, Title 17 of the Oregon City Municipal Code (OCMC), OCMC 1.24.180, OCMC 1.24.190, OCMC 2.30.060 and OCMC 16.020. In particular, ORS 34.030 requires the Petitioner/Plaintiff Mrs. Matheson to file the Amended Petition with this Circuit Court.

12.

Venue in this Court is proper because the acts and omissions, decisions and determinations that occurred giving rise to this Amended Petition and Amended Complaint arose in Clackamas County, Oregon.

B. GENERAL FACTUAL ALLEGATIONS

13.

At all times material to this Amended Petition and Amended Complaint, the City has a "Council-Manager" form of government. The Mayor is part of the Council. The Council members (the Commission) are the leaders and policy makers and the legislative body; the Commission are also the decision makers. Power is centralized in the elected Council, which approves the budget and determines the tax rate, for example. The City Manager is appointed by the Commission to carry out policy and ensure that the entire City community is being served.

14.

In accordance with the City's "Council-Manager" form of government at the City, the City's Mayor, Commission, and Manager constitute a policy-development and management team. The City Mayor acts as the key political leader and policy developer on the Commission.

15.

At all times material to this Amended Petition and Amended Complaint, the Mayor, the Commision and the Manager are the final decision-makers and policy makers with regard to the improved safety and livability of the City by ensuring the

City's policy that building construction in the City is safe and built to code requirements. The Mayor, the Commission and the Manager are also the final decision-makers and policy makers with respect to the City's Police Department's duty to maintain public order and protect all lives and property in the community within the City.

16.

At all times material to this Amended Petition and Amended Complaint, the Commission, Holladay, as the Mayor, and Konkol, as the Manager, were acting under the color of City, State and federal law as the final decision-makers and policy makers.

17.

The City's "Building Inspection Operating Plan" dated March 2015 provides, in relevant part:

> As provided in ORS 455.475 **an applicant for a building permit may appeal the decision of a building official on any matter relating to the administration and enforcement of the department**. The appeal must be in writing. A decision by the department on an appeal filed under this subsection is subject to judicial review as provided in ORS 183.484. An appeal of a decision of the Building Official unrelated to code provisions is reviewed by the Community Development Director (emphasis added).

18.

At all times material to this Amended Petition and Amended Complaint, Mrs. Matheson is the owner of property located at 855 Molalla Avenue, Oregon City, in Clackamas County, Oregon (the Property). Mrs. Matheson resides in a residential house that was built in 1916 at the Property with her husband, Mr. Matheson (collectively, the Mathesons). The Mathesons have lived together at the Property for over twenty-five (25) years.

19.

At all times material to this Amended Petition and Amended Complaint, Mrs. Matheson granted a General Power of Attorney to Mr. Matheson, which includes, but is not limited to, a power of attorney to act as her "attorney-in-fact" with respect to claims and litigation on her behalf (the Power of Attorney). On information and belief, none of the Respondent/Defendants, acting through their officers, servants, agents, employees and assigns, ever requested proof of the Power of Attorney, nor did they ask if Mr. Matheson was acting as attorney-in-fact on behalf Mrs. Matheson at any time material to this Amended Petition and Amended Complaint.

20.

At all times material to this Amended Petition and Amended Complaint, Plaintiffs TAG, OC CERT and ABOCC (collectively, the Plaintiff Businesses) use the trailer as a technology platform to remotely operate, train and educate people and is located next to the residential home on the Property.

21.

On information and belief, Respondent/Defendants knew that the Plaintiff Businesses used the trailer as a principal resource for business for at least two (2) years before the filing of this Amended Petition and Amended Complaint, and certainly at all times material to this Amended Petition and Amended Complaint. On information and belief, Respondent/Defendants also knew that the residential home at the Property was used solely as a residence at all times material to this Amended Petition and Amended Complaint.

22.

On or about June 10, 2016, Mr. Matheson started a public discussion on the social media website Nextdoor.com under a thread entitled “Oregon City Armory” (the OC Armory thread). Motivated by his political and ethical beliefs, Mr. Matheson stated: “Over the last 6 months the City officials have been hammering Col. Norman Stewart (ret) with a silent campaign to discredit his work at the OC Armory because John Lewis, the Public Works Director can build an operation center. Mr. Lewis has obfuscated his interest in taking over the OC Armory while intending to get the State of Oregon National Guard to sell the facility to the City. Seventy-five percent of the Col. Stewarts operation directly services veterans, but Mr. Lewis insinuated that Mr. Stewart's operation was attracting the wrong type of people during a CIC meeting. I'm interested in helping Col. Stewart is there anyone else who wants to help?”

23.

On or about June 30, 2016, Mr. Matheson wrote a letter to the Oregon Military Department. Motivated by his political and ethical beliefs, Mr. Matheson stated that he objected to the City’s Public Works Director’s plans to use the Oregon City Armory, and that he was planning a rally to protest it. Mr. Matheson closed the letter by saying, “A small group of people are taking formal steps to remove a specific Oregon City official from office because we're tired of the BS.” Although Mr. Matheson did not state with specificity which “Oregon City official” he was referring to, given that Mr. Matheson stated in the letter that he intended to run for Mayor of the City, a reasonable person,

exercising ordinary and common judgment, could infer that Mr. Matheson was referring to Holladay.

24.

On or about July 1, 2016, Mr. Matheson, acting on behalf of ABOCC, filed a petition for a ballot measure to recall Holladay as the City's Mayor (the petition for recall). ABOCC was formed specifically to file the petition to recall. There are two (2) other individual Incorporators of ABOCC: Al Snell and Mike Simon. Of the three (3) Incorporators, Mr. Matheson is the most vocal. On information and belief, the Respondents/Defendants did not retaliate against Snell and Simon for exercising their free speech rights.

25.

Motivated by his political and ethical beliefs, on or about July 3, 2016, Mr. Matheson started a public discussion on Nextdoor.com under a thread entitled "Recall Dan Holladay" (the recall thread) to inform citizens that the petition for recall had been filed.

26.

On or about July 6, 2016, the City approved the petition for recall.

27.

On or about July 7, 2016, Holladay posted a message directly to Mr. Matheson on the recall thread, as follows: "Mark, I am confused [sic] what exactly is broken that needs to be fixed?" Holladay signed the post as "**Mayor** Dan Holladay" (emphasis

added). On information and belief, Holladay had not participated on the Nextdoor.com website before the petition for recall was filed.

28.

On or about July 7, 2016, Mr. Matheson posted a link on the recall thread to an article that had been published in the *Portland Tribune* about the recall petition. In response, and on the same date, Holladay posted: “Mark, [sic] Once again what exactly is broken that needs to be fixed? **Mayor** Dan Holladay” (emphasis added).

29.

At or near the same time the petition for recall was approved, Mr. Matheson hung a large "Recall Mayor Holladay" banner (the banner) in front of the residential house where he lives with Mrs. Matheson at the Property. As of the date of the filing of this Amended Petition and Amended Complaint, the banner remains prominently displayed on the Property. On information and belief, Holladay lives in the same neighborhood as the Mathesons and presumably sees the banner frequently.

30.

On or about July 7, 2016, *The Clackamas Review*, a local newspaper, published an article about the petition for recall. Mr. Matheson posted the link to the article on the recall thread.

31.

On or about July 8, 2016, Holladay offered Mike Acosta (Acosta) a position on the Urban Renewal Commission on the recall thread. Acosta had made several comments in support of Holladay on the recall thread.

32.

On or about July 9, 2016, Holladay posted a link on the recall thread without comment. The link was to a Trustee's Notice of Sale (the foreclosure notice). The foreclosure notice had been filed against Mrs. Matheson on or about June 22, 2016 concerning the Property.

33.

On or about July 9, 2016, Mr. Matheson responded to Holladay's July 9 posting on the recall thread, in relevant part, as follows: "I see Dan is picking on my wife now. And your lack of taste may be satisfying to you, and the special interests, but you just devastated my wife." Although Mr. Matheson went on to explain that the Mathesons were in the process of obtaining an injunction against the foreclosure on the grounds that their lender was predatory and that there is no subset of standard Mixed-Use District classifications within the City that would allow a financial institution to underwrite the Property, this was hours after Holladay posted the foreclosure notice. On information and belief, the foreclosure notice had been seen by several members of the public before Mr. Matheson could respond and/or clarify. As of the date of the filing of this Amended Petition and Amended

Complaint, the Mathesons have yet to resolve their problems with their mortgage servicer but did receive a twelve (12) month injunction.

34.

On information and belief, Holladay did not reply to Mr. Matheson or otherwise acknowledge Mr. Matheson's comment on the recall thread concerning the foreclosure notice.

35.

On or about July 10, 2016, Mr. Matheson posted on the OC Armory thread, that: "The Armory issue has moved beyond the local politics. John Lewis bending of the truth has seen to that. The matter is now being looked at by the state agencies, and the fed's are involved because I'm involved." Mr. Matheson made that comment because of his political and ethical beliefs.

36.

The following day, July 11, 2016, motivated by his ethical and political beliefs, Mr. Matheson posted on the OC Armory thread that: "With a volunteer mayor at the helm, its [sic] unsettling to more than a few people how this is getting slammed through like there are no other alternatives."

37.

On or about July 11, 2016, Holladay posted a direct reply to Mr. Matheson on the OC Armory thread: "One simple question MRK [sic] ARE YOU A VETERAN [sic] HAVE YOU SERVED [sic] BECAUSE I HAVE." On information and belief, Holladay

deliberately used all capital letters with the intent to "shout" at[1] and humiliate Mr. Matheson because he is not a Veteran like Holladay allegedly is.

38.

Rather than respond directly to Holladay, on the same date, Mr. Matheson replied: "It seems Holladay is campaigning again." Holladay replied directly to Mr. Matheson: "Simple question have you severed [sic] your Nation in uniform? I thought not." Mr. Matheson responded: "If there [sic] is only one way to serve a country is to put on a uniform, I hear China has a dress code."

39.

On information and belief, all of Holladay's postings on Nextdoor.com set forth herein were made in his official capacity as the Mayor.

40.

On or about July 11, 2016, Mrs. Matheson received a "Notice of Code Enforcement Complaint" (Notice #1) regarding the banner. Within Notice #1, the City alleged that the banner did not meet City code requirements and must be removed. Notice #1 stated that even if the banner met requirements, Mrs. Matheson must pay a $50 fee to hang the banner. Notice #1 was signed by Chris Long (Long), a Building Department official. Notice #1 did not notify Mrs. Matheson whether she had a right to appeal the Notice. Within ten (10) days of the date Mrs. Matheson received Notice #1, Mr. Matheson moved the banner from in front of the residential home to the trailer used

[1] https://en.wikipedia.org/wiki/All_caps

for work purposes. The City pursued no further action against Mrs. Matheson for any alleged code violations related to the banner.

41.

On or about August 10, 2016, Mr. Matheson's first editorial concerning the petition for recall was published in *The Clackamas Review*. Within the editorial, Mr. Matheson explained in detail why he and the ABOCC filed the petition for recall. Motivated by his political and ethical beliefs, Mr. Matheson stated that he had concerns about Holladay's adherence to election laws and ethics rules. Mr. Matheson also explained that Holladay needed to be able to demonstrate "economic expertise." Mr. Matheson concluded his editorial by saying, "The recall of Holladay is meant to give the community an opportunity to change the leadership and begin rebuilding cooperative relationships."

42.

At or near the end of August 2016, Mr. Matheson began performing roof repairs at the residential home he shares with Mrs. Matheson at the Property. The roof repair is a restoration project, which means that Mr. Matheson was using like materials. Mr. Matheson has worked over a decade in designing, managing, and oversight responsibility for major and minor road reconstruction, water, sewer and storm construction, historical reconstruction, beatification projects, property development and maintenance programs, as a government civil engineer and as a civil engineering designer for the private sector.

43.

On or about September 6, 2016, Mr. Matheson sent a letter to City Commissioner Rocky Smith, Jr. (Commissioner Smith) concerning his reservations about Acosta's nomination to the URC. Motivated by his ethical and political beliefs, and with knowledge that Holladay had previously offered Acosta the position on the Nextdoor.com website, Mr. Matheson stated that Holladay "is using his status as the…Mayor of Oregon City to reward Michael Acosta for joining his special interest group." Of major concern to Mr. Matheson was that Acosta's behavior at Neighborhood Association meetings "was clearly an attempt to influence and intimidate people who could be supporting the recall initiative."

44.

On or about September 9, 2016, the City, by and through its Building Department, sent a letter to Mrs. Matheson (Notice #2). Notice #2 incorrectly stated that "unauthorized construction" had been "completed" at Mrs. Matheson's residential home without "obtaining the required permits." Notice #2 also incorrectly cited the OSSC at Section 105.1, which does not apply to residential property.

45.

Notice #2 stated that "required permits must be applied for and obtained within 10 days from [sic] date of this letter." Notice #2 went on to say that: "All decisions and orders are appealable to the City of Oregon City Building Official." Notice #2 was signed by Long.

46.

As of September 9, 2016, Mr. Matheson had only started—and had not completed—the roof repair restoration project. Mr. Matheson had been performing the roof repair work for approximately three (3) weeks.

47.

On information and belief, the City deliberately used the incorrect code so that Mr. Matheson would be forced to stop the roof repairs and so that the City could justify the need for full access to the residence at the Property. "Full access," meaning inspection of the entire Property, not just the roof of the residential home.

48.

At or near the same time Mrs. Matheson received Notice #2, the Building Department demanded to obtain full access to inspect the entire residential home without "reasonable cause" as required by Section 104.6 of the OSSC. Mr. Matheson and Mrs. Matheson refused to grant access.

49.

On or about September 12, 2016 at approximately 9:43 a.m., the City's Building Department posted a "stop work notice" (Notice #3) on the residential home at the Property. Notice #3 stated: "ALL PERSONS ARE HEREBY ORDERED TO **STOP WORK** ON THIS PROJECT LOCATED AT 855 Molalla Ave. Permits are Required Prior to starting work" (emphasis in original). Notice #3 went on to say: **"ALL PORTIONS OF WORK ARE TO BE DISCONTINUED. THIS WORK STOP ORDER TO BE REMOVED ONLY UPON AUTHORIZATION FROM THE CITY OF OREGON CITY**"

(emphasis in original). Notice #3 did not cite a code, ordinance, statute or rule upon which the City relied, nor did Notice #3 state that it is appealable. Notice #3 was signed by Long.

50.

On or about September 14, 2016, the City's Police Department mailed a "Notice of Violation" to Mrs. Matheson, notifying her that she is required to obtain a permit (Notice #4). Notice #4 stated that: "Prior to any additional work occurring at this property, all applicable permits must be obtained...." Notice #4 further provided that "[f]ailure to obtain all applicable permits by 5 PM on Monday, September 19, 2016 will result in a citation to the Municipal Court (emphasis in original). Although Notice #4 listed the codes and statutes on which it relied, it did not state that it is appealable. Notice #4 was not signed, although it referenced "Investigator Mueller." Of note, the City e-mailed a copy of Notice #4 to Mr. Matheson. On information and belief, by e-mailing a copy of Notice #4 to Mr. Matheson, the City tacitly acknowledged that Mr. Matheson was acting as attorney-in-fact on behalf of Mrs. Matheson.

51.

On or about September 19, 2016, Mr. Matheson, acting as attorney-in-fact on behalf of Mrs. Matheson, faxed and e-mailed a letter to the City's Building Department, asking the City to clarify with specificity what law the City relied upon when issuing Notice #3, the "stop work notice." Mr. Matheson's letter stated that the City's Notice #3 was issued illegally and, for that reason, "is being ignored." Mr. Matheson's

communication to the City's Building Department was made within the ten (10) day deadline set forth in Notice #2 and by the deadline set forth in Notice #4. The Building Department did not respond to either Mrs. Matheson or Mr. Matheson, nor did the Building Department acknowledge receipt of the letter.

52.

On or about September 19, 2016, Mr. Matheson, acting as attorney-in-fact on behalf of Mrs. Matheson, faxed and e-mailed a letter to the City's Police Chief, informing the Police Chief that he considered Notice #3, the stop work notice, to be issued illegally. Mr. Matheson asked that the Police Department investigate the "fishing expedition" that was being conducted by the Building Department. Mr. Matheson stated that the code enforcement action was in retaliation for his political activities. The Police Department did not respond to Mr. Matheson or Mrs. Matheson and, on information and belief, did not investigate Mr. Matheson's claims.

53.

On or about September 19, 2016, Mr. Matheson, acting as attorney-in-fact on behalf of Mrs. Matheson, faxed and e-mailed a letter to Mike Roberts (Roberts) at the Building Department. Within the letter addressed to Roberts, Mr. Matheson again asked that the City specify "what triggered" Notice #2 and Notice #3, the stop work notice. Mr. Matheson stated that "unless you clarify the reason, or under what context you are applying the code," the City's stop work notice is illegal and is "a misuse of government office and racketeering." Roberts and/or the Building Department did not respond to Mr.

Matheson or Mrs. Matheson. Hereafter, all of the letters Mr. Matheson sent to the City dated September 19, 2016 are referred to as the September 19 letters.

54.

On or about September 20, 2016, the City filed a Complaint, Case No. CE-19613-16 (the Complaint), against Mrs. Matheson in the Oregon City Municipal Court (the Municipal Court). Within the Complaint, the City alleged that Mrs. Matheson failed to obtain a permit before beginning roof repairs at her residential home located on the Property. The City also alleged that Mrs. Matheson failed to comply with the "stop work notice" contained in Notice #3.

55.

On or about November 21, 2016, Mr. Matheson reported to the City's Police Department that a trespasser had been at the Property and had threatened to burn his house down. The following day, November 22, 2016, Mr. Matheson provided the license plate number of the truck the trespasser had been driving to the Police Department. On information and belief, the Police Department did not investigate Mr. Matheson's claim.

56.

Between November 28, 2016 and June 1, 2017, Mr. Matheson repeatedly requested a copy of the police report concerning the trespasser and threat to burn his home. The Police Department did not provide a copy to Mr. Matheson, nor did the Police Department provide any substantial response to Mr. Matheson concerning his report of a crime on the Property.

57.

On or about November 30, 2016, Mr. Matheson's editorial concerning the recall petition was published in *The Clackamas Review*. Motivated by his political and ethical beliefs, Mr. Matheson stated that "[t]he level of lather created by the recall initiative triggered the need to set aside a number of responsibilities to editorialize my personal perspective and experience over the last 90 days." Mr. Matheson, who believed the Respondent/Defendants retaliated against him for his political activities, closed the editorial by writing: "Legitimizing Holladay's political ambitions depends on administering a corrosive style of governing to fend off any opposition." Mr. Matheson subsequently withdrew the recall petition. Mr. Matheson and the ABOCC filed a second recall petition, which Mr. Matheson also withdrew.

58.

On or about February 24, 2017, the City's Code Enforcement Division of the Police Department mailed a Notice to Mrs. Matheson concerning "possible code violations" at the property (Notice #5). Like Notice #3, the stop work notice, Notice #5 does not list a code, citation, statute or ordinance upon which the City relies, nor does Notice #5 state that it is appealable.

59.

On or about April 6, 2017, a hearing was held before the Honorable Laraine McNiece (the Honorable McNiece) at the Municipal Court concerning the Complaint. At the hearing, Mrs. Matheson argued through her attorney that she was denied due process because the City failed to cite the correct law in both Notice #2 or Notice #3,

and because the City proceeded with the Complaint without providing her the opportunity to contest, appeal or otherwise remonstrate the validity of Notice #2, Notice #3 and Notice #4. Finally, Mrs. Matheson argued that ORSC, Section 105.2 exempted her from applying for a permit for roofing repairs, so long as less than fifteen percent (15%) of the roofing sheath had been removed on her residential home.

60.

At the April 6, 2017 hearing, the Court admitted Mr. Matheson as a witness on behalf of Mrs. Matheson. Mr. Matheson testified that he personally measured the roofing sheeting that had been removed, and that it came out to be approximately two percent (2%) to five percent (5%) of the skip sheeting, less than half of what ORSC, Section 105.2 requires for an exemption from applying for a permit. Yet and still, in support of Mr. Matheson's testimony, Mrs. Matheson presented an expert witness who testified that in his professional opinion, less than fifteen percent (15%) of the plywood sheeting had been removed.

61.

The City testified at the April 6, 2017 hearing that it ***never*** measured how much of the roofing sheath had been removed. The City also provided testimony that, based on its naked eye observation of the residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***—the City required Mrs. Matheson to obtain a permit on the basis that more than fifteen percent (15%) of the skip sheeting had been removed. When asked on the stand whether there could be any other reason why the residential home at the Property was getting so much

attention, Roberts testified that "there was no other reason." The City further conceded in its testimony that although it received all of Mr. Matheson's September 19 letters, the City did not acknowledge or respond to any of Mr. Matheson's September 19 letters.

62.

On or about April 20, 2017, the Honorable McNiece issued a Final Order, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. Notwithstanding that the City acknowledged under oath that it received all of Mr. Matheson's September 19 letters, the Honorable McNiece ruled that Mrs. Matheson failed to respond to the City's Notice #2, Notice #3 and Notice #4. Furthermore, notwithstanding Mr. Matheson's and the expert witness' testimony, the Honorable McNiece ruled that Mrs. Matheson was required to obtain a permit. Finally, the Honorable McNiece ruled that Mrs. Matheson was not denied due process.

63.

OCMC 16.020 provides that each day of penalty requires a fine of $300.00 per day. Within the Final Order, the Honorable McNiece issued a fine of $62,100.00 in favor of the City, representing $300.00 per day from September 14, 2016, the date of Notice #4, to April 6, 2017, the date of the hearing. The Court also issued a fine in favor of the City in the amount of $10,200.00 for the alleged violation of Notice #3, the "stop work notice." The April 20, 2016 Final Order incorrectly states that the stop work notice was issued on September 14, 2016; in fact, it was issued on September 12, 2016.

64.

On or about May 27, 2017, Mr. Matheson, acting as attorney-in-fact on behalf of Mrs. Matheson, e-mailed the Municipal Court concerning the recording of the hearing on April 6, 2017. The recording Mr. Matheson received from the Municipal Court was only approximately one and a half (1.5) hours in length, whereas the hearing lasted approximately four (4) hours. The Municipal Court e-mailed Mr. Matheson on or about May 30, 2017, informing him that the recording he received contained "[e]verything the recorder captured." The recording did not include key elements of Mrs. Matheson's case in chief. Noticeably absent from the recording was Mr. Matheson's testimony about his measurements of the roof sheaf that had been removed.

65.

On or about June 1, 2017, the City's Police Chief informed Mr. Matheson by e-mail that no police report had been filed concerning the trespass and threat that occurred in November 2016 "because the officer did not believe that a crime had been committed." The Police Chief went on to say, "I understand you do not like the result. It is certainly not the first time that unwelcome behavior in a neighborhood ends up being something that is not illegal." Mr. Matheson responded to the Police Chief's e-mail on the same day, June 1, 2017. In his response, Mr. Matheson stated, "I want to clarify my position, the concern and actions to follow are about adhering to a procedure and working in regards to the public's interest." The preceding statement to the Police Chief was motivated by Mr. Matheson's political and ethical beliefs.

66.

On or about June 2, 2017 the City's Building Department mailed a notice to Mrs. Matheson (Notice #6). Notice #6 states that the City intends to bring further code violations against Mrs. Matheson, and that she must "cease all work on the roof" because "this work has been legally determined….in a court action to be work requiring a permit from the City…" Notice #6 does not state whether it is appealable. Hereafter, Notice #1, Notice #2, Notice #3, Notice #4, Notice #5 and Notice #6 are collectively referred to as the Notices.

67.

On or about July 15, 2017, Mrs. Matheson received a Motion for Judgment, Affidavit in support and a Final Judgment signed by the Honorable McNiece on July 11, 2017 (the Final Judgment). The Final Judgment requires Mrs. Matheson to pay a fine in the amount of $71,400 plus interest in the amount of nine percent (9%) per annum. A copy of the Final Judgment is attached hereto as Exhibit C and is incorporated herein by this reference.

68.

Within the Affidavit attached to the Motion for Judgment, the City alleges that the Honorable McNiece issued a Corrected Final Order/Judgment on April 25, 2017, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference. On information and belief, Mrs. Matheson was never served a copy of the Corrected Final Order/Judgment and was not aware of its existence until July 15, 2017. The Corrected Final Order/Judgment corrects the date of the hearing from April 9, 2017 to April 6, 2017. It also corrects the amount of fines payable. The Corrected Final

Order/Judgment again incorrectly states that Notice #3, the stop work notice, was issued on September 14, 2016; the stop work notice was actually issued on September 12, 2016. Hereafter, the April 20, 2017 Final Order and the April 25, 2017 Corrected Final Order/Judgment are collectively referred to as the Final Orders.

69.

At all times material to this Amended Petition and Amended Complaint, on information and belief, Respondent/Defendants' actions, individually and collectively, constitute single, continuous and ongoing pattern of violations of the Respondent/Defendants' written and/or unwritten policies, and/or de facto policies.

70.

At all times material to this Amended Petition and Amended Complaint, on information and belief, Respondent/Defendants' written and/or unwritten policies, and/or de facto policies are currently in place at the City, with new, current and/or prospective private citizens being subjected to the harms that have already been inflicted upon the Petitioner/Plaintiffs.

71.

At all times material to this Amended Petition and Amended Complaint, on information and belief, any interest advanced by the Respondent/Defendants to support the Notices and/or the Final Orders and Final Judgment related to the suppression of constitutional and statutory rights is minor compared to the infringement of rights worked by the Notices and the Final Order against the Petitioner/Plaintiffs.

72.

At all times material to this Amended Petition and Amended Complaint, on information and belief, unless and until all Respondent/Defendants are restrained by Order of this Court, Respondent/Defendants, acting through their officers, servants, agents and employees, will continue to attempt to enforce the Notices and/or the Final Orders and Final Judgment.

73.

At all times material to this Amended Petition and Amended Complaint, on information and belief, unless and until this Court declares the Notices, the Final Orders and the Final Judgment unconstitutional, the Respondent/Defendants, acting through their officers, servants, agents, employees and assigns, will continue to attempt to enforce the Notices, the Final Orders and the Final Judgment.

74.

At all times material to this Amended Petition and Amended Complaint, on information and belief, Mrs. Matheson has already been fined once for alleged code violations is at risk to be fined again. Mrs. Matheson reasonably fears that she will continue to be issued illegal code violations and fined for conduct which is prohibited by City and/or State law and/or that is otherwise protected by the U.S. Constitution.

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C. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF BY PETITIONER MRS. MATHESON AGAINST THE RESPONDENT THE CITY
AMENDED PETITION FOR WRIT OF REVIEW

75.

Mrs. Matheson realleges and incorporates paragraphs 1. through 74. as though fully set forth herein.

76.

This Amended Petition for Writ of Review (Amended Petition) is brought pursuant to ORS 34.010 to ORS 34.100.

77.

The Municipal Court's Final Orders and Final Judgment are "judicial" or "quasi-judicial" as defined in ORS 34.040 and is subject to this form of review.

78.

The original Petition for Writ of Review was filed on June 20, 2017, within 60 days of the date the April 20, 2017 Final Order was issued. As such, there can be no dispute that this Amended Petition is timely filed, even though this Amended Petition is filed outside the 60-day statute of limitations. *See, e.g., Meury v. Jarrell*, 16 Or. App. 239, 517 P.2d 1221 (1974), aff'd 269 Or. 606, 525 P.2d 1286 (1974). Moreover, this Amended Petition is filed within 60 days of the date the Final Judgment was issued on July 11, 2017.

79.

Mrs. Matheson has standing to seek this Amended Petition because she was a party to the proceedings in the Municipal Court below and because she suffered injury to a substantial interest as a result.

80.

Mrs. Matheson's fundamental due process rights were violated and were significantly impaired by the City, acting through its officers, servants, agents, employees and assigns, by issuance of the Notices, and by issuance of the Final Orders and Final Judgment, in one or more of the following particulars:

- By exceeding its jurisdiction – to wit, by issuing code violations that are not applicable to Mrs. Matheson's residential home in order to obtain full access to inspect the entire Property without reasonable cause;
- By failing to follow the procedure applicable to the matter before it – to wit, deliberately refusing Mrs. Matheson the opportunity to contest the Notices and deliberately refusing to acknowledge Mr. Matheson's September 19 letters written as attorney-in-fact on behalf of Mrs. Matheson, thereby prohibiting Mrs. Matheson the ability to appeal Notice #2, Notice #3 and Notice #4;
- By making a finding or order not supported by substantial evidence in the whole record – to wit, ruling that Mrs. Matheson failed to communicate with City officials, when the evidence clearly establishes otherwise, and by

ruling that Mrs. Matheson is required to obtain a permit, notwithstanding evidence that clearly establishes she is not required to do so;

- By improperly construing the applicable law – to wit, ruling that Mrs. Matheson is required to obtain a permit when the evidence clearly establishes otherwise and ruling that Mrs. Matheson's due process rights were not violated, when the evidence clearly establishes otherwise; and
- By rendering a decision that is unconstitutional – to wit, ruling that Mrs. Matheson was not denied due process of law, when the evidence clearly establishes otherwise.

81.

Mrs. Matheson suffered substantial injury as a result of the City's actions in that she was denied procedural and substantive protections under City, State and federal law. Mrs. Matheson is also being forced to pay illegal fines to the City.

82.

On information and belief, this Amended Petition constitutes an exhaustion of all administrative remedies available to Mrs. Matheson.

83.

Mrs. Matheson has no plain, speedy, or adequate remedy other than the review prayed for herein.

84.

Mrs. Matheson is entitled to an Order issuing a Writ of Review directed to the Respondent/Defendant, commanding the Respondent/Defendant to return the Writ with a certified copy of the entire record and proceedings in this matter for review by this Court in substantially the form attached hereto as Petitioner/Plaintiff's proposed Order for Writ of Review.

85.

Mrs. Matheson is entitled to an Order staying all proceedings related to the Notices, the Final Orders and the Final Judgment.

SECOND CLAIM FOR RELIEF BY PLAINTIFF MRS. MATHESON AGAINST THE DEFENDANT THE CITY
AMENDED COMPLAINT FOR DECLARATORY JUDGMENT

86.

Mrs. Matheson realleges and incorporates paragraphs 1. through 74. as though fully set forth herein.

87.

Mrs. Matheson requests a Declaratory Judgment under ORS 28.010 to ORS 28.160 for the purpose of determining a question and actual controversy between the parties.

88.

Mrs. Matheson contends that the Notices, the Final Orders and the Final Judgment violate her due process rights and are illegal. Mrs. Matheson further

contends that she should not be required to pay the fines issued by the Honorable McNiece in the Final Orders and Final Judgment.

89.

The City has stated its intent to enforce the Notices, the Final Orders and the Final Judgment against Mrs. Matheson. Therefore, a current controversy exists between the parties.

90.

Mrs. Matheson requests that this Court issue a Judgment declaring that all Notices issued by the City and the Final Orders and Final Judgment issued by the Honorable McNiece are invalid and void because they violate City, State and federal law.

91.

Mrs. Matheson has no plain, speedy, or adequate remedy.

THIRD CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AND ABOCC AGAINST ALL DEFENDANTS FOR VIOLATION OF CIVIL RIGHTS UNDER COLOR OF LAW – 42 U.S.C. § 1983 (FIRST AMENDMENT TO THE U.S. CONSTITUTION – FREEDOM OF SPEECH)

92.

The Mathesons and ABOCC reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

93.

The First Amendment to the U.S. Constitution prohibits the Defendants from abridging citizens from their guaranteed right to freedom of speech.

94.

Mr. Matheson's letter to the Oregon Military Department, the banner displayed at the Mathesons' Property, the recall petitions filed by ABOCC and Mr. Matheson, Mr. Matheson's comments and postings on Nextdoor.com on the OC Armory and recall petition threads, Mr. Matheson's editorials in the *Clackamas Review*, Mr. Matheson's letter to Commissioner Smith, the September 19 letters Mr. Matheson wrote as attorney-in fact for Mrs. Matheson, and the June 1, 2017 e-mail Mr. Matheson wrote to the Police Chief, are all speech protected by the First Amendment to the U.S. Constitution.

95.

Mr. Matheson's speech was made in the capacity of a private citizen on matters of public concern.

96.

Mr. Matheson's free speech rights outweigh any interest of the Defendants in suppressing that speech.

97.

Defendants, by and through their officers, servants, agents, employees and assigns, including, but not limited to, Holladay, acting in his official capacity as Mayor, violated Mr. Matheson's right to free speech and retaliated against ABOCC, Mr. Matheson and Mrs. Matheson in one or more of the following particulars:

- By maliciously and publicly humiliating Mr. Matheson on a public social media website simply because he was not a Veteran;

- By maliciously and publicly humiliating the Mathesons on a public social media website by posting a link to the foreclosure notice;
- By deliberately interfering with and/or terminating ABOCC and Mr. Matheson's political activities concerning the recall petition, effectively chilling Mr. Matheson from exercising his free speech rights;
- By deliberately and maliciously retaliating against Mr. Matheson, the most vocal of the Incorporators of ABOCC, both in his individual capacity and as an Incorporator of ABOCC, and not retaliating against the other two (2) Incorporators of ABOCC who were less vocal than Mr. Matheson;
- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By deliberately and maliciously issuing all of the Notices against Mrs. Matheson;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;

- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;
- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and
- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders and Final Judgment were issued.

98.

The list in the above paragraph is not exhaustive or inclusive. The Mathesons and ABOCC reserve the right to amend this Amended Writ of Review and Amended Complaint should they learn of any other actions by any of the Defendants that show that the Defendant(s) violated the ABOCC, Mr. Matheson's or Mrs. Matheson's right to free speech and/or that shows by a preponderance of evidence that any of the

Defendants retaliated against either or both Mr. Matheson and Mrs. Matheson and ABOCC due to their exercise of free speech rights.

99.

The proximity and closeness in time of each of the above-listed events to Mr. Matheson and ABOCC's political activities and exercise of free speech is too coincidental to be a mere coincidence. Mr. Matheson's and ABOCC's exercise of their free speech rights were clearly a substantial or motivating factor in the Defendants' retaliatory adverse actions against both the Mathesons and ABOCC. The Defendants' malicious and retaliatory conduct is continuing and ongoing as of the date this Amended Petition and Amended Complaint is filed.

100.

Defendants acted intentionally and with callous disregard for Mr. Matheson's and ABOCC's clearly established constitutional free speech rights. Simply put, it was not objectively reasonable for the Defendants, by and through their officers, agents, servants, employees and assigns, including, but not limited to Holladay, acting in his official capacity as Mayor, to refuse to protect Mr. Matheson's and ABOCC's right to free speech and to retaliate against both the Mathesons and ABOCC simply because Mr. Matheson and ABOCC exercised their free speech rights. This conduct on the part of all Defendants represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of law.

101.

To the extent the Commission, Holladay and Konkol, the policy making Defendants in this action, had the policies, whether written or unwritten, or a de facto policy and affirmative duties as set forth herein, the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policy-makers can reasonably be said to have been deliberately indifferent to the need for new and/or additional training.

102.

The City's actions, by and through its officers, employees, servants, agents and assigns, were conducted pursuant to the policy, custom or practice of the Building Department and the Police Department. As such, the City is directly liable for the damages to the Mathesons and the ABOCC.

103.

On information and belief, the Commission, Holladay and Konkol, are responsible for establishing the policies, customs, practices, and procedures to be utilized in the operation of their facilities, and is responsible for the implementation of the policies, practices, and procedures questioned in this lawsuit. As such, Holladay and Konkol are each individually responsible for the damages of the Mathesons and the ABOCC.

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104.

Defendants' conduct is well defined by law and each individual Defendant knew or reasonably should have known that their conduct was well below the standard prescribed by law.

105.

The Mathesons and ABOCC are entitled to injunctive relief to restrain the City, its officers, agents, servants, employees and assigns, from engaging in existing and future violations of the First Amendment to the U.S. Constitution.

106.

The Mathesons and the ABOCC are entitled to declaratory relief that the City, Holladay and Konkol's conduct violated their federal statutory rights.

107.

The City's actions, by and through its officers, employees, servants, agents and assigns, were intentional, willful and with reckless disregard of the Mathesons' federal statutory rights. Such conduct exceeds the bounds of social toleration and is of the type that punitive damages deter.

108.

As a direct and foreseeable result of the Defendants' violations of Mr. Matheson's and ABOCC's free speech constitutional rights, and the Defendants' retaliation against both the Mathesons and ABOCC, the Mathesons and ABOCC have suffered severe and substantial damages. These damages include, but are not to limited to, fear and apprehension that they will, again, be subject to similar unlawful acts for the purpose of

limiting and/or preventing protected free speech, for imposed illegal fines, for continued allegations of illegal code violations and/or continued imposed illegal fines, for diminished earnings capacity, lost career and business opportunities, economic loss due to the damage to the Property, emotional trauma, loss of liberty, loss of privacy and irreparable harm to their reputations.

109.

As a further consequence of the Defendants' deprivations, Mrs. Matheson was required to retain counsel to represent her in the code violation proceedings pursued against her; the Mathesons will further incur litigation expenses including attorney fees, expert witness fees, costs and expenses related to this Amended Petition and Amended Complaint.

FOURTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST ALL DEFENDANTS FOR VIOLATION OF CIVIL RIGHTS UNDER COLOR OF LAW – 42 U.S.C. § 1983 (FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION - DUE PROCESS CLAUSE)

110.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though set forth herein.

111.

The Due Process clause of the Fourteenth Amendment to the U.S. Constitution prohibits the Defendants from depriving any person of life, liberty or property without due process of law.

112.

Notice #3, the stop work notice, and Notice #5 failed to adequately advise, notify, or inform Mrs. Matheson of what alleged code violations Mrs. Matheson was being charged; Notice #1, Notice #3, Notice #4, Notice #5 and Notice #6 also did not advise Mrs. Matheson of her right to appeal. Therefore, on their face, Notice #1, Notice #3, Notice #4, Notice #5 and Notice #6 are unconstitutionally vague as applied or threatened to be applied.

113.

The Defendants violated Mrs. Matheson's guarantee under the Fourteenth Amendment to the U.S. Constitution to due process of law and retaliated against both Mr. Matheson and Mrs. Matheson in one or more of the following particulars:

- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;

- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By deliberately and maliciously issuing all of the Notices against Mrs. Matheson;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;
- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and
- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders were issued.

114.

The list in the above paragraph is not exhaustive or inclusive. The Mathesons reserve the right to amend this Amended Writ of Review and Amended Complaint should they learn of any other actions by any of the Defendants that show that the Defendants violated Mr. Matheson's or Mrs. Matheson's right to due process of law

and/or that shows by a preponderance of evidence that any of the Defendants retaliated against either or both Mr. Matheson and Mrs. Matheson due to a violation of due process of law.

115.

Defendants acted intentionally and with callous disregard for Mrs. Matheson's clearly established constitutional due process rights. Simply put, it was not objectively reasonable for the Defendants, by and through their officers, agents, servants, employees and assigns, to refuse to protect Mrs. Matheson's right to due process and to retaliate against both the Mathesons. This conduct on the part of all Defendants represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of law.

116.

To the extent the Commission, Holladay and Konkol, the policy making Defendants in this action, had the policies, whether written or unwritten, or a de facto policy and affirmative duties as set forth herein, the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policy-makers can reasonably be said to have been deliberately indifferent to the need for new and/or additional training.

117.

The City's actions, by and through its officers, employees, servants, agents and assigns, were conducted pursuant to the policy, custom or practice of the Building

Department and the Police Department. As such, the City is directly liable for the damages of the Mathesons.

118.

On information and belief, the Commission, Holladay and Konkol, are responsible for establishing the policies, customs, practices, and procedures to be utilized in the operation of their facilities, and is responsible for the implementation of the policies, practices, and procedures questioned in this lawsuit. As such, Holladay and Konkol are each individually responsible for the damages of the Mathesons.

119.

Defendants' conduct was well defined by law and each Defendant knew or reasonably should have known that their conduct was well below the standard prescribed by law.

120.

The Mathesons are entitled to injunctive relief to restrain the City, its officers, agents, servants, employees and assigns, from engaging in existing and future violations of the Fourteenth Amendment to the U.S. Constitution.

121.

The Mathesons are entitled to declaratory relief that the City, Holladay and Konkol's conduct violated their federal statutory rights.

122.

The City's actions, by and through its officers, employees, servants, agents and assigns, were intentional, willful and with reckless disregard of the Mathesons' federal

statutory rights. Such conduct exceeds the bounds of social toleration and is of the type that punitive damages deter.

123.

As a direct and proximate result of the Defendants' violations of Mrs. Matheson's due process constitutional rights, the Mathesons both have suffered severe and substantial damages. These damages include, but are not to limited to, fear and apprehension that they will, again, be subject to similar unlawful acts for the purpose of limiting and/or preventing protected free speech, for imposed illegal fines, for continued allegations of illegal code violations and/or continued imposed illegal fines, for diminished earnings capacity, lost career and business opportunities, economic loss due to the damage to their Property, emotional trauma, loss of liberty, loss of privacy and irreparable harm to their reputations.

124.

As a further consequence of the Defendants' deprivations, Mrs. Matheson was required to retain counsel to represent her in the code violation proceedings pursued against her; the Mathesons will further incur litigation expenses including attorney fees, expert witness fees, costs and expenses related to this Amended Petition and Amended Complaint.

FIFTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AND ABOCC AGAINST ALL DEFENDANTS FOR VIOLATION OF CIVIL RIGHTS UNDER COLOR OF LAW – 42 U.S.C. § 1985(2)(3) (OBSTRUCTION OF JUSTICE AND CONSPIRACY)

125.

The Mathesons and ABOCC reallege and incorporate paragraphs 1. through 74. as though set forth herein.

126.

Under color of law, the Defendants, individually and collectively, conspired and entered into express and/or implied agreements, understandings, or meetings of the minds amongst themselves for the purpose of impeding, hindering, obstructing and defeating the Mathesons and ABOCC, with the intent to deny the Mathesons and ABOCC equal protection of the laws.

127.

As a direct and foreseeable consequence of this conspiracy, the Mathesons and ABOCC were deprived of their rights under the First and Fourteenth Amendments to the U.S. Constitution and were subjected to retaliation by the Defendants in one or more of the following particulars:

- By maliciously and publicly humiliating Mr. Matheson on a public social media website simply because he was not a veteran;
- By maliciously and publicly humiliating the Mathesons on a public social media website by posting a link to the foreclosure notice;
- By deliberately interfering with and/or terminating ABOCC and Mr. Matheson's political activities concerning the recall petition, effectively chilling Mr. Matheson from exercising his free speech rights;
- By deliberately and maliciously retaliating against Mr. Matheson, the most vocal of the Incorporators of ABOCC, both in his individual capacity and as an Incorporator of ABOCC, and not retaliating against the other two (2) Incorporators of ABOCC who were less vocal than Mr. Matheson;

- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;
- By deliberately and maliciously issuing all of the Notices against Mrs. Matheson;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;
- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;

- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and
- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders were issued.

128.

The list in the above paragraph is not exhaustive or inclusive. The Mathesons and ABOCC reserve the right to amend this Amended Writ of Review and Amended Complaint should they learn of any other actions by any of the Defendants that show that the Defendants entered into express and/or implied agreements, understandings, or meetings of the minds among themselves for the purpose of impeding, hindering, obstructing and defeating the Mathesons, with the intent to deny the Mathesons the equal protection of the laws, and/or that shows by a preponderance of evidence that any of the Defendants retaliated against either or both Mr. Matheson and Mrs. Matheson as a result of the obstruction of justice and conspiracy.

129.

As a direct and proximate result of the Defendants' obstruction of justice, conspiracy and retaliation, the Mathesons both have suffered severe and substantial damages. These damages include, but are not to limited to, fear and apprehension that they will, again, be subject to similar unlawful acts for the purpose of limiting and/or preventing protected free speech, for imposed illegal fines, for continued allegations of illegal code violations and/or continued imposed illegal fines, for diminished earnings

capacity, lost career and business opportunities, economic loss due to the damage to their Property, emotional trauma, loss of liberty, loss of privacy and irreparable harm to their reputations.

130.

As a further consequence of the Defendants' deprivations, Mrs. Matheson was required to retain counsel to represent her in the code violation proceedings pursued against her; the Mathesons will further incur litigation expenses including attorney fees, expert witness fees, costs and expenses related to this Amended Petition and Amended Complaint.

SIXTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST THE DEFENDANT THE CITY FOR NEGLIGENCE

131.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though set forth herein.

132.

As a direct and proximate result of the Final Judgment, the Final Orders and all Notices, the Mathesons have been unable to complete the repairs to their roof, causing significant property damage to their residential home.

133.

The City, by and through the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department, negligently breached its duty owed to the Mathesons to maintain public order and protect their lives

and property in the community; it also negligently breached its duty owed to the Mathesons to maintain improved safety and livability as residents of the City.

134.

The City is vicariously liable for the actions of its officers, servants, agents, employees and assigns, that caused the property damage under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department that caused the property damage occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department that caused the property damage were motivated, in whole, or at least in part, to serve their employer, the City.

135.

The City is subject to liability to the Mathesons for property damages in an amount to be proven at trial. The Mathesons also seek attorney fees, costs and

disbursements, pursuant to ORCP 68, and prevailing party fees, pursuant to ORS 20.190 and any and all other statutes or rules that apply.

SEVENTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST DEFENDANTS THE CITY AND HOLLADAY IN HIS OFFICIAL CAPACITY FOR FALSE LIGHT

136.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though set forth herein.

137.

On information and belief, when Holladay posted the foreclosure link on the recall thread on or about July 9, 2016, he was acting in his official capacity as Mayor.

138.

On information and belief, when Holladay made the disparaging comments about Mr. Matheson's Veteran status on the OC Armory thread on or about July 11, 2016, he was acting in his official capacity as the Mayor.

139.

Even to the extent the information in the foreclosure link and Mr. Matheson's Veteran status is true, Holladay knew or should have known that his public comments on a social media website would place the Mathesons in a false light before the public and would be highly offensive to a reasonable person.

140.

The fact that Holladay posted the link under the recall thread establishes that Holladay intended to place the Mathesons in a false light in retaliation for Mr.

Matheson's free speech activities. Furthermore, the fact that Holladay made the disparaging comments about Mr. Matheson's Veteran status on the OC Armory thread in direct response to Mr. Matheson's comment about his views about the Mayor also establishes retaliation for Mr. Matheson's for Mr. Matheson's free speech activities.

141.

Holladay's actions caused emotional injury to both of the Mathesons, including, but not limited to, embarrassment, helplessness, and irreparable harm to their reputations in the community.

142.

The City is vicariously liable for Holladay's actions under the common-law doctrine of *respondeat superior* for the following reasons:

- Holladay clearly posted the foreclosure notice link and made the comment about Mr. Matheson's veteran status in his official capacity as the Mayor of the City, and not as a private citizen;
- Holladay's activities on Nextdoor.com occurred substantially within the authorized limits of time and space of the Mayor's elected position with the City; and
- Holladay's actions were motivated, in whole, or at least in part, to serve the City as the City's elected Mayor.

143.

The City is subject to liability to the Mathesons for economic and non-economic damages in an amount to be proven at trial. The Mathesons also seek attorney fees,

costs and disbursements, pursuant to ORCP 68, and prevailing party fees, pursuant to ORS 20.190 and any and all other statutes or rules that apply.

144.

The City's actions, by and through Holladay, were intentional, willful and with reckless disregard of the Mathesons' statutory and constitutional rights. Such conduct exceeds the bounds of social toleration and is of the type that punitive damages deter. The Mathesons hereby give notice of their intent to amend this claim to include punitive damages.

EIGHTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST DEFENDANTS THE CITY AND HOLLADAY IN HIS OFFICIAL CAPACITY FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

145.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

146.

The City, by and through its officers, servants, agents, employees and assigns, including Holladay, acted with the intent to inflict emotional distress to both Mr. Matheson and Mrs. Matheson, or knew with substantial certainty that their actions would inflict extreme emotional distress to the Mathesons, in one or more of the following particulars:

- By maliciously and publicly humiliating Mr. Matheson on a public social media website simply because he was not a veteran;

- By maliciously and publicly humiliating the Mathesons on a public social media website by posting a link to the foreclosure notice;
- By deliberately interfering with and/or terminating ABOCC and Mr. Matheson's political activities concerning the recall petition, effectively chilling Mr. Matheson from exercising his free speech rights;
- By deliberately and maliciously retaliating against Mr. Matheson, the most vocal of the Incorporators of ABOCC, both in his individual capacity and as an Incorporator of ABOCC, and not retaliating against the other two (2) Incorporators of ABOCC who were less vocal than Mr. Matheson;
- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously issuing the Notices against Mrs. Matheson;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;

- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;
- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and
- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders were issued.

147.

The City is vicariously liable for the actions of its officers, servants, agents, employees and assigns in both the Building Department and the Police Department, under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department that caused the emotional distress to the Mathesons occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department that caused the extreme emotional distress to the Mathesons were motivated, in whole, or at least in part, to serve their employer, the City.

148.

The City is vicariously liable for Holladay's actions that caused the Mathesons' extreme emotional distress under the common-law doctrine of *respondeat superior* for the following reasons:

- Holladay clearly posted the foreclosure notice link and made the comment about Mr. Matheson's veteran status in his official capacity as the Mayor of the City, and not as a private citizen;

- Holladay's activities on Nextdoor.com occurred substantially within the authorized limits of time and space of the Mayor's elected position with the City; and
- Holladay's actions were motivated, in whole, or at least in part, to serve the City as the City's elected Mayor.

149.

As a direct and proximate result of the City's actions, by and through its officers, employees, servants, agents and assigns, the Mathesons suffered severe emotional distress, medical costs, emotional trauma, emotional injury, mental anguish, degradation, embarrassment, and irreparable harm to their reputations in the community, for which Mathesons seek compensation in an amount to be proven at trial. The City is subject to liability to the Mathesons for all economic and non-economic damages in an amount to be proven at trial. The Mathesons seek costs and disbursements, pursuant to ORCP 68, and prevailing party fees, pursuant to ORS 20.190, and any and all other statutes and rules that apply.

NINTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST DEFENDANTS THE CITY AND HOLLADAY IN HIS OFFICIAL CAPACITY FOR BREACH OF DUTY OF GOOD FAITH AND FAIR DEALING

150.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

151.

The City, by and through its officers, servants, agents, employees and assigns, owed a common-law duty of good faith and fair dealing to the Mathesons, which required the City to act in accordance with reasonable expectations.

152.

The City breached its duty of good faith and fair dealing owed to the Mathesons in one or more of the following particulars:

- By maliciously and publicly humiliating Mr. Matheson on a public social media website simply because he was not a Veteran;
- By maliciously and publicly humiliating the Mathesons on a public social media website by posting a link to the foreclosure notice;
- By deliberately interfering with and/or terminating ABOCC and Mr. Matheson's political activities concerning the recall petition, effectively chilling Mr. Matheson from exercising his free speech rights;
- By deliberately and maliciously retaliating against Mr. Matheson, the most vocal of the Incorporators of ABOCC, both in his individual capacity and as an Incorporator of ABOCC, and not retaliating against the other two (2) Incorporators of ABOCC who were less vocal than Mr. Matheson;
- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;

- By deliberately and maliciously issuing all of the Notices against Mrs. Matheson;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;
- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;
- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and

- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders were issued.

153.

The City is vicariously liable for the actions of its officers, servants, agents, employees and assigns in both the Building Department and the Police Department, that breached the City's duty of good faith and fair dealing, under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were motivated, in whole, or at least in part, to serve their employer, the City.

154.

The City is vicariously liable for Holladay's actions that breached the City's duty of good faith and fair dealing under the common-law doctrine of *respondeat superior* for the following reasons:

- Holladay clearly posted the foreclosure notice link and made the comment about Mr. Matheson's veteran status in his official capacity as the Mayor of the City, and not as a private citizen;
- Holladay's activities on Nextdoor.com occurred substantially within the authorized limits of time and space of the Mayor's elected position with the City; and
- Holladay's actions were motivated, in whole, or at least in part, to serve the City as the City's elected Mayor.

155.

As a direct and proximate result of the City's actions, by and through its officers, employees, servants, agents and assigns, including Holladay, the Mathesons suffered economic damages, severe emotional distress, medical costs, emotional trauma, emotional injury, mental anguish, degradation, embarrassment, and irreparable harm to their reputations in the community, for which Mathesons seek compensation in an amount to be proven at trial. The City is subject to liability to the Mathesons for all economic and non-economic damages in an amount to be proven at trial. The Mathesons seek costs and disbursements, pursuant to ORCP 68, and prevailing party fees, pursuant to ORS 20.190, and any and all other statutes and rules that apply.

TENTH CLAIM FOR RELIEF BY PLAINTIFFS MR. MATHESON AND TAG AGAINST THE DEFENDANT THE CITY FOR INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS

156.

Mr. Matheson and TAG reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

157.

At all times material to this Amended Petition and Amended Complaint, TAG is an International manufacturing company that holds exclusive rights over a disaster response initiative for the United States and Australia. On an interim basis, it operates from a home office and uses a prototype technology platform to remotely operate, train and educate people on the initiative. As the member/manager of TAG and the owner of its intellectual property, Mr. Matheson operates field services and daily administration needs from a home office and dispatches the technology platform located on the Property. On information and belief, the City was aware that TAG is operated from the Property at all times material to this Amended Petition and Amended Complaint.

158.

Prior to September 12, 2016, the date Notice #3, the stop work order was issued, Mr. Matheson and TAG developed a Cooperative Research and Development Agreement and secured an agreement with BMW Manufacturing to develop a dedicated satellite network. The National Disaster Response Infrastructure for the Federal Emergency Management Agency

(FEMA) is the prelude to a dedicated network called BMW Manufacturing network. Mr. Matheson personally worked for over twelve (12) years on the disaster response initiatives and five (5) years to develop a good working relationship with BMW Manufacturing as a technology supplier. The Agreement represents trillions of dollars in equipment, services and support.

159.

Until September 12, 2016, TAG performed all of its obligations under the contract, except those obligations it was prevented or excused from performing. That obligation includes, but is not limited to, building a dedicated National Disaster Response Infrastructure that is the prelude to a dedicated network for BMW Manufacturing.

160.

From and after September 12, 2016, and continuously as of the date this Amended Petition and Amended Complaint is filed, the existing unit cannot be deployed, because it involves working on a four (4) additional platforms as part of a pilot initiative of the State of Oregon and the first phase in the BMW Manufacturing agreement. These platforms and anything else on the Property is included in the stop work notice issued on September 12, 2016 and in the Final Orders and Final Judgment issued by The Honorable McNiece.

161.

From and after September 12, 2016, and continuously as of the date this Amended Petition and Amended Complaint is filed, the City, by and through its officers, servants, agents, employees and assigns, have intentionally disrupted TAG's performance of its initiatives with the State of Oregon, FEMA and BMW Manufacturing by enforcing the illegal stop work notice and the Final Orders and Final Judgment.

162.

The City is vicariously liable for all actions that intentionally interfere with TAG's agreements with the State of Oregon, the FEMA and BMW Manufacturing, under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were motivated, in whole, or at least in part, to serve their employer, the City.

163.

The City's intentional conduct, by and through its officers, servants, agents, employees and assigns, is a substantial factor in causing Mr. Matheson and TAG to suffer damages in an amount that exceeds this Court's jurisdictional threshold under the OTCA, in amount to be proven at trial.

ELEVENTH CLAIM FOR RELIEF BY PLAINTIFFS MR. MATHESON, TAG AND OC CERT AGAINST THE DEFENDANT THE CITY FOR INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC RELATIONS

164.

Mr. Matheson, TAG and the OC CERT reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

165.

At all times material to this Amended Petition and Amended Complaint, the OC CERT is a nonprofit company tasked with developing the League of Oregon CERT's initiative. CERT's are federal programs and have the ability to dispatch resources whenever needed. Mr. Matheson is the Registered Agent, Incorporator and Vice President of OC ERT, the author of its implementation plans, subsequent intellectual property being used to promote the League of Oregon CERT's pilot initiate and state-wide Oregon League of CERT's initiatives.

166.

At all times material to this Amended Petition and Amended Complaint, Mr. Matheson holds exclusive rights over a disaster response initiative for the United States

and Australia. On an interim basis its operating from a home office and using a prototype technology platform to remotely operate, train and educate people for OC CERT which are located on the Property. On information and belief, the City is aware that OC CERT is operated from the Property at all times material to this Amended Petition and Amended Complaint.

167.

Prior to September 12, 2016, the date the stop work notice was issued, the OC CERT was in the process of implementing an economic relationship using the League of Oregon CERT as a pilot initiative to the statewide Oregon League of Oregon CERT's initiatives. On information and belief, the City knew of Mr. Matheson and the OC CERT's potential economic relationship with the League of Oregon CERT pilot program and the statewide Oregon League of CERT at all times material to this Amended Petition and Amended Complaint.

168.

From and after September 12, 2016, and continuously as of the date this Amended Petition and Amended Complaint is filed, Mr. Matheson and the OC CERT is restricted from and is disrupted from entering into agreements or engage its local State Representatives to lead the League of Oregon's CERT or the Oregon League of CERT's.

169.

From and after September 12, 2016, and continuously as of the date this Amended Petition and Amended Complaint is filed, the City, by and

through its officers, servants, agents, employees and assigns, have intentionally disrupted TAG's and OC CERT's ability to enter into prospective economic relationships by enforcing the illegal stop work notice and the Final Orders.

170.

The City is vicariously liable for all actions that intentionally interfere with Mr. Matheson's TAG's and OC CERT's ability to enter into prospective economic relationships, under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were motivated, in whole, or at least in part, to serve their employer, the City.

171.

The City's intentional conduct, by and through its officers, servants, agents, employees and assigns, is a substantial factor in causing Mr. Matheson, TAG and OC CERT to suffer damages in an amount that exceeds this Court's jurisdictional threshold under the OTCA, in amount to be proven at trial.

D. PRAYER FOR RELIEF

WHEREFORE, Petitioner/Plaintiffs pray for the following relief:

1) Assume jurisdiction over each of the claims set forth herein;
2) Grant a permanent injunction restraining the City, its officers, agents, employees, servants and assigns, from engaging in existing and future violations of the First and Fourteenth Amendment to the U.S. Constitution on such terms as the Court may direct;
3) Grant declaratory relief that the City, Holladay and Konkol's conduct violated Plaintiffs the Mathesons' federal statutory and Constitutional rights;
4) Order Defendants, individually and collectively, to comply with all federal statutory laws and further order Defendants to participate in training or other remedial actions as the Court may direct;
5) Order Defendants to make Plaintiffs whole by compensating them for any and all economic damages in an amount to be proven at trial;
6) Order Defendants to make Plaintiffs whole by compensating them for all noneconomic damages in the amount to be proven at trial;

7) Grant punitive damages against the Defendants for each federal statutory claim for relief in an amount to be determined at trial;

8) Grant Plaintiffs attorney fees, prevailing party fees, expenses, disbursements, expert witness fees, pursuant to any and all other statutes or rules that apply;

9) To the extent any amount awarded to Petitioner/Plaintiffs is for damages occurring prior to the entry of judgment, grant Petitioner/Plaintiffs an award of prejudgment interest at the legal rate from the date the damage occurred until the date of judgment;

10) Grant Plaintiffs post judgment interest on all damages, costs, expenses, and fees from the date of judgment until the date paid;

11) Issue an Order issuing a Writ of Review directed to the Respondent/Defendant the City, commanding the Respondent/Defendant to return the Writ with a certified copy of the entire record and proceedings in this matter for review by this Court in substantially the form attached hereto as Petitioner/Plaintiff's proposed Order for Writ of Review;

12) Issue an Order staying any and all further proceedings by the Respondent/Defendant against the Petitioner/Plaintiff, including, but not limited to, the charges and fees imposed by the Final Orders and the Final Judgment;

13) Upon review, for an Order reversing or annulling any and all proceedings by the Respondent/Defendant against the Petitioner/Plaintiff;

14) For a declaration that all of the Notices issued by the Respondent/Defendant are invalid and void;

15) For a declaration that the Final Orders and Final Judgment are invalid and void; and

16) For such other relief as may be found just and equitable.

DATED this ____ day of July, 2017.

Respectfully submitted,

Mark J. Matheson, *Pro Se*

Anna Marie Matheson, *Pro Se*

E. DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial on their tort, statutory and Constitutional claims relief.

DATED this _____ day of _____, 2017.

Respectfully submitted,

Mark J. Matheson, *Pro Se*

Anna Marie Matheson, *Pro Se*

F. CERTIFICATION PUSUANT TO ORS 34.040

I am an attorney licensed to practice law in the State of Oregon. I certify that I have examined the underlying proceeding in this matter to the extent that it is now available to me, and the Final Orders therein, and that it is erroneous as alleged in the Amended Petition for Writ of Review set forth in the First Claim for Relief above.

DATED this ___ of July, 2017.

_____
Signature

_____
Printed Name

OSB #: _____

FINAL ORDER

IN THE MUNICIPAL COURT FOR OREGON CITY

COUNTY OF CLACKAMAS, STATE OF OREGON

CITY OF OREGON CITY, a municipality formed under the laws of the State of Oregon Plaintiff, vs. ANNE MARIE MATHESON, Defendant	)	NO. CE-19613-16 FINAL ORDER

This matter came before the Court on April 9, 2017. Plaintiff, through it's Code Enforcement Department, was present and represented by Rebecca Schaleger; Defendant was present and represented by Gary Kahn.

Defendant is charged with violating the Oregon City Municipal Code by failing to obtain a permit for roof repair and for violating a stop work order. Defendant claims she is exempt from the requirement for a permit and that she was denied due process.

The Court, having had an opportunity to review the records and files herein including photographic exhibits, to hear the testimony of each witness, observe their demeanor, and determine the weight to be given to the testimony of each witness, makes the following

FINDINGS OF FACT

1. Anna Marie Matheson is the owner and occupant, along with her husband Mark J. Matheson, of property located at 855 Molalla Avenue, Oregon City, Clackamas County, Oregon.

2. This Court has jurisdiction over these proceedings.

3. Commencing September 9, 2016 it was observed that Defendant was in the process of making significant roof repair to her two story home, including removal of skip sheathing leaving a large hole in the roof.

4. On the same date, the city building department sent a letter to Defendant claiming it had been determined that Defendant needed a permit to perform work on the roof. Said letter erroneously cited the Oregon Structural Code.

5. Having no response from Defendant, a stop work order was placed on Defendant's residence on September 12, 2016, directing Defendant to communicate with the building officials. The building inspector was directed to leave the premises.

5. On September 14, 2016 City Code Enforcement officials mailed a notice of violation to Defendant and emailed a copy to Defendant's husband's email address directing Defendant to obtain a building permit no later than September 19, 2016. Defendant made no attempt to communicate with the building official.

6. The Notice of Violation correctly cited the Oregon Residential Specialty Code.

7. Defendant made no attempt to communicate with officials.

8. On September 20, 2016 Code Enforcement filed a complaint in the above court alleging that Defendant failed to obtain a permit as required by the Oregon Residential Specialty Code and Oregon City Municipal Code and for violating a stop work order issued by the City Building Official.

9. Defendant appeared in court and requested continuances of this matter on October 8, 2016, November 16, 2016, December 22, 2016, January 12, 2017 and February 9, 2017.

10. Defendant's husband acknowledged he continued work on the roof after receipt of the stop work order because it "was an unlawful stop work order".

11. Plaintiff states that at least 15% of the skip sheathing on the roof has been removed; defendant's husband states 2%-5% removed; defendant's witness, a building

inspector, stated approximately 12% had been removed. No actual calculations were made by any witness. The court finds, based upon testimony of the parties and photographic evidence, that 15% of skip sheathing was removed.

12. Work continued on the roof after issuance of the stop work order of September 12, 2016 until November 8, 2016 . The roof was covered with tarp and no longer visible after November 29, 2016.

13. At no time has Defendant or her husband attempted to communicate with building officials or code enforcement officials.

ISSUES

1. Defendant claims she was denied due process because the initial notice issued to her on September 9, 2016 erroneously cited the Oregon Specialty Cod3e.

2. Defendant claims the roof repair is exempt from permit requirements because, under the Oregon Residential Specialty Code 105.2, less than 15% of the roof sheathing has been removed.

3. Plaintiff claims that more than 15% of the skip sheathing has been removed and has concerns regarding weight load and damage to the interior, including dry rot, necessitating an inspection and building permit.

4. Plaintiff claims that Defendant continued work on the roof after the issuance of the stop work order.

CONCLUSIONS OF LAW

1. Due Process: Defendant has not been denied due process in this matter. The issue before this court is a complaint filed by Code Enforcement citing failure to obtain a permit pursuant to the Oregon Residential Specialty Code and for disobeying a stop work order issued by the City. Defendant was appropriately cited to this court and granted all requested extensions of time. Defendant was fully aware that the issue before this court alleged a violation

of the Oregon Residential Specialty Code.

2. Permit Requirement. A permit is not required under the Oregon Residential Specialty Code 105.2.18 so long as the roof repair does not involve removal of more than 15% of the skip sheathing. Although the city building official was not allowed access to the property he determined, from observation from the street and plain view of the project, that a permit was required because more than 15% of the skip sheathing was removed.

Oregon Residential Specialty Code 105.2 states:

> "Exemptions from permit requirements of this code shall not be deemed to grant authority for any work to be done in any manner in violation of this code or any other law or ordinance of this jurisdiction."

An exemption from the code does not allow Defendant to make that determination. Once a violation is alleged, it is Defendant's burden to demonstrate compliance or negate the need for a permit. Defendant has failed and refused to do so and this Court finds, based upon the evidence and testimony of the parties, that a permit is required.

3. Stop Work Order: ORSC 114.1 provides:

> "Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or unsafe, the building official is authorized to issue a stop work order. . ."

The city building official determined that a permit was required and that an inspection was required to determine there is no structural damage such as dry rot. Defendant refused to communicate with building officials. While Defendant's husband claims it was "an unlawful stop work order", Defendant was, nonetheless, obliged to immediately stop work on the roof until compliance was determined. As stated above, Oregon Residential Specialty Code 105.2 does not give Defendant license to ignore a stop work order simply because Defendant believes it is "an unlawful stop work order". It is the determination of the building official, not the Defendant, to determine if a stop work order should be issued.

4. At all times Defendant has failed and refused to communicate with the Building

Official to resolve the issue to obtain any necessary permit and lift the stop work order.

5. Defendant continued to work on the property, including replacing tar paper and plywood sheeting from September 12, 2016 (date of Notice of Violation) until November 8, 2016.

6. The Oregon Residential Specialty Code, Oregon Revised Chapter 455, Oregon City Municipal Code, and the Operating Plan adopted by the City building department, is designed to ensure compliance with code requirements in the least litigious manner and obtain compliance in a timely manner. Defendant's refusal to communicate and cooperate, as well as repeated requests for continuances in this matter delayed resolution.

ORDER

1. The Court finds that Defendant is guilty of failing to obtain the proper permit for roofing repair as required by Oregon Residential Specialty Code 104.18(b) and said violation continues and constitutes a civil infraction as described in Oregon City Municipal Code 1.20.030 and 15.04.020.

2. Defendant is guilty of violating the stop work order issued September 14, 2016 until November 8, 2016 and constitutes a civil infraction as described in Oregon City Municipal Code 1.20.030 and 15.04.020.

3. Oregon City Municipal Code 16.020 provides that each day of violation carries a penalty of $300 per day.

4. Plaintiff is granted judgment against Defendant in the sum of $62,100.00 representing $300 per day (OCMC 16.020) from September 14, 2016 (Notice of Violation) until April 9, 2017 (date of hearing) for failing to obtain the necessary permit..

5. Plaintiff is granted judgment against Defendant in the sum of $10,200.00 representing $300 per day from September 14, 2016 (stop work order) until November 8, 2016.

6. This court will suspend $51,700.00 of the above judgment ON THE CONDITION that Defendant and/or her agent allow inspection of the premises and obtain necessary permits no

later than May 1, 2017.

This Final Order may be appealed or judicially reviewed pursuant to OCMC 1.24.180, 1.24.190.

DATED this 20 day of April, 2017.

Laraine McNiece, Judge

FINAL ORDER

IN THE MUNICIPAL COURT FOR OREGON CITY

COUNTY OF CLACKAMAS, STATE OF OREGON

CITY OF OREGON CITY, a municipality formed under the laws of the State of Oregon Plaintiff, vs. ANNA MARIE MATHESON, Defendant	NO. CE-19613-16 CORRECTED FINAL ORDER/JUDGMENT

A typographical error occurred in the Order entered by this Court on April 20, 2017 regarding the date of hearing, which consequently affected the amount of judgment imposed and numbering of findings. This order is entered to correct and replace the April 20, 2017 order of this court:

This matter came before the Court on April 6, 2017. Plaintiff, through it's Code Enforcement Department, was present and represented by Rebecca Schaleger; Defendant was present and represented by Gary Kahn.

Defendant is charged with violating the Oregon City Municipal Code by failing to obtain a permit for roof repair and for violating a stop work order. Defendant claims she is exempt from the requirement for a permit and that she was denied due process.

The Court, having had an opportunity to review the records and files herein including photographic exhibits, to hear the testimony of each witness, observe their demeanor, and determine the weight to be given to the testimony of each witness, makes the following

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FINDINGS OF FACT

1. Anna Marie Matheson is the owner and occupant, along with her husband Mark J. Matheson, of property located at 855 Molalla Avenue, Oregon City, Clackamas County, Oregon.

2. This Court has jurisdiction over these proceedings.

3. Commencing September 9, 2016 it was observed that Defendant was in the process of making significant roof repair to her two story home, including removal of skip sheathing leaving a large hole in the roof.

4. On the same date, the city building department sent a letter to Defendant claiming it had been determined that Defendant needed a permit to perform work on the roof. Said letter erroneously cited the Oregon Structural Code.

5. Having no response from Defendant, a stop work order was placed on Defendant's residence on September 12, 2016, directing Defendant to communicate with the building officials. The building inspector was directed to leave the premises.

6. On September 14, 2016 City Code Enforcement officials mailed a notice of violation to Defendant and emailed a copy to Defendant's husband's email address directing Defendant to obtain a building permit no later than September 19, 2016. Defendant made no attempt to communicate with the building official.

7. The Notice of Violation correctly cited the Oregon Residential Specialty Code.

8. Defendant made no attempt to communicate with officials.

9. On September 20, 2016 Code Enforcement filed a complaint in the above court alleging that Defendant failed to obtain a permit as required by the Oregon Residential Specialty Code and Oregon City Municipal Code and for violating a stop work order issued by the City Building Official.

10. Defendant appeared in court and requested continuances of this matter on

17-04-25 08:27 FILE

October 8, 2016, November 16, 2016, December 22, 2016, January 12, 2017 and February 9, 2017.

11. Defendant's husband acknowledged he continued work on the roof after receipt of the stop work order because it "was an unlawful stop work order".

12. Plaintiff states that at least 15% of the skip sheathing on the roof has been removed; defendant's husband states 2%-5% removed; defendant's witness, a building inspector, stated approximately 12% had been removed. No actual calculations were made by any witness. The court finds, based upon testimony of the parties and photographic evidence, that 15% of skip sheathing was removed.

13. Work continued on the roof after issuance of the stop work order of September 12, 2016 until November 8, 2016 . The roof was covered with tarp and no longer visible after November 29, 2016.

14. At no time has Defendant or her husband attempted to communicate with building officials or code enforcement officials.

ISSUES

1. Defendant claims she was denied due process because the initial notice issued to her on September 9, 2016 erroneously cited the Oregon Specialty Cod3e.

2. Defendant claims the roof repair is exempt from permit requirements because, under the Oregon Residential Specialty Code 105.2, less than 15% of the roof sheathing has been removed.

3. Plaintiff claims that more than 15% of the skip sheathing has been removed and has concerns regarding weight load and damage to the interior, including dry rot, necessitating an inspection and building permit.

4. Plaintiff claims that Defendant continued work on the roof after the issuance of the stop work order.

FINAL ORDER

17-04-25 09:27 FILE

CONCLUSIONS OF LAW

1. Due Process: Defendant has not been denied due process in this matter. The issue before this court is a complaint filed by Code Enforcement citing failure to obtain a permit pursuant to the Oregon Residential Specialty Code and for disobeying a stop work order issued by the City. Defendant was appropriately cited to this court and granted all requested extensions of time. Defendant was fully aware that the issue before this court alleged a violation of the Oregon Residential Specialty Code.

2. Permit Requirement. A permit is not required under the Oregon Residential Specialty Code 105.2.18 so long as the roof repair does not involve removal of more than 15% of the skip sheathing. Although the city building official was not allowed access to the property he determined, from observation from the street and plain view of the project, that a permit was required because more than 15% of the skip sheathing was removed.

Oregon Residential Specialty Code 105.2 states:

> "Exemptions from permit requirements of this code shall not be deemed to grant authority for any work to be done in any manner in violation of this code or any other law or ordinance of this jurisdiction."

An exemption from the code does not allow Defendant to make that determination. Once a violation is alleged, it is Defendant's burden to demonstrate compliance or negate the need for a permit. Defendant has failed and refused to do so and this Court finds, based upon the evidence and testimony of the parties, that a permit is required.

3. Stop Work Order: ORSC 114.1 provides:

> "Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or unsafe, the building official is authorized to issue a stop work order. . ."

The city building official determined that a permit was required and that an inspection

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was required to determine there is no structural damage such as dry rot. Defendant refused to communicate with building officials. While Defendant's husband claims it was "an unlawful stop work order", Defendant was, nonetheless, obliged to immediately stop work on the roof until compliance was determined. As stated above, Oregon Residential Specialty Code 105.2 does not give Defendant license to ignore a stop work order simply because Defendant believes it is "an unlawful stop work order". It is the determination of the building official, not the Defendant, to determine if a stop work order should be issued.

4. At all times Defendant has failed and refused to communicate with the Building Official to resolve the issue to obtain any necessary permit and lift the stop work order.

5. Defendant continued to work on the property, including replacing tar paper and plywood sheeting from September 12, 2016 (date of Notice of Violation) until November 8, 2016.

6. The Oregon Residential Specialty Code, Oregon Revised Chapter 455, Oregon City Municipal Code, and the Operating Plan adopted by the City building department, is designed to ensure compliance with code requirements in the least litigious manner and obtain compliance in a timely manner. Defendant's refusal to communicate and cooperate, as well as repeated requests for continuances in this matter delayed resolution.

ORDER

1. The Court finds that Defendant is guilty of failing to obtain the proper permit for roofing repair as required by Oregon Residential Specialty Code 104.18(b) and said violation continues and constitutes a civil infraction as described in Oregon City Municipal Code 1.20.030 and 15.04.020.

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2. Defendant is guilty of violating the stop work order issued September 14, 2016 until November 8, 2016 and constitutes a civil infraction as described in Oregon City Municipal Code 1.20.030 and 15.04.020.

3. Oregon City Municipal Code 16.020 provides that each day of violation carries a penalty of $300 per day.

4. Plaintiff is granted judgment against Defendant in the sum of $61,200.00 representing $300 per day (OCMC 16.020) from September 14, 2016 (Notice of Violation) until April 6, 2017 (date of hearing) for failing to obtain the necessary permit..

5. Plaintiff is granted judgment against Defendant in the sum of $10,200.00 representing $300 per day from September 14, 2016 (stop work order) until November 8, 2016.

6. This court will suspend $51,700.00 of the above judgment ON THE CONDITION that Defendant and/or her agent allow inspection of the premises and obtain necessary permits no later than May 1, 2017.

This Final Order may be appealed or judicially reviewed pursuant to OCMC 1.24.180, 1.24.190.

DATED this 25th day of April, 2017.

Laraine McNiece

Laraine McNiece, Judge

17-04-25 09:23 FILE

OREGON CITY

POLICE DEPARTMENT
CODE ENFORCEMENT

320 Warner Milne Road | Oregon City OR 97045
Complaint Line: (503) 496-1559 | Fax (503) 657-6629

July 13, 2017

Anna Marie Matheson
855 Molalla Ave.
Oregon City, Oregon 97045

RE: CE19613-16 Final Judgment

Attached please find a copy of the final judgement.

PAYMENT OPTIONS:
Payment must be made within the following thirty (30) days from the date of this notice. Non-payment will result in a lien against the property in the full amount, plus the filing fee, including interest at a rate of nine percent (9%).

Please contact the code enforcement office with any questions you may have.

Code Enforcement Division
City of Oregon City
503-496-1559

IN THE MUNICIPAL COURT FOR THE CITY OF OREGON CITY

COUNTY OF CLACKAMAS, STATE OF OREGON

COPY

CITY OF OREGON CITY, Plaintiff, vs. Anna Marie Matheson, Respondent(s)	Case No.: CE-19613-16 TLID# : 32E05BB04400 Address: 855 Molalla Ave. Oregon City, Oregon 97045 MOTION FOR JUDGMENT

COMES NOW, Plaintiff, by and through its officer, David Mueller, and moves the Court for a judgment as follows:

1) A $71,400.00 fine, based upon the Final Order/Judgement and respondent's failure to comply with a court order.

Dave Mueller

Code Enforcement Officer

Now Therefore, it is hereby ordered that the Plaintiff's Motion for Judgment be granted.

It is so Ordered this 11 day of July, 2017

Laraine Mahr

Municipal Court Judge

IN THE MUNICIPAL COURT FOR THE CITY OF OREGON CITY

COUNTY OF CLACKAMAS, STATE OF OREGON

COPY

CITY OF OREGON CITY, Plaintiff, vs. Anna Marie Matheson, Respondent,	Case No.: CE-19613-16 AFFIDAVIT OF NON-COMPLIANCE AND JUDGMENT

I, David Mueller, Code Enforcement Officer for the City of Oregon City, being first duly sworn, depose and say:

On April 6, 2017, the parties appeared before Judge Laraine McNiece for a trial.

On April 25, 2017, Judge Laraine McNiece entered a Corrected Final Order/Judgment. The property owner was fined $71,400.00 for violations of the Oregon City Municipal Code. $51,700.00 will be suspended if necessary permits are obtained and inspections occur by May 1, 2017.

On May 2, 2017, Chris Long, Oregon City Building Inspector, reported that no permits had been pulled, no inspection had occurred, and there had been no contact with the property owner.

As of July 10, 2017, the property owner has failed to obtain required permits, has not allowed inspection by the Building Official, and has failed to appeal the Final Order/Judgment as outlined in the Oregon City Municipal Code 1.24.180 & 1.24.190.

I make this affidavit in support of my motion for entry of judgment filed herein.

Therefore, on behalf of the City, I request the entry of Judgment and Order as follows:

1) A $71,400.00 fine be imposed.

Dated this 11th day of July 2017.

Code Enforcement Officer
City of Oregon City

State of Oregon
County of Clackamas
Subscribed and sworn to before me this 11th day of July 2017.

OFFICIAL STAMP
AUTUMN RENEE WILSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 920005
MY COMMISSION EXPIRES SEPTEMBER 08, 2017

NOTARY PUBLIC - OREGON
My commission expires: 9/8/17

COPY

JUDGMENT

Based upon the above motion and affidavit, and Respondent's failure to comply with Oregon City Municipal Court Order,

IT IS HEREBY ORDERED Respondent's non-compliance be entered of record,

IT IS FURTHER ORDERED Plaintiff shall have judgment against respondent herein:

a) The sum of $71,400.00, plus interest at 9.% annual simple interest

Dated this 11 day of July 2017.

Laraine McNiece
Municipal Court Judge

CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT
CLACKAMAS COUNTY COURTHOUSE
807 MAIN STREET, ROOM 301
OREGON CITY, OREGON 97045

Susie L. Norby
Circuit Court Judge

(503) 650-8902
FAX (503) 650-8909

December 29, 2017

Mark & Anna Marie Matheson
855 Molalla Avenue
Oregon City, OR 97045
mark.matheson@drteamsint.com

Gerald Warren
Aaron Hisel
901 Capitol Street NE
Salem, OR 97301
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David C. Lewis
Steven Kraemer
Kraemer, Lopez & Lewis
PO Box 1469
Lake Oswego, OR 97035
dlewis@cisoregon.org
skraemer@cisoregon.org

RE: Mark & Anna Marie Matheson v. City of Oregon City, Dan Holladay & Anthony Konkel III
Clackamas Circuit Court Case No. 17 CV 25621

Gentlemen & Ms. Matheson:

This Letter Opinion contains the court's rulings on the Petitioners' Writ of Review.

Contextual Summary

Petitioners ("Husband" & "Wife") reside in a home located at 855 Molalla Avenue, Oregon City, Clackamas County, Oregon. On the home façade hangs a large banner that reads: "Recall Mayor Holladay." In early September 2016, Husband was working to repair a section of the roof, including removing skip sheathing. On Friday, September 9, 2016, a City code enforcement officer drove by and did a sight check of Husband's roof repair. He became concerned that the roof repair may require a permit. He drafted a letter that same day and mailed it. The letter instructed Wife, the title holder, "that the required permits must be applied for and obtained within 10 days from the date of this letter[.]" The letter invoked an incorrect Structural Specialty Code reference as authority for the command.

On Monday, September 12, 2016, the next business day, a City code enforcement officer served a Stop Work Order commanding Husband and Wife to stop work on the roof project, because "permits are required prior to starting work." The Order also instructed the petitioners to contact the City, but they did not. On Wednesday, September 14, 2016, the City issued a Notice of Violation instructing the petitioners that "[f]ailure to obtain all applicable permits by 5PM on Monday, September 19, 2016 will result in a citation by Municipal Court." Petitioners did not apply for a construction permit. Husband did stop work on the open roof, but not immediately. When work stopped, the roof hole was covered with weatherproofing, as it has remained ever since.

On Tuesday, September 20, 2016, the City issued a Citation/Complaint to Wife for failing to obtain a permit and failing to immediately discontinue all work when the Stop Work Order was served. On April 6, 2017, a court trial was held before the Honorable Laraine McNiece. The Judge issued a Corrected Final Order/Judgment on April 25, 2017, which found Wife guilty of (a) failing to obtain a required roofing repair permit, and (b) violating a lawful stop work order. The Judge ordered cumulative fines that totaled $71,400.00, but allowed that $51,700.00 of that total would be suspended if petitioners allowed inspection of their roof project and obtained necessary permits by May 1, 2017. They did not.

On June 19, 2017, petitioners filed a Writ of Review challenging the Municipal Court's April 25, 2017 Corrected Final Order/Judgment. This court issued an Order for Writ of Review on August 1, 2017, after petitioners filed the required bond. That Order required the Municipal Court "to make return together with required copy of records/proceeding on or before August 31, 2017." On September 14, 2017, the city filed the transcript and record of proceedings, which it later supplemented with color photographs and emails concerning gaps in the audio record of the trial. Most notably, there is an email exchange between Husband and a Municipal Court employee:

> **Husband:** "I need a complete record. The hearing was 4 hours long and the audio files are only 1.5 hours... they're [sic] big gaps in testimony. I need an unedited version of the transcripts."
>
> **Court Employee:** "I gave you everything that was recorded. We actually sent the cassettes out to have the sound enhanced but nothing was edited. Everything the recorder captured was given to you."

Petitioners filed their Opening Brief on Writ of Review on October 20, 2017. Respondents filed their Response Brief on November 17, 2017. Petitioners filed their Reply Brief on December 1, 2017. Oral argument was held on December 11, 2017. Mark Matheson argued on petitioners' behalf, and David Lewis argued on behalf of the City of Oregon City.

Assignments of Error & Responsive Arguments

Petitioners claimed error in the proceedings below in three separate categories, as follows:

1. Petitioners were denied due process of law because of misconduct by the City, to wit:
   (a) Issuance of the legally inaccurate September 9, 2016 notice, which also lacked directions on how to appeal it;
   (b) Service of a legally insufficient September 12, 2016 stop work order;
   (c) Issuance of an unjustified September 14, 2016 citation of violation;
   (d) Unresponsiveness to Matheson letters sent on September 19, 2016;
   (e) Improper filing of September 20, 2016 Complaint without just cause;
   (f) Failure to record a significant portion of testimonial evidence presented at the hearing, and inappropriate ex parte contact between the Municipal Judge and the City Attorney.

2. The Municipal Court Judge made rulings not supported by substantial evidence in the whole record:
   (a) The ruling that 15% of the skip sheathing on the Mathesons' roof was removed (Finding #12);

(b) The ruling that Mr. Matheson was required to immediately stop working as soon as he was served with the City's stop work order.[1]

3. The Municipal Court Judge imposed a fine that is cruel and unusual under all the circumstances and is therefore unconstitutional.

With regard to petitioners' due process concerns, the City responds that, despite a flaw in the September 9, 2016 notice and the absence of friendly communication about the City's concerns prior to serving the stop work order and the Complaint of violation, the Mathesons were given notice of the City's concerns and an opportunity to be heard through the Municipal Court proceedings, which met or exceeded due process standards. Although the City failed to create, or maintain, a full audio record of the Municipal Court proceedings, it argues that Petitioners fall short of showing their due diligence in searching for an audio record, and made no adequate showing that the trial below was unfair, incorrect, or unjust. Therefore under Smith v. Custom Micro, Inc., 311 Or 375 (1991), petitioner did not prove entitlement to a remedy based on the flaw in the audio record sufficient to justify reversal. As to petitioners' claim of improper ex parte contact, the City responds that impermissible ex parte contact only arises from communication about the merits of a case before the judge. Contact between the Judge and a lawyer after the case has been concluded by a Judgment does not fall in that category.

With regard to petitioners' substantial evidence challenges, the City responds that:
(1) As to the court's finding that the petitioners made no attempt to communicate with the building officials or code enforcement, petitioners' September 19th letters were not received as exhibits or included in the record, therefore their contents could not be considered by the Municipal Judge;
(2) As to the court's finding that petitioners removed 15% of the skip sheathing on their roof, the testimony of City representatives and the photograph exhibits support the finding, and this court may not second guess a Municipal Judge finding of fact unless no evidence exists in the record to support it;
(3) As to the ruling about the effect of the stop work order on petitioners' ability to continue working, the petitioners' concession that they did not immediately stop work after service of the order alone supersedes the need for substantial evidence in the record.

With regard to the constitutionality of the fine imposed, the City responds that the fine amount falls within the range set by the City Code, and the Judge gave petitioners the power to dramatically reduce the fine by securing a permit for the work done. It was petitioners' choice not to act to reduce the fine, so they tacitly acquiesced to the full amount ordered.

Analysis

This matter is rooted in a simple conflict over a single issue: did petitioners' roof repair involve 15% or more of their roof and require a permit, or did it involve 14.99% or less of their roof and not require a permit. The Municipal Court Judge found that 15% of the skip sheathing on petitioners' roof was removed. All conclusions flowed from that finding. Finding #12 specified that the Municipal Judge was persuaded by the "opportunity to review the records and files herein including photographic exhibits, to hear the testimony of each witness, observe their demeanor, and determine the weight to be given to the

[1] Petitioners appear to have attempted to add claims of error in their Reply Brief, regarding the Municipal Judge's failure "to make specific and detailed findings" on particular points. It is impermissible to supplement claims of error in a Reply Brief – there is no further opportunity for the respondent to argue thereafter. Therefore, those afterthought claims of error are stricken, and will not be analyzed in this Letter Opinion.

testimony of each witness". This court reviewed the transcript of proceedings, to locate any testimony about the proportion of the roof under repair. The following transcript segments address this question:

p. 4, lines 17-23
RS: Okay. And why did, why did you send this letter?

Long: Because of the roof being open. We wanted to contact them and find out what was the scope of the work.

RS: Okay. So, the purpose of this letter was to what, put the owner on notice that they needed to get a permit? What was the purpose of this letter?

Long: For them to contact us. We could then ask questions, find out what the scope of the work is.

p. 5, lines 11-14
RS: Okay. And why did you go out to the house on September 12?

Long: Uh, with it being as exposed as it was, our concern that permits are required, we didn't have any permits so we wanted to place a Stop Work Order to further get their attention to come discuss with us what their scope of work was.

p. 7, lines 18-22
RS: And what was the substance of that conversation? I'm not asking you to say what he said; I'm simply saying, what was the substance of the conversation?

Long: Let him know that I'm placing a Stop Work Order on the house, reason being for the roof and that he would probably be required to get a permit, and to come talk to us.

p. 27, lines 19-23
GK: I just have one. In light of all this, your conclusion is based on your observations that less than 15% of the space (sic) sheathing was removed and replaced.

Wade: My observation at that time, it appeared to me to be in the realm of 10%.

GK: And if-

Wade: Less than 15.

p. 28, lines 9-15
RS: Mr. Roberts, let's just cut to the chase right now. You testified earlier that more than 15%, uh, that by your visual inspection, more than 15% of the sheathing had been replaced. Do you stand by that testimony after hearing Mr. Wade's testimony?

Roberts: I do.

RS: Why?

Roberts: Based on the evidence in the photographs and by driving by.

Thereafter, beginning on p. 31 of the transcript, the attorneys' closing arguments include references to the extensive unrecorded witness testimony that was not preserved during the evidentiary phase of the trial. Based on the subsequent email exchange between Husband and the Municipal Court employee about the gaps in the transcript, it is apparent that none of the testimony relied on by the City on the question of project scope was recorded. Attorneys' arguments, statements and questions are not evidence. Only witness testimony and exhibits received are evidence.

Therefore, the only evidence in the record on review that could explain the Municipal Judge's conclusion that 15% or more of the roof was involved in petitioners' repair are the words "I do" spoken by witness Roberts on p. 28 in response to the city attorney's summary of his previous unrecorded testimony, and the photograph exhibits. Roberts' words are ambiguous, because the attorney's summary of his prior testimony in her leading question is not evidence, and his response does not adopt her summary, but rather re-adopts his unrecorded testimony. At best, those two words are consistent with witness Long's testimony, which was vague and inconclusive on the project's actual scope.[2]

This court reviewed the photographs exhaustively. There is no photograph of the back half of petitioners' roof, and no way to know if it has one or more dormers on the back half. There is a dormer on the front half of the roof. Dormers appear to require more roofing than would otherwise fill the same space. The repair work is limited to the edge of the roof on the far left in the photographs, below the chimney. Based on this court's review of the photographs, and inferences about the size and configuration of the un-photographed back half of the roof made in the light most favorable to the Municipal Judge's opinion, they are evidence that less than 15% of the total roof was under repair.

The available evidence on the roof project scope *in the record on review* does not support the Municipal Judge's conclusion that more than 15% of the petitioners' skip sheathing was removed from their roof, necessitating a permit. Without substantial evidence in the record to support that conclusion, the conclusion about the lawfulness of the Stop Work Order is also irreparably compromised.

At oral argument, the City acknowledged its obligation to record the entirety of the trial in Municipal Court, but relied on the decision in Smith v. Custom Micro, Inc., 311 Or 375 (1991) to argue that petitioners cannot use the absence of an audio record to make their case on Review. The Smith court interpreted ORS 19.130(3) to require that an appellant may not secure a reversal of a lower court decision based on the absence of an audio record without first persuading the reviewing court that: (1) there was due diligence in attempting to find and supply a record for the purposes of appeal; and (2) there is a prima facie showing of error, or unfairness in the trial, or that there had been a miscarriage of justice.[3]

---

[2] Although most of the testimony given by the City's witnesses was unrecorded, the parties agree that no City building inspector ever gained access to the roof. No consent to inspect was given, no administrative inspection warrant was procured from a municipal judge, and no ORCP 43 process was invoked to allow the City to take measurements on the roof. If witness Roberts testified contrary to the defense expert (Wade) who did have roof access, then perhaps Roberts' testimony about his expert credentials tipped the balance in favor of his subjective visual assessment. The absence of any testimony corroborating his basis for confidence in his visual scan, however, cannot be overcome.

[3] This threshold analysis has been a complete obstacle to appeals rooted in due process and procedurally driven questions. It is unclear whether it also applies when the questions on appeal regard the lack of substantial evidence in the whole record. In an abundance of caution, this court assumes that the precondition always applies.

The record in this case persuades me that there was due diligence in attempting to find and supply a complete audio record for the appeal. The law requires that the Municipal Court generate an audio record and supply it with a transcript to the court on Writ of Review. The record on review includes email messages between Husband and the Municipal Court in which Husband notifies that court about the gaps in the audio record, and urges production of a complete audio record. But the ability to do so is within the Municipal Court's control, not his. This effort by Husband to secure a complete audio record satisfies the due diligence requirement of the Smith court.

The second question is whether petitioners made a prima facie showing of error, or unfairness in the trial, or that there has been a miscarriage of justice. A "prima facie showing" has been interpreted as a legal term of art "commonly defined as '[a] party's production of enough evidence to allow the fact-trier to infer the fact in issue and rule in the party's favor.' "Staten v. Steel, 222 Or. App. 17, 49, 191 P.3d 778 (2008), rev. den., 345 Or. 618, 201 P.3d 909 (2009) (Edmonds, P.J., concurring) (quoting Black's Law Dictionary 1228 (8th ed. 2004)). Generally a prima facie showing is viewed as minimal sufficiency; it does not invite a court to engage in weighing of competing facts or arguments. The testimonial evidence regarding the roof project scope that was captured for the record on review includes:

1) The statements of city witness Long, who expressed uncertainty about the scope of the roofing project based on his visual appraisal, and who emphasized that the initial letter and Stop Work Order were intended to get the petitioners' attention, and *start* a conversation about the scope.
2) The testimony of petitioners' witness Wade, that the roof repair scope was approximately 10%.

The photographic evidence is similarly insubstantial, absent any testimony in the record to guide a judge to view it in a manner that supports a conclusion in the City's favor. It supports a conclusion that petitioners did roof work, but not that 15% of the roof was involved in the project.

I conclude that the testimonial and photographic evidence in the record establishes a prima facie showing of error that satisfies the second pre-requisite created by the Smith court that would otherwise limit a grant of relief on appeal when an incomplete audio record exists of the proceedings below.

Having decided in the petitioners' favor on their claims that there is not substantial evidence in the whole record to support the Municipal Court Judge's rulings on the scope of the project and the legality of the Stop Work Order, it is unnecessary to analyze the petitioners' remaining assignments of error. The Writ of Review challenging the Municipal Court's April 25, 2017 Corrected Final Order/Judgment is granted, and the Corrected Final Order/Judgment is reversed. This case is remanded to the Municipal Court for entry of a Judgment consistent with this opinion. Attorney David Lewis is directed to file a form of Limited Judgment to formalize these rulings.

Very truly yours,

Hon. Susie L. Norby

Hon. Susie L. Norby
Circuit Court Judge

CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT
CLACKAMAS COUNTY COURTHOUSE
807 MAIN STREET, ROOM 301
OREGON CITY, OREGON 97045

Susie L. Norby
Circuit Court Judge

(503) 650-8902
FAX (503) 650-8909

January 31, 2018

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RE: Mark & Anna Marie Matheson v. City of Oregon City, Dan Holladay & Anthony Konkel III
Clackamas Circuit Court Case No. 17 CV 25621

Gentlemen & Ms. Matheson:

This Letter Opinion contains the court's ruling on the Respondent's Motion for Reconsideration.

Contextual Summary

The court issued a Letter Opinion on December 29, 2017 granting the Mathesons' Writ of Review, reversing the Oregon City Municipal Court's April 25, 2017 Corrected Final Order/Judgment, and remanding the case to the Municipal Court for entry of a Judgment consistent with that reversal. On January 16, 2018, Oregon City filed a Motion for Reconsideration. Oregon City argues that a result of reversal is that "the City is prejudiced in its ability to enforce its building codes and potentially protect its citizens."

On January 29, 2018, the Mathesons filed a Response in Opposition to the City's Motion for Reconsideration.

Ruling

The City's Motion for Reconsideration implies that the ruling on Writ of Review in this case sabotages the City's ability to keep citizens safe, by undermining its efforts to enforce protective provisions in its Building Code. To the contrary, the City continues to have substantial power to pursue code enforcement action, as long as it does so in a way that withstands objective review. If the City still believes that circumstances on the Mathesons' roof constitute a code violation, then the City may choose

to begin a new code enforcement action. Code violations occur in slices of time. There is no res judicata or claim preclusion against a future allegation of code violation merely because a previous similar allegation was already concluded. The only relief no longer available to the City after this court's reversal on Writ of Review is the revival of accumulating daily fines that reach back to 2016.

The Motion for Reconsideration is denied. Attorney David Lewis is directed to file a form of Limited Judgment to formalize the rulings on Writ of Review.

Very truly yours,

Hon. Susie L. Norby

Hon. Susie L. Norby
Circuit Court Judge

A Better Oregon City Coalition

Al Snell, Michael Simon, Mark J. Matheson
A Better Oregon City Coalition
855 Molalla Ave
Oregon City, Or. 97045

September 19, 2016

Chief Jim Band
Oregon City Police Department
320 Warner Milne Rd
Oregon City, Or. 97045

Re: Code enforcement being used as a political harassment tool

Dear Chief Band,

We won't assume you're aware of every detail of the departments day-to-day activities, at every level under your command. The City's code enforcement impropriety issues aren't typically worthy of the your time, or A Better Oregon City Coalition's time. Moreover, it's unfortunate that code enforcement has been outsourced as a subservient crossover task to law enforcement, which is fueling animosity towards all city officials who use their authority to punish individuals, businesses, and organizations that voice any decent.

In regards to City officials using your department as a harassment tool, not unlike mob bosses sending goons to collect a payment or else, it's easy to dismiss the coalitions concerns as inexperienced, uninformed, or misunderstood. Nonetheless, the issue is not our perspective, depth of information or level understanding, it's the pattern of destructive behavior fueling a large portions of the community to be at odds with each other while officials sit back and watch.

The incident prompting an aggressive posturing originates from the targeted method, and veracity your department followed the building departments lead to illegally gain access to private property. As you'll see by the information we provided, the City of Oregon City has overreached their authority and is misusing their positions to discount and disrespect people. The level of animosity being expressed has left of no other choice than to share our information with the Governor's office, the Attorney General, and the State of Oregon Building Codes Division.

A Better Oregon City Coalition

On September 19, 2016 the City is demanding a permit is needed, which it doesn't, and negligent by using the code as their fishing expedition to up tally tickets. Our building official and civil engineer has reviewed the letter, and the code, and they need to clearly state their process of determination, and how it relates to any work on the property.

If your code enforcement staff are issuing a citation, feel free to mail it to the property owner. Dan Holladay unleashed his special interests, and as a precaution to any unwarranted, or unwanted attempts to enter the property is not appreciated, or welcomed. Less than a year ago, the home owner's husband was contacted by a local attorney who loosely represented the City's interest specifically wrote that he should never under estimate his enemies. Which is enough reason to be concerned about overreaching of any type, by any official.

Sincerely,

Al Snell, Michael Simon, Mark J. Matheson

A Better Oregon City Coalition

A Better Oregon City Coalition

Al Snell, Michael Simon, Mark J. Matheson
A Better Oregon City Coalition
855 Molalla Ave
Oregon City, Or. 97045

September 19, 2016

Mike Roberts
Oregon City Building Official
221 Molalla Ave. Suite 200
Oregon City, Or. 97045

Re: Illegal attempt to gain access onto private property as retribution

Dear Mike Roberts,

On September 12, 2016 a building inspector, Chris Long attempted to illegally place a "stop work order" at 855 Molalla Avenue, Oregon City Oregon. His actions prior to, and after placing the stop order onto the house is equivalence to a "knock and talk" policy, and was ruled unconstitutional years ago. You may try to deny the comparison, nevertheless a code enforcement official used that exact terminology as their policy during a Community Involvement Committee meeting.

I find the practice of officials forcing themselves onto private property to tally up "tickets" is disgusting. The fact that he crossed a caution line without proper protective gear either demonstrated a negligent industry awareness, a lack of respect for people in general, arrogance, or a combination of all. He entered without requesting permission which supports the level veracity and determination to cause financial discomfort. Moreover, the lack of any prior communication, indicates that he was acting on someone orders, and reeks of collusion.

At this point, the city must specified what triggered a letter being sent on Friday, September 9, 2016, which initiated the site visit and prior to getting the letter, and then red tag. The code being used is inappropriate and does not apply. Again, you need to specifically why it does apply.

Unless you clarify the specific reason, or under what context you are applying the code, the stop work order is being characterized as harassment, a misuse of a government office, and racketeering. The illegal stop order is also being ignored.

If you have any questions, please feel free to address them to A Better Oregon City Coalition, which will be reviewed by our building official.

Al Snell, Michael Simon, Mark J. Matheson

A Better Oregon City Coalition

OREGON CITY, OR & HAPPY VALLEY, OR

REMOVE COMPARISON

	OREGON CITY, OR	HAPPY VALLEY, OR
POPULATION	34,480	16,462
	1.91% GROWTH	4.9% GROWTH
MEDIAN AGE	37.7	37.2
MEDIAN HOUSEHOLD INCOME	$62,858	$101,250
	5.77% GROWTH	0.81% GROWTH
POVERTY RATE	11.6%	4.55%
NUMBER OF EMPLOYEES	16,244	7,864
	5% GROWTH	9.4% GROWTH
MEDIAN PROPERTY VALUE	$254,000	$411,300
	2.25% GROWTH	5.3% GROWTH

Mark J. Matheson
Anna Marie Matheson
855 Molalla Avenue
Oregon City, Oregon 97045
(503) 953-0250
mark.matheson@drteamsint.com
On behalf of Petitioner/Plaintiffs, *Pro Se*

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

ANNA MARIE MATHESON,

Petitioner/Plaintiff,

MARK J. MATHESON, THE ADVANTAGE GROUP, LLC, NW, an Oregon limited liability company, OREGON CITY COMMUNITY EMERGENCY RESPONSE TEAM, an Oregon nonprofit corporation, and A BETTER OREGON CITY COALITION, an Oregon nonprofit corporation,

Plaintiffs,

vs.

CITY OF OREGON CITY, an Oregon municipal corporation formed under the laws of the State of Oregon,

Respondent/Defendant,

DAN HOLLADAY, the City of Oregon City Mayor, in his official and personal capacity, and ANTHONY J. KONKOL, III, the City of Oregon City Manager, in his official and personal capacity,

Defendants

Case No.: 17CV25621

PETITIONER/PLAINTIFFS' RESPONSE IN OPPOSITION TO RESPONDENT'S MOTION FOR RECONSIDERATION

INTRODUCTION

On January 16, 2018, the Respondent the City of Oregon City (the City) filed a Motion for Reconsideration of the Honorable Susie J. Norby's Letter Opinion dated December 29, 2017 in the above-captioned matter (the Letter Opinion). Within the Letter Opinion, Judge Norby ruled that there is no substantial evidence in the record to support Honorable Laraine McNiece's rulings on the scope of the construction project and the legality of the Stop Work Order[1] as set forth in the Corrected Final Order/Judgment issued by Judge McNiece on April 25, 2017 in the City of Oregon City Municipal Court (the Municipal Court). For that reason, Judge Norby ruled that the Corrected Final Order/Judgment shall be reversed.

Judge Norby ordered the City's attorney of record, David C. Lewis, to prepare a Limited Judgment to formalize her rulings. Rather than prepare a Limited Judgment as ordered, the City instead filed a Motion for Reconsideration of the Letter Opinion, which essentially asks the Court to remand this matter back to the Municipal Court to conduct a new hearing because of the City's failure to provide a full recorded hearing as required by law.

As outlined below, the City has failed to establish any reason why Judge Norby should reconsider her decision. Petitioner and Plaintiff Anna Marie Matheson (Mrs.

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[1] *See* Letter Opinion at page 6.

Matheson) and Plaintiff Mark J. Matheson (Mr. Matheson) respectfully request that the Court deny the City's Motion for Reconsideration for the following four (4) reasons.

ARGUMENT

1. The City's Motion for Reconsideration Should Be Denied Because There is No Such Procedural Remedy Allowed Under Oregon Law

First, the City's Motion for Reconsideration should be denied because there is no such procedural remedy allowed under Oregon law. Indeed, former Oregon Supreme Court Chief Justice Edwin J. Peterson said it best when he mused in a concurring opinion:

> The so-called "motion for reconsideration" appears neither in the Oregon Rules of Civil Procedure nor in any other Oregon statute. Lawyers filing motions to reconsider after entry of judgment might better denominate such a motion as a "motion asking for trouble" for questions arise concerning whether the filing of such a motion extends the time for appeal.[2]

Here, it is unclear whether the City has filed the Motion for Reconsideration as a legal tactic to extend the time to file an appeal, or whether the City actually believes that Judge Norby should reconsider her well-reasoned Letter Opinion. The Court of Appeals addressed this dilemma in *Alternative Realty v. Michaels*[3]:

> In *Schmidling*, we admonished lawyers not to file "motions for reconsideration." However, as this case and *Carter v. U.S. National Bank*,

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[2] *Carter v. U.S. National Bank*, 304 Or. 538, 546, 747 P.2d 980 (1987). *See also*, *Schmidling v. Dove*, 65 Or. App. 1, 5, 670 P.2d 166 (1983) (*Held:* Parties seeking "reconsideration" must do so by means of a motion for new trial under ORCP 64).

[3] 90 Or. App. 280, 285, 753 P.2d 419 (1988)

> supra, show, attorneys continue to do so. The result is confusion as to whether a motion is a request for a new trial so as to extend the time in which to file a notice of appeal or whether the motion serves the narrower purpose merely to get a trial judge to rethink a decision.[4]

The above dilemma is precisely why there is no such procedural remedy as a "motion for reconsideration" under Oregon law. It would seem that the City's lawyers should already be aware of this; Petitioner/Plaintiffs cannot help but wonder out loud why the City is wasting taxpayer money by filing a motion that is not even authorized by Oregon law. For this reason alone, the City's Motion for Reconsideration should be denied.

2. The City's Motion for Reconsideration Should Be Denied Because the City Failed to Establish That It is Entitled to a New Trial

As the Court held in *Schmidling*, parties seeking a "reconsideration" must do so by filing a motion for a new trial pursuant to ORCP 64. To the extent the Court chooses to treat the City's Motion for Reconsideration as a motion for a new trial, the City's argument that it should be entitled to a new hearing based on the lack of a full recording is nonsensical and vexing, given that the City argued *against* remanding to the Municipal Court in both its brief and at the December 11, 2017 hearing before Judge Norby. The City also asserted in its brief that the lack of a full recording did not violate Mrs. Matheson's due process rights.[5]

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[4] *Id.*, 90 Or. App. at 284.
[5] *See* City's Response Brief on Writ of Review at page 12:1-3.

Yet, now that Judge Norby has ruled in Petitioner/Plaintiffs' favor, the City is reversing its argument, even going so far as to say that "as a result of the incomplete court recording, the City is prejudiced in its ability to enforce its building codes and potentially protect its citizens."[6] The operative and key word in that sentence is *potentially*.

"Potential" is defined as follows:

> 1: existing in possibility : capable of development into actuality
> potential benefits
> 2: expressing possibility; specifically : of, relating to, or constituting a verb phrase expressing possibility, liberty, or power by the use of an auxiliary with the infinitive of the verb (as in "it may rain")[7]

To argue that the City should be entitled to a new trial because the City *possibly* may need to protect its citizens from some unknown danger does not establish a valid reason for the Court to grant the City a new trial. Simply put, the City has not shown that it is entitled to a new trial. To quote the City from its own brief:

> The Oregon Supreme Court has made clear in the appellate courts where the underlying trial court audio record was destroyed, that, to obtain a reverse on that ground, the appellant/petitioner must show (1) due diligence in attempting to find and supply a record; and (2) "must make at least a prima facie showing of error, or unfairness in the trial, or that there has been a miscarriage of justice." *Smith v. Custom Micro, Inc*., 311 Or 375, 379 811 P2d 1371 (1991).[8]

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[6] City's Motion for Reconsideration at page 2:17-18.
[7] *Merriam Webster Dictionary*, 10th ed.
[8] *See* City's Response Brief on Writ of Review at page 12:20-25.

Again, the City's only argument is that its ability to protect the public may somehow, possibly, *may* be compromised if it is not allowed to have a new hearing. That argument is nonsensical, not only because we are talking only about the mere "potential" of having to protect the public, but also because the property at issue is a 1916 residence that is private and not even open to the public. Additionally, the argument is nonsensical because the City did not know and will never know the extent and scope of the activities on the Matheson property. The City admitted under oath that it did not know what the extent or scope of the activities were before issuing the illegal Stop Work Order. This was on the part of the hearing that was recorded.[9] The City also admitted under oath on the recording that not all activities on private property require a permit.[10]

The City has failed to establish that it is entitled to what it is asking for.[11] For this second reason, the City's Motion for Reconsideration should be denied.

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[9] *See* City's ER-3 at page 22, where Chris Long testified: "The house was opened up and we don't know what the scope is so we need to contact them." *See* also City's ER-3 at page 31, where Mike Roberts testified he had never been on the property and that his conclusions were based on the photographs and by driving by.

[10] *See* City's ER-3 at page 21.

[11] Even if the Court were to treat the City's Motion for Reconsideration as a motion for a new trial, we also note that the City's motion is filed prematurely, because a party is not entitled to file a motion for a new trial until after the judgment has been entered. *See* ORCP 64 E F(1). There has been no judgment entered because the City did not follow Judge Norby's instructions. This is another reason why the City's Motion for Reconsideration should be denied.

3. The City's Motion for Reconsideration Should Be Denied Because Judge Norby Carefully Considered All of the Evidence in the Record

The City implies that Judge Norby would not have ruled in the manner that she did if there had been a full recording of the hearing. For that reason, the City argues that Judge Norby should exercise her power to remand this case to the Municipal Court for a new hearing.

While it is true that Her Honor has the power to remand this matter pursuant to ORS 34.100, as will be discussed in more detail below, Judge Norby considered that option but instead chose to rule in the manner that she did. More importantly, it is clear from her Letter Opinion that Judge Norby carefully considered all of the parties' arguments and "exhaustively"[12] reviewed the photographic evidence which the City argued established its case against Mrs. Matheson. In fact, in its brief, the City argued that the lack of a full recording was no big deal, because the photographs alone allegedly established that Mrs. Matheson needed to obtain a permit:

> Even a cursory review of those pictures is sufficient to establish that a reasonable person could conclude that more than 15% of the roof had been removed.[13]

Judge Norby obviously did not agree with the City's analysis of the photographs. In particular, Judge Norby pointed out that, viewing the photographs in the light most favorable to Judge McNiece's rulings, the pictures simply do not establish that more

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[12] Letter Opinion at page 5.
[13] City's Response Brief at page 15:14-15.

than fifteen percent (15%) of the skip sheathing had been removed, necessitating a permit. Unlike Judge McNiece, who failed to articulate why she ruled in the manner that she did, Judge Norby set forth a well-reasoned Letter Opinion, outlining why she made her decision.

Judge Norby concluded that it was not necessary to address the remainder of the arguments because her ruling that there is no substantial evidence in the record to support Judge McNiece's rulings on the scope of the construction project and the legality of the Stop Work Order is dispositive.

Judge Norby clearly understood the ramifications of her decision. After judiciously considering all of the arguments, testimony and evidence, Judge Norby determined that the Corrected Final Order/Judgment should be reversed. The City should not be entitled to a do-over merely because it has sour grapes over Judge Norby's careful analysis of the evidence presented. For this third reason, the City's Motion for Reconsideration should be denied.

4. The City's Motion for Reconsideration Should be Denied Because Judge Norby Already Considered and Rejected the Argument for Remanding This Matter to the Municipal Court

Based on her Letter Opinion, Judge Norby already considered whether to remand this matter for a new hearing. Specifically, Judge Norby listed all of Petitioner/Plaintiffs' assignments of error, including the error on the City's part in failing

to provide a full recording of the hearing below.[14] Obviously, Judge Norby read the briefs on this issue and listened to Petitioner/Plaintiffs' argument at the December 11, 2017 hearing that if the Court refused to reverse the Corrected Final Order/Judgment than this matter should be remanded because of the recording issue.

In her Letter Opinion, Judge Norby noted that the City conceded at the December 11, 2017 hearing that it was responsible for providing a full recording of the hearing, despite its argument to the contrary in its brief. Judge Norby also summarized the City's argument that Petitioner/Plaintiffs allegedly failed to establish a remedy for the failure to provide a full recording in her Letter Opinion.[15]

On review, Judge Norby held that the Petitioner/Plaintiffs established that Mr. Matheson exercised due diligence in attempting to obtain a full record. Clearly, Judge Norby understood what each party's position was on the issue of remanding the matter to the Municipal Court. Thus, Judge Norby's decision to reverse the Corrected Final Order/Judgment took into account that she could have remanded the matter to the Municipal Court for a new hearing.

Instead of accepting Judge Norby's Letter Opinion, the City now "flips the script" and argues for the first time that it is entitled to a new hearing based on the City's own failure to provide a full recording of the hearing. For the City to now claim that "if the City were prohibited from re-trying the issues in this case, it could jeopardize not just the

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[14] *See* Letter Opinion at page 2.
[15] *Id.* at page 3.

current residents of the home, but future residents and first responders"[16] is nonsensical and insulting to Judge Norby's well-reasoned analysis.

This Court has ruled, as a matter of law, and the Court's decision is not subject to review or reconsideration simply because the lawyers for the City quibble with the Court's analysis. Furthermore, the legal arguments raised simply fail–Judge Norby has already rejected the arguments made with regard to remanding this matter to the Municipal Court, and nothing has been provided to this Court which would merit reconsideration.

Absent any new evidence or controlling law that has changed since the Court was fully briefed on this matter, mere disagreement with Judge Norby's ruling does not provide a valid reason to remand this to the Municipal Court for a new hearing. Judge Norby has already considered and rejected that argument. Therefore, as Chief Justice Peterson famously remarked, the City has made a frivolous "motion asking for trouble." For this fourth and final reason, the City's Motion for Reconsideration should be denied.

CONCLUSION

For the all of the foregoing reasons, points and authorities, the City's Motion for Reconsideration should be denied. Petitioner/Plaintiffs respectfully request that the Court order the City to prepare a Proposed Limited Judgment consistent with Judge Norby's Letter Opinion within seven (7) days of the date the Court denies the City's

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[16] City's Motion for Reconsideration at page 2:21-23.

Motion for Reconsideration and serve the Proposed Limited Judgment on Petitioner/Plaintiffs pursuant to UTCR 5.100(1)(c).

DATED this 29th day of January, 2018.

Respectfully submitted,

__/s/ Anna Marie Matheson
Anna Marie Matheson, Petitioner/Plaintiff
Pro Se

__/s/ Mark J. Matheson
Mark J. Matheson, Plaintiff
Pro Se

CERTIFICATE OF SERVICE

I, Mark J. Matheson, a Plaintiff herein, hereby certify that I have this day served a true and correct copy of the foregoing Petitioner/Plaintiffs' Response in Opposition to the Respondent's Motion for Reconsideration through the eFiling system pursuant to UTCR 21.100 to Respondent and Defendants' attorneys of record as follows:

David C. Lewis, Attorney at Law
Kraemer, Lopez & Lewis
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Lake Oswego, Oregon 97035
dlewis@cisoregon.org
Of Attorneys for City of Oregon City and Anthony J. Konkol, III

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ahisel@geraldwarrenlaw.com
Of Attorneys for Dan Holladay

DATED this 29th day of January, 2018.

Respectfully submitted,

/s/ Mark J. Matheson
Mark J. Matheson, Plaintiff
Pro Se