



# City of Oregon City

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

## Meeting Agenda - Final Planning Commission

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Monday, August 27, 2018

7:00 PM

Commission Chambers

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1. **Call to Order**

2. **Public Comments**

3. **Public Hearings**

3a. LEG-18-00001: Development Code Amendments including Equitable Housing - Public Hearing (Continued from August 13)

**Sponsors:** Community Development Director Laura Terway

**Attachments:** [Commission Report](#)

[Recommended Findings](#)

[Land Use Application and Narrative.pdf](#)

[TPR Implications of Code Revisions Replinger and Associates](#)

[DRAFT Water Sewer Utility Impact Memo Wallace Engineering](#)

[Project Website](#)

[Complete Code 8.6.18 Draft](#)

[Summary of Draft Amendments dated August 6, 2018](#)

[Equitable Housing Project Advisory Team \(PAT\) Recommendation](#)

[Open House #1 Responses](#)

[Public Comments Received before August 9th](#)

[April Survey Results](#)

[May Survey Results](#)

[Public Workshop Summary](#)

[Zimmer Comments 8.17.2018](#)

4. **Approval of the Minutes**

5. **Communications**

6. **Adjournment**

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*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](http://oregon-city.legistar.com)).*

*Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at [www.orcity.org](http://www.orcity.org) and is available on demand following the meeting.*

*ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.*



# City of Oregon City

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

## Staff Report

File Number: PC 18-113

**Agenda Date:** 8/27/2018

**Status:** Agenda Ready

**To:** Planning Commission

**Agenda #:** 3a.

**From:** Community Development Director Laura Terway

**File Type:** Planning Item

### **SUBJECT:**

LEG-18-00001: Development Code Amendments including Equitable Housing - Public Hearing  
(Continued from August 13)

### **RECOMMENDED ACTION (Motion):**

Staff recommends that the Planning Commission consider the Recommended Findings for LEG-18-00001 and continue the Public Hearing to September 10, 2018.

### **BACKGROUND:**

Planning Staff has prepared initial recommended findings for approval of the proposed Development Code Amendments.

Planning Division staff and consultants have been working with the community to provide updates to the development standards within the Oregon City Municipal Code. The standards include a variety of topics such as options for additional housing opportunities as well as other changes which were not reviewed by the equitable housing advisory committees. A previous work session on July 23 discussed the "missing middle" housing code amendments. The August 13, 2018 Worksession covered the background behind the project including the Comprehensive Plan and relevant City Commission Goals and Policies.

Based on the Planning Commission's direction, this hearing and work session is intended to include a more detailed discussion of the updated package of code amendments which primarily add clarity to the amendments previously identified.

Staff has added additional open houses and worksessions to accommodate further input on the proposed amendments. A revised schedule is attached.

The public and the Planning Commission are encouraged to provide written comment.

Attached to this report are the following documents:

- Staff Report with recommended findings.
- Application Narrative
- Report from Replinger and Associates regarding anticipated Transportation Impacts and compliance with the Transportation Planning Rule.
- Draft Report from Wallace Engineering regarding anticipated impacts to the Sewer and Water

system capacity.

- Proposed Code Amendments. Changes to the code since the last worksession are indicated with **red lettering**. All new code language is indicated with underlined lettering. Code language to be removed or relocated is indicated with ~~striketrough lettering~~.
- A code matrix, with column headings organized by chapter provides a summary and explanation of the changes (To be posted 8.7.18).
- A written summary of the code changes
- Revised Schedule of Open Houses, Work Session and Public Hearings.
- Public Comments recieved since August 13, 2018.

**BUDGET IMPACT:**

Amount:

FY(s):

Funding Source:





**REPORT DATE:** August 20, 2018

**FILE NO.:** Legislative File: LEG-18-00001 – Proposed Housing and Other Development and Zoning Code Amendments

**HEARING DATES:** Planning Commission  
Monday, April 13<sup>th</sup>, 2018, Continued to August 27, 2018  
7:00 p.m., City Hall - Commission Chambers  
625 Center Street, Oregon City, OR 97045

**APPLICANT:** City of Oregon City – Planning Division  
Laura Terway, AICP, Community Development Director  
698 Warner Parrott Rd, Oregon City, Oregon 97045

**CONSULTANTS:** 3J Consulting  
Steve Faust, Principal

JET Planning  
Elizabeth Decker, Principal

**REVIEWER:** Pete Walter, AICP, Planner  
Carrie Richter, Deputy City Attorney

**REQUEST:** Adopt Amendments to the Oregon City Municipal Code

**LOCATION:** City-wide.

**RECOMMENDATION:** Staff recommends approval of the proposed amendments to the Planning Commission and City Commission. See last page for full recommendation.

*17.50.170 - Legislative hearing process.*

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

*B. Planning Commission Review.*

*1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.*

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

3. *Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.*

*C. City Commission Review.*

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

2. *Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2). (Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

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

## **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.*

### **Findings:**

#### ***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 cannot 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. There is a 93% increase in students experiencing homelessness in the past decade. The 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.*

**Finding:** 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.*

**Finding:** Consistency with the Oregon City Comprehensive Plan (OCCP) Goals and Policies follow starting on page 7.

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

**Finding:** 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.*

**Finding:** 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 be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

**Finding:** 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.*

**Finding: 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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***

**Finding:** 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***

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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 earlier 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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<sup>1</sup> (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

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<sup>1</sup> <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.*

**Finding:** 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.)*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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
		<b>1201.2</b>	<b>757</b>			<b>4,988</b>

\*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 an 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.*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** (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).*

**Finding:** 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.*

**Finding:** 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.*

**Finding:** 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).*

**Finding:** 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.*

**Finding:** 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.**

### **III. RECOMMENDATION:**

The Planning Commission may recommend that the City Commission adopt the proposed code amendments with any revisions that the Planning Commission wishes to forward.

The Planning Commission may also recommend additional procedures and items that they feel are necessary to implement the proposed code amendments.

Staff recommends that the Planning Commission recommend approval of the proposed amendments to the City Commission.



# LAND USE APPLICATION FORM

### Type I (OCMC 17.50.030.A)

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

### Type II (OCMC 17.50.030.B)

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

### Type III / IV (OCMC 17.50.030.C)

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

File Number(s): 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: [Signature] LAURA TERWY

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: [Signature]

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@orc.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 be 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.

<b>Statewide Planning Goal</b>	<b>OCCP Section / Goal(s) Implemented by this Proposal</b>
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 earlier 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<sup>1</sup> (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

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<sup>1</sup> <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
		<b>1201.2</b>	<b>757</b>			<b>4,988</b>

\*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 an 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 Beaver Creek 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.**



**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<sup>1</sup>. 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.<sup>2</sup>

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

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<sup>1</sup> American Community Survey, Census Bureau, 2010

<sup>2</sup> 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  $\frac{3}{4}$  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 – 9<sup>th</sup> Edition*,<sup>3</sup> 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.<sup>3</sup>

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 – 9<sup>th</sup> 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.

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<sup>3</sup> 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  $\frac{3}{4}$  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.



## 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—Driveway~~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. Where there are multiple roads along a property frontage, access must be provided from the road with the lowest classification whenever physically possible. Points of access to arterials and collectors shall be minimized. At 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 Section 16.12.013.~~
- 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. approaches shall be limited to the dimensions identified in Table 16.12.035.C.~~

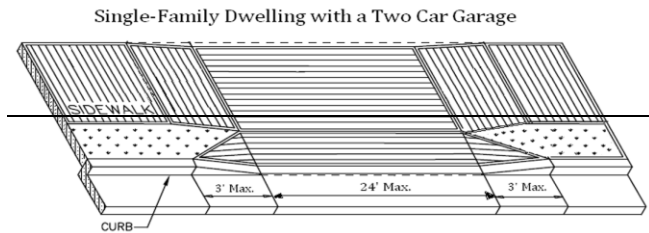
<b>Property Use</b>	<b>Minimum Driveway Width at sidewalk or property line</b>	<b>Maximum Driveway Width at sidewalk or property line</b>
Single or two-family dwelling with one car garage/parking space	10 feet	12 feet
Single or two-family dwelling with two car garage/parking space	12 feet	24 feet
Single 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

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~~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**





~~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. C. 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.

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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
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.

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The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection 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.



## 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 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 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 feet from streetlights;
  - 2. Five feet from fire hydrants;
  - 3. Twenty feet from intersections;
  - 4. Five feet from all **public** utilities

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

- C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
- 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.

#### 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.~~

#### 12.08.025 - General tree maintenance.

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks 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 may recommend to the community development director 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 or other public improvements.

#### 12.08.035 - Public tree removal.

Existing street trees 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 17.41.~~ A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may

be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.

All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director 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

~~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 1.16 and/or Chapter 1.20.

## 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 subdivisions including minor partitions, defined as a single division of land into two or three lots, or subdivisions, 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 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 17.65 or an additional application for a variance(s) under Chapter 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~~ complete a land division application, the applicant must schedule and attend a preapplication conference in accordance with Section 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 months of the preapplication conference, an applicant may apply for preliminary ~~subdivision~~ minor partition or subdivision plat approval in accordance with this chapter and Section 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 inch to fifty 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 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 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 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 inches or greater diameter at breast height (d.b.h);
  4. All natural resource areas pursuant to Chapter 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 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 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 community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.

#### ~~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:~~

~~EA. 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;~~

EB. 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,~~

~~5. Traffic and transportation,~~

~~6. Schools,~~

~~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~~ 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.

#### ~~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 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 the R-2 or non-residential a multi-family zoning designations.
- C. A parcel of land large enough to be subdivided into 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 lots. If partitioned into two lots, one 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 feet unless flag lots are provided pursuant to 16.08.050. Lots within a cluster housing project proposed consistent with the standards in OCMC Section 17.20.020 are not subject to this standard.

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 where an existing dwelling unit is located so that it precludes a land division that meets the minimum density, lot width and/or depth standards of the underlying zone.
- 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 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.

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.

- DC. The pole portion of the flag lot shall connect to a public street.
- ED. The pole shall be at least 810 feet wide for the entire length.
- EE. The pole shall be part of the flag lot and must 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 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 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, All modifications to a subdivision 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 community development director 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 Municipal Code

Chapter 16.12 Minimum 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 land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any 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, except adu's. 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 16.12.011.B.1 and 16.12.011.B.2 is calculated based on 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 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.



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.

16.12.015 - 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. ~~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 16.12.017 shall be required to preserve the objectives of street extensions.

#### 16.12.016 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Figure 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 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] 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

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	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
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		Width								
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 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 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 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 providing the city with a financial guarantee per section 16.12.112.

- B. ~~Pedestrian and Bicycle Accessways Routes. If appropriate to the extension 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 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed 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 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.

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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 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.

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 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, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the community development director. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

- A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.
- B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in section 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 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.

- 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 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] 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 the spacing is determined by the City Engineer. 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.

#### 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 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 strips.~~
  - 2. If an accessway also provides secondary fire access, the right-of-way width shall be at least ~~twenty-three~~ two feet wide with a ~~fifteen-sixteen~~ foot paved surface between a five-foot planter strip and a three-foot planter strips.
- 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 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~~ransportation S~~y~~stem P~~l~~an (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.A.

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 other than detached single and two-family dwellings	175 ft.
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.

- 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.
  - 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.
  - 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.
- 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 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.

<u>Table 16.12.035.C Driveway Approach Size Standards</u>		
<u>Property Use</u>	<u>Minimum</u>	<u>Maximum</u>

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

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 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 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.~~

#### 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 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 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, Chapter 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 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.~~
- DE. The 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 community development director 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 17.41—Tree Protection.

#### 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 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-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 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.
- ~~BC.~~ 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.
- ~~DC.~~ Watercourses. Where a 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.
- ~~DE.~~ Access. When easements are used to provide vehicular access to lots within a 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 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.
- ~~EE.~~ Resource Protection. Easements or other protective measures may also be required as the community development director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

#### 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 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.
- E~~D~~. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.
- F~~E~~. 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 division~~ 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 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~~. Street Trees. Refer to Chapter 12.08, Street Trees.
- ~~G~~. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.
- ~~H~~. 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~~. 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~~. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of Chapter 17.47 with regard to erosion control.

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 community development director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

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 section 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 permittee 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 section 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 section 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 Chapters 1.16, 1.20 and 1.24.



## Oregon City Municipal Code

### ~~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.~~

## Oregon City Municipal Code

### 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 development 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 community development director 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 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 no any liens favoring the City on the subject site.**

#### 16.20.040 - Adjustment/abandonment approval standards.

All parcels created through a lot line adjustment or abandonments 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. The Community Development Director shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with Section 17.50.120. The Community Development Director decision is final and not appealable to any other decision-maker within the city.



## Oregon City Municipal Code

### 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 **pPlex** residential

"3-4 **pPlex** residential" is a ~~structure or structures building~~ located on one lot and containing three to four dwelling units in any vertical or horizontal arrangement. The ~~individual~~ units in a 3-4 plex ~~do not have to be structurally attached~~ 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 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 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 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 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)

#### 17.04.085 - 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 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 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 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-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 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/boarderhouse.

"Bed and breakfast inns and boarderhouses means building(s) which provides overnight accommodations to the public for fewer than thirty 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 Oregon City Municipal Code 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 Oregon City Municipal Code Chapter 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 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 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 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 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 - Community development director.

"Community development director" means the manager of the planning division or the community development director'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)

#### 17.04.253 Cluster housing

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

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)

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)

17.04.483 Footprint.

"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 ~~without large resting areas.~~

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 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 ~~prior to 1990~~ 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. with minimal exterior alterations designed to maintain the primary single-family residential exterior design elements.

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 nuisance 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 verification 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 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 vendor or seller of merchandise, food, services, etc. from a motorized or towed vehicle including a wheeled trailer capable of being towed by a vehicle.

(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 and 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 residential include the forms of housing that are typically called apartments and condominiums.~~ 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 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.—~~65~~.

(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 community development director 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)

#### 17.04.1025 - Residential facility.

"Residential facility" means a residential care, residential training or residential treatment facility licensed or registered by or under the authority of the 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 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)

17.04.1120 - 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)

17.04.11~~3540~~ - 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)

17.04.11~~4035~~ - 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)

17.04.1145 - 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)

17.04.1305 - 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/boardinghouse.

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 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. 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 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."

17.04.1365 - 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 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.
3. Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

#### 17.04.1475 - Watercourse.

"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.

(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 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 <u>Comprehensive</u> 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 <u>Comprehensive</u> 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
<u>Public/Quasi-Public Comprehensive Plan Classification</u>	<u>City Zone</u>
<u>Public/Quasi-Public</u>	<u>I</u>

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
<u>Maximum density</u>	<u>4.4 du/nda*</u>	<u>5.4 du/nda*</u>	<u>7.3 du/nda*</u>	<u>8.7 du/nda*</u>	<u>12.4 du/nda*</u>	<u>21.8 du/nda</u>

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	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35-45 ft.*</u>
Maximum building lot coverage	40%*	40%*	40%*	50%*	55%*	<u>85%</u>
Minimum front yard setback, <u>except</u> <u>porches may</u> <u>project 5 ft. into</u> <u>setback</u>	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.	<u>0-5 ft. Detached</u> — 5 ft. <u>Attached — 7</u> ft.	<u>0-5 ft.</u>
Minimum corner side yard setback	<u>8-15 ft.</u>	<u>7-15 ft.</u>	<u>5-15 ft.</u>	<u>5-10 ft.</u>	<u>5-10 ft.</u>	<u>5-10 ft.</u>
Minimum rear yard setback, <u>except</u> <u>porches may</u> <u>project 5 ft. into</u> <u>setback</u>	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

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\*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.*

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~~\*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	<del>Building and Parking Lot— 80%</del>	<del>Building and Parking Lot— 90%</del>	<del>Building and Parking Lot— 100%</del>	<del>Building and Parking Lot—100%</del>	<del>—</del>	<del>—</del>
Maximum Front Yard Setback	<del>*</del>	<del>20 ft.*</del>	<del>10 ft.*</del>	<del>10 ft.*</del>	<del>25 ft.*</del>	<del>*</del>
Maximum Interior Side Yard Setback	<del>*</del>	<del>0 ft.*</del>	<del>0 ft.*</del>	<del>10 ft.*</del>	<del>25 ft.*</del>	<del>*</del>
Maximum Corner Yard Setback	<del>*</del>	<del>20 ft.*</del>	<del>10 ft.*</del>	<del>10 ft.*</del>	<del>25 ft.*</del>	<del>*</del>
Maximum Rear Yard Setback	<del>*</del>	<del>*</del>	<del>0/10 ft.*</del>	<del>10 ft.*</del>	<del>25 ft.*</del>	<del>*</del>

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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 Municipal Code

### ~~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 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 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.
- 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 Chapter 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 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

<b><u>Standard</u></b>	<b><u>R-10</u></b>	<b><u>R-8</u></b>	<b><u>R-6</u></b>
<u>Minimum lot size</u>	<u>10,000 sq. ft.</u>	<u>8,000 sq. ft.</u>	<u>6,000 sq. ft.</u>
<u>Maximum height</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>
<u>Maximum building lot coverage</u>	<u>40%</u>	<u>40%</u>	<u>40%</u>
<u>With ADU</u>	<u>45%</u>	<u>45%</u>	<u>45%</u>
<u>Minimum lot width</u>	<u>65 ft.</u>	<u>60 ft.</u>	<u>50 ft.</u>
<u>Minimum lot depth</u>	<u>80 ft.</u>	<u>75 ft.</u>	<u>70 ft.</u>
<u>Minimum front yard setback</u>	<u>20 ft., porch may project 5 ft. into setback</u>	<u>15 ft., porch may project 5 ft. into setback</u>	<u>10 ft., porch may project 5 ft. into setback</u>
<u>Minimum interior side yard</u>	<u>8 ft.</u>	<u>7 ft.</u>	<u>5 ft.</u>

<u>setback</u>			
<u>Minimum corner side yard setback</u>	<u>108 ft.</u>	<u>107 ft.</u>	<u>105 ft.</u>
<u>Minimum rear yard setback</u>	<u>20 ft – main unit</u> <u>15 ft - , porch</u> <u>10 ft - or ADU may</u> <u>project 5 ft. into</u> <u>setback</u>	<u>20 ft – main unit</u> <u>15 ft - , porch</u> <u>10 - or ADU may</u> <u>project 5 ft. into</u> <u>setback</u>	<u>20 ft – main unit</u> <u>15 ft - , porch</u> <u>10 - or ADU may</u> <u>project 5 ft. into</u> <u>setback</u>
<u>Garage setbacks</u>	<u>20 ft. from ROW</u> <u>5 ft. from alley</u>	<u>20 ft. from ROW</u> <u>5 ft. from alley</u>	<u>20 ft. from ROW</u> <u>5 ft. from alley</u>

#### 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

<u>Standard</u>	<u>R-10</u>	<u>R-8</u>	<u>R-6</u>
<u>Minimum density, measured as dwelling units per net developable acre</u>	<u>3.5 du/nda</u>	<u>4.4 du/nda</u>	<u>5.8 du/nda</u>
<u>Minimum density, measured as dwelling units per net developable acre</u>	<u>4.4 du/nda</u>	<u>5.4 du/nda</u>	<u>7.3 du/nda</u>

#### B. Exceptions.

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



## Oregon City Municipal Code

### ~~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 17.54.050;
- N. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- O. 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 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.
- K. Transitional shelter with up to 10 beds.
- L. Live/work 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 Chapter 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 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

<b><u>Standard</u></b>	<b><u>R-5</u></b>	<b><u>R-3.5</u></b>
<u>Minimum lot size</u>		
<u>Single-family detached</u>	<u>5,000 sq. ft.</u>	<u>3,500 sq. ft.</u>
<u>Duplex</u>	<u>65,000 sq. ft.</u>	<u>4,000 sq. ft.</u>
<u>Single-family attached</u>	<u>3,500 sq. ft.</u>	<u>2,500 sq. ft.</u>
<u>3-4 plex</u>	<u>2,500 sq. ft. per unit</u>	<u>2,000 sq. ft. per unit</u>

<u>Maximum height</u>	<u>35 ft.</u>	<u>35 ft.</u>
<u>Maximum building lot coverage</u> Single-family detached and all duplexes <u>With ADU</u> Single-family attached and 3-4 plex	50% 60% 70%	55% 65% 80%
<u>Minimum lot width</u> All, except Single-family attached	35 ft. 25 ft.	25 ft. 20 ft.
<u>Minimum lot depth</u>	<u>70 ft.</u>	<u>70 ft.</u>
<u>Minimum front yard setback</u>	<u>10 ft, porch may project 5 ft. into setback</u>	<u>5 ft., porch may project 5 ft. into setback</u>
<u>Minimum interior side yard setback</u> All, except Single-family attached	5 ft. 0 ft. (attached) /5 ft. (side)	5 ft. 0 ft. (attached) /5 ft. (side)
<u>Minimum corner side yard setback</u>	<u>75 ft</u>	<u>75 ft</u>
<u>Minimum rear yard setback</u>	<u>20 ft – main unit,</u> <u>15 ft - porch-or</u> <u>10 ft - ADU may project 5 ft. into setback</u>	<u>20 ft – main unit,</u> <u>15 ft - porch-or</u> <u>5 ft - ADU may project 5 ft. into setback</u>
<u>Garage setbacks</u>	<u>20 ft. from ROW</u> <u>5 ft. from alley</u>	<u>20 ft. from ROW</u> <u>5 ft. from alley</u>

#### 17.10.050 - Density standards.

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

Table 17.10.050

<u>Standard</u>	<u>R-5</u>	<u>R-3.5</u>
<u>Minimum density, measured as dwelling units per net developable acre</u>	<u>7.0 du/nda</u>	<u>10 du/nda</u>
<u>Minimum density, measured as dwelling units per net developable acre</u> <ul style="list-style-type: none"> <li><u>Single-family detached</u></li> <li><u>Single-family attached</u></li> <li><u>3-4 plexes</u></li> </ul>	<u>8.7 du/nda</u> <u>12.4 du/nda</u> <u>17.4 du/nda</u>	<u>12.4 du/nda</u> <u>17.4 du/nda</u> <u>21.8 du/nda</u>

B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes and corner duplexes 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. Single-family attached residential units and duplex units.

The following standards apply to single-family attached residential dwellings and duplexes.

- A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be ten feet in width. A lesser width may be approved by the community development director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.
- B. 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. for partitions, Chapter 17.10 and the State of Oregon One- and Two- Family Dwelling Specialty Code prior to final recordation of the land division.

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.~~



## 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 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 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. 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 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

<u>Standard</u>	<u>R-2</u>
<u>Minimum lot size</u> <ul style="list-style-type: none"><li>• <u>Duplex</u></li><li>• <u>Single-family attached</u></li></ul>	<u>4,000 sq. ft.</u> <u>2,000 sq. ft.</u> <u>6,000 sq. ft.</u>

• <u>3-4 plex and multifamily</u>	
<u>Maximum height</u> <u>All, except</u> <u>Multifamily</u>	<u>35 ft.</u> <u>45 ft.</u>
<u>Maximum building lot coverage</u>	<u>85%</u>
<u>Minimum lot width</u> <u>All, except</u> <u>Single-family attached</u>	<u>50 ft.</u> <u>20 ft.</u>
<u>Minimum lot depth</u> <u>All, except</u> <u>Multifamily</u>	<u>70 ft</u> <u>75 ft</u>
<u>Minimum front yard setback</u>	<u>5 ft., porch may project 5 ft.</u> <u>into setback</u>
<u>Maximum front yard setback</u>	<u>20 ft., see OCMC 17.18.030.A.</u>
<u>Minimum interior side yard setback</u> <u>All, except</u> <u>Single-family attached</u>	<u>5 ft.<sup>1</sup></u> <u>0 ft. (attached) / 5 ft. (side)</u>
<u>Minimum corner side yard setback</u>	<u>5 ft</u>
<u>Minimum rear yard setback</u>	<u>10 ft.<sup>1</sup>, porch may project 5 ft.</u> <u>into setback</u>
<u>Garage setbacks</u>	<u>20 ft. from ROW</u> <u>5 ft. from alley</u>

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.

17.12.050 - 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.~~

## Oregon City Municipal Code

### ~~Chapter 17.14 R-5 Single-Family Dwelling District~~

### Chapter 17.14 Single-Family & 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 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, and an alternative review process for alternative design that achieves the intent of this chapter.
- G. ~~The community development director may approve an alternative design that achieves the intent of this chapter.~~

#### 17.14.020 - Applicability.

The standards in Sections 17.14.030 through 17.14.050 apply to the street-facing facades of all single-family detached and ~~two-family duplex~~ dwellings, except corner duplexes 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 [Section] 17.14.030 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. 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.

#### 17.14.030 - Residential design options.

- A. A dwelling with no garage, a garage on a non-primary street-facing façade, or a detached garage on any façade shall comply with five of the residential design elements in [Section] 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 garage where the building is less than twenty-four feet wide may be permitted if:
  - 1. The garage is no more than twelve feet wide and;
  - 2. The garage does not extend closer to the street than the furthest forward living space on the street-facing facade; and
  - 3. Six of the residential design elements in [Section] 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] 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] 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] 17.14.040A. are included on the front facade of the structure; and
  - 2. One of the options in [Section] 17.14.040B. is provided on the front facade of the structure.
- G. A dwelling with a garage that extends up to fifty percent of the length of the street-facing facade may extend up to eight feet in front of the furthest forward living space on the street-facing facade if:
  - 1. Nine of the residential design elements in [Section] 17.14.040A. are included on the front facade of the structure; and
  - 2. One of the options in [Section] 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 feet in front of the furthest forward living space on the street-facing facade if:
  - 1. Windows occupy a minimum of fifteen percent of the lineal length of the street-facing wall of the garage; and
  - 2. Six of the residential design elements in [Section] 17.14.040A. are included on the front facade of the structure.
  - 3. The garage wall does not exceed sixty percent of the length of the street-facing façade.

#### **17.14.035 - Corner lots and through lots.**

- A. Single-family homes on corner lots and through lots shall comply with one of the options in [Section] 17.14.030 for the front of the home. Duplexes on corner lots and through lots shall comply with the standards in [Section] 17.14.060.
- B. The other street-facing side of the single-family 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] 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] 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-inches or greater;
  - 4. A roof overhang of sixteen-inches or greater;
  - 5. A recessed entry that is at least two feet behind the furthest forward living space on the ground floor, and a minimum of eight feet wide;
  - 6. A minimum sixty square-foot covered front porch that is at least five feet deep or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen-inches;
  - 7. A bay window that extends a minimum of twelve-inches outward from the main wall of a building and forming a bay or alcove in a room within;
  - 8. Windows and main entrance doors that occupy a minimum of fifteen percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door);
  - 9. Window trim (minimum four-inches);
  - 10. Window grids (excluding any windows in the garage door or front door).
  - 11. Windows on all elevations include a minimum of four-inch trim (worth two elements);
  - 12. Windows on all of the elevations are wood, clad wood, or fiberglass (worth two elements);
  - 13. Windows on all of the elevations are recessed a minimum of two inches from the facade (worth two elements);
  - 14. A balcony that projects from the wall of the building and is enclosed by a railing or parapet;
  - 15. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty square feet of the street facade;
  - 16. All garage doors are a maximum nine-feet wide;
  - 17. All garage doors wider than nine-feet are designed to resemble two smaller garage doors;
  - 18. There are a minimum of two windows in each garage door;
  - 19. A third garage door is recessed a minimum of two feet;
  - 20. A window over the garage door that is a minimum of twelve square feet with window trim (minimum four-inches);

21. ~~There is no attached garage onsite;~~
  22. The living space of the dwelling is within five 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 17.14.040.A. above. Residential design elements utilized in Section 17.14.040.B. can be additionally utilized in Section 17.14.040A.
1. A minimum sixty square-foot covered front porch that is at least five feet deep; or a minimum forty square-foot covered porch with railings that is at least five feet deep and elevated entirely a minimum of eighteen-inches.
  2. The garage is part of a two-level facade. The 2nd level facade shall have a window (minimum twelve square feet) with window trim (minimum four-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 degrees from the street;
- 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.

#### **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 [Section] 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 At least one entrance must~~ meet the standards of [Section] 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 feet of each other; this standard does not apply to stacked units.
- E. Facade design. Each facade must comply with [Section] 17.14.030 and 17.14.040 incorporating the required design elements.
- F. Unit compatibility. On both units:
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. Trim must be the same in type, size and location.
  5. Windows. Windows must match in proportion and orientation.

#### **17.14.070 - Application procedure.**

- A. Applications for a building permit for single-family, duplex or corner duplex dwellings shall be made to the building official in accordance with the permit procedures established in OCMC Chapter 15.12 and shall demonstrate compliance with the design standards of this Chapter.
- B. Alternative designs for single-family or duplex dwellings proposed in lieu of compliance with residential design elements in 17.14.040 and alternative designs for a corner duplex proposed



in lieu of compliance with [Section] 17.14.060 require a Type II Land Use decision that the alternative design is in compliance with the purpose of this Chapter as listed in [Section] 17.14.010.

**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. 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-inch caliper at DBH may count as a tree diameter of four inches.
2. Tree planting. All planted trees shall measure a minimum two-inch caliper at six inches above the root crown. When this option is used, a tree planting plan is required.
  - a. Trees 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.
  - 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.

- 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-inch caliper at six inches above the root crown may count as a tree diameter of four inches.

TABLE 17.14.080(A)(2)(c) - Large Native and Heritage Tree List

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

3. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options identified above. The community development director may approve this option in-lieu-of or in addition to requirements 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.
- The cash-in-lieu payment per tree shall utilize the adopted fee schedule when calculating the total tree fund payment.
  - 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 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 a street tree 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 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 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 Municipal Code

### Chapter 17.16 Townhouse 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 provide a type of housing that includes 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 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.

#### **17.16.020 – Applicability.**

- A. The standards of this chapter apply to single-family attached dwellings on their own lot, 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.

#### **17.16.030 - Townhouse design standards.**

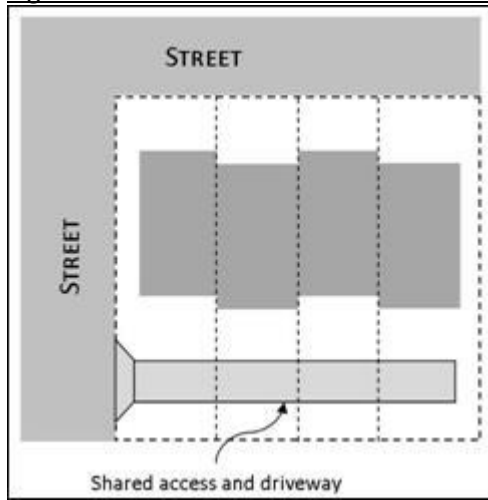
- A. Dimensional standards for townhouses are in (Table 2).
- B. Individual townhouses are subject to the design standards for single-family detached dwellings in OCMC 17.14, except for [Subsection] 17.14.050.B.
- C. In lieu of compliance with [Subsection] 17.14.050.B, townhouses shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling. The entry may be either vertical or horizontal, as described below.
1. A horizontal transition shall be a covered porch at least sixty square feet with a minimum depth of 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 uncovered flight of stairs that leads 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.

#### **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 townhouse are only permitted in compliance with the following standards.

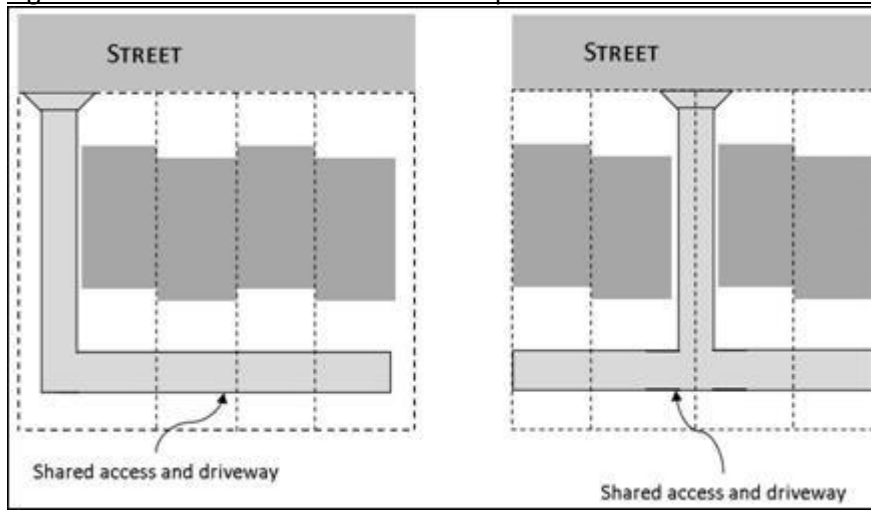
1. Each townhouse lot has a street frontage of at least 25 feet on a street identified as a Local Street in the Transportation System Plan;
  2. Development of 2 townhouses shall have only one shared access, development of 3 or 4 townhouses shall have a maximum of two total accesses including at least one shared access, or development of 5 or 6 townhouses shall have a maximum of 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] 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 development that includes a corner lot shall take access from a single driveway on the side of the corner lot. The 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 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 served by a private or public alley providing access to the rear yard are exempt from compliance with [Subsections] 17.16.040.A and 17.16.040.B.

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

- A. Every townhouse shall provide a minimum of 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 five feet.
  2. Front porches must meet the minimum requirements of [Subsection] 17.14.030.C.1.
- B. Tree retention and planting requirements of [Section] 17.14.080 shall apply to single-family attached lots.
- C. Street trees. All new single-family attached 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 Records 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.

**17.16.060 – 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.



2. Units that are vertically attached shall meet the multifamily design standards of [Section] 17.18.030 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 and OCMC Section 16.12.035 for a single or two family dwelling. 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.
- 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 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] 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 detached ADU 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.
- ~~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. 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.

- 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.
- ~~11.6.~~ 6. Parking. No off-street parking is required for an ADU. 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.
- ~~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.

- 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. Minimum average gross floor area eight hundred square feet per dwelling unit.~~
1. Maximum gross floor area one thousand five ~~two~~ hundred square feet per dwelling unit.
- ~~2. Minimum gross floor area six hundred square feet per dwelling.~~
- ~~3. Maximum footprint seven hundred square feet per ground floor dwelling.~~
- ~~4. 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.~~
2. Maximum height twenty-five feet.
3. Minimum setbacks from site perimeter to exterior property lines: same as the underlying zone.
4. Minimum setbacks for single-family and duplex dwellings cottages 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
- 5. Setbacks for accessory buildings shall comply with OCMC 17.54.010.
- 6. Maximum building coverage: same as the underlying zone.
- 7. Minimum distance separating dwelling units (excluding attached dwellings and accessory structures) 10 feet.
- 8. Minimum roof slope of all structures ~~6:12~~ 4:12.
- ~~14. Minimum parking spaces one and one-half space per dwelling.~~
- 9. Clustered developments shall contain a minimum of four and a maximum of twelve 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.
- 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.
- 11. Minimum lot width for individual lots 20 feet, with a minimum lot depth 50 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. The required minimum open space is 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 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 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 [Subsection] 17.20.020.F may be counted towards the requirement and shall have a minimum dimension of 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 sixty square feet in size with a minimum dimension of ~~six~~ 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 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.~~

G. Dwelling Types.

- 1. In the R-10, R-8 and R-6 zones, single-family detached, single family attached up to two 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, single-family attached up to four units, duplexes, and multiplex residential dwelling units are permitted in a cluster housing development.
- 3. In the R-2 zone, single-family detached, single family attached up to six units, 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 five points worth of architectural details on front and corner side façades and two points worth of architectural details on rear and side façades. For multiple attached dwelling units, each unit must achieve the equivalent of five points worth of architectural details though details may be shared with attached units, e.g. a paint scheme for the entire building would be counted as a detail for each unit within it.
  - a. Stonework detailing on columns or across foundation.
  - b. Brick or stonework covering more than ten percent of the facade.

- c. Wood, clad wood, or fiberglass windows covering more than ten percent of the façade on all four elevations of the building. (Two points).
  - d. All windows include a minimum of four-inch trim.
  - e. Decorative roofline elements including roof brackets or multiple dormers.
  - f. Decorative porch elements including scrolls, or brackets, or railings.
  - g. Decorative shingle designs.
  - h. Decorative paint schemes (three or more colors).
  - i. Other architectural 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 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 community development director 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 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 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 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 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 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. 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 one dwelling unit for each 2,500 square feet of site area, up to a maximum of four units. An internal conversion may be located on the same property as an ADU, provided that the total number of dwelling units, including all internally converted units and ADUs, shall not exceed four and shall not exceed the maximum ratio of one dwelling unit per 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 two years before or after the internal conversion is completed.
- E. Dimensions. The internally converted structure shall comply with all dimensional standards of the underlying zone in which it is located.
- F. Design.
  - a. Any expansion or modification completed with the internal conversion shall be constructed with similar exterior building materials as that of the existing dwelling, or an acceptable substitute to be approved by the Community Development Director.
  - b. Only one entrance may be located on the primary street-facing facade, 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.
  - 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.** (Adapted from existing OCMC 17.54.105.)

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 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. All live/work dwellings 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 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.

#### **17.20.050—Manufactured Homes**

- ~~A. Purpose. The purpose of this section is to allow affordable housing opportunities in structures whose appearance is similar to site-built single family detached residences.~~
- ~~B. Manufactured homes are allowed in all zones where single family detached residential units are a permitted use per (Table 1), except within the Historic Overlay District per OCMC Chapter 17.40 where they are prohibited.~~
- ~~C. Development standards. Manufactured homes must meet the development standards of the base zone, and must meet the following standards:~~
  - ~~1. Floor area. The manufactured home shall be multisectional (double-wide or wider) and must be at least 1,000 square feet in floor area.~~
  - ~~2. Roof. The manufactured home must have a pitched roof with a pitch of at least a nominal 3/12. The roof must be covered with shingles, shakes, or tile. Eaves from the roof must extend at least 1 foot from the intersection of the roof and the exterior walls.~~
  - ~~3. Foundation. The manufactured home must be set on an excavated, back-filled foundation and enclosed at the perimeter.~~
  - ~~4. Exterior siding. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.~~
  - ~~5. Hauling mechanisms. The transportation mechanisms including the wheels, axles and hitch must be removed.~~

#### **17.20.0650 - 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 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. 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.
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.
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 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 Shelters
- 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.

## **Oregon City Municipal Code**

### **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. 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.

#### **17.26.035 - Prohibited uses.**

- A. Single-family attached
- B. Marijuana businesses.
- C. Transitional shelter



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.

## **Oregon City Municipal Code**

### **Chapter 17.29 MUC Mixed Use Corridor 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**.*

#### **17.29.010 - 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;
- 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;
- Z. Transportation facilities;
- AA. Live/work units, pursuant to Section 17.54.105—Live/work units.

AB. Transitional 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 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. Any use permitted in the MUC - Mixed Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040;
- B. Hotels and motels;
- C. Drive-in or drove 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 Shelters
- G. Outdoor Mobile Food Carts or Vendors, 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 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;
- B. Hotel and motel, commercial lodging;
- C. Marinas;
- 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;
- 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 <sup>2</sup> (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.

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 locations where the maximum building height shall be forty-five feet:
  - ~~1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;~~
  - 12. 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~~ 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 Municipal Code

### 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).
- ABB. 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.

#### 17.35.050 - Temporary uses.

- A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to

ensure that health and safety requirements are met. Temporary use permits are processed as a type II land use action.

- B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:
  - 1. Outdoor storage or warehousing not accessory to a use allowed in 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 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;
- N. Storage facilities;
- O. Transportation facilities.
- P. 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 Food Carts or Vendors, except with a special event permit.

#### 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.

## **Oregon City Municipal Code**

### **Chapter 17.37 CI Campus 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**.*

#### **17.37.010 - 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.

#### 17.37.035 – Prohibited Uses

The following uses are prohibited in CI:

A. Outdoor Mobile Food Carts or Vendors, except with a special event permit.

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.



## Oregon City Municipal Code

### Chapter 17.39 I Institutional 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**.*

#### 17.39.010 - 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.

#### 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.

## Oregon City Municipal Code

### 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 community development director 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 community development director, 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 arboriculture. 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.

- 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. 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. 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 <b>Outside</b> of construction area)	Column 2 Number of trees to be planted. (If removed <b>Within</b> 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 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:

- A1. First Priority. Replanting on the development site.
- B2. Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and must be approved by the community development director.

17.41.075 - Alternative mitigation plan.

The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan, 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 community development director. (Ord. 99-1013 §10(part), 1999).

~~17.41.090~~ — E. Density transfers incentive for tree protection tracts (Option 2).

- A1. 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.
- B2. Development applications for subdivisions and minor partitions that request a density transfer shall:
  - 1i. Provide a map showing the net buildable area of the tree protection tract;
  - 2ii. Provide calculations justifying the requested dimensional adjustments;
  - 3iii. 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. 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;
  - 5y. Meet all other standards of the base zone except as modified in section 17.41.100.

- ~~E3.~~ 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).

- A1. An applicant proposing to protect trees in a dedicated tract pursuant to section 17.41.080 may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.

**Table 17.41.100 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	10 feet	15 feet	5/7 feet	15 feet	40%

square foot					
4,000—5,999 square foot	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square foot	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 community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

#### 17.41.120 – Permitted adjustments (Option 3 Only).

- A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 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 community development director, 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 community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

#### 17.41.1[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 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.

- 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 community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.
- B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
  - 1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
  - 2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline,

whichever is greater. An alternative may be used with the approval of the community development director.

3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
  4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
  5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
  6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
  7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
  8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
  9. The 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 community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.



## Oregon City Municipal Code

### Chapter 17.50 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		
<u>General Development Plan Amendment</u>	X	X	X		
Conditional Use			X		
Detailed Development Plan <sup>1</sup>	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 <sup>2</sup>	X	X	X	X	X
Minor Modification to a prior Approval	X				
Minor Partition		X			
Nonconforming Use, Structure and Lots Review	X	X			
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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<sup>1</sup> If any provision or element of the master plan requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.

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

- A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The community development director's decision is final and not appealable by any party through the normal city land use process.
- B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The community development director accepts comments for a minimum of fourteen days and renders a decision. The community development director's decision is appealable to the city commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to Section 17.50.190 under ORS 227.175.10(a)(C). The city commission decision is the city's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.
- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record pursuant to Section 17.50.190. The city commission decision on appeal from is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.



- D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing within the comment period) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.
- E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development must meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The community development director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the community development director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The community development director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the community development director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the community development director and that the process be "fair." The referee applies the city's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).
- 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 preapplication 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, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
2. The applicant shall request via email or mail a request to meet with the send, by certified mail, return receipt requested letter to the chairperson 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 ~~certified 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 city commission or planning commission. If there is more than one record owner, then the city will not ~~accept complete an~~ 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 community development director shall date stamp the application form and verify that the appropriate application fee has been submitted. The community development director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the community development director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information 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 community development director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A. of this section.

The application will be deemed complete for the purpose of this section upon receipt by the community development director of:

- 1. All the missing information;
  - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or
  - 3. Written notice from the applicant that none of the missing information will be provided.
- C. Once the community development director determines the application is complete enough to process, or the applicant refuses to submit any more information, the city shall declare the application complete. Pursuant to ORS 227.178, the city will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day 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 community development director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the community development director may require additional information, beyond that listed in this subsection or elsewhere in Titles 16 or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the city will not deem the application complete until all information required by the community development director is submitted. At a minimum, the applicant 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 or trio for the subject property(ies);~~
- ~~C.D.~~ 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.~~
- ~~DE~~ 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.~~ F. ~~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;~~

~~EF.~~ ~~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.~~

~~FG.~~ 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. ~~Statement Documentation~~ indicating ~~if there are no any~~ liens favoring the City ~~are placed~~ on the ~~subject site property~~.
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);

~~GH.~~ All required application fees;

~~H.~~ Annexation agreements, traffic or technical studies-(if applicable);

~~I.~~ Additional documentation as needed by the community development director.

#### 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~~ community development director has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. Pursuant to Section 17.50.080G., 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. 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 city commission 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 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~~ community development director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published 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 community development director shall render all Type I decisions. The community development director's decision is the city's final decision on a Type I application.
- B. Type II Decisions. The community development director shall render the city's decision on all Type II permit applications, which are then appealable to the city commission with notice to the planning commission. The city's final decision is subject to review by LUBA.
- C. Type III Decisions. The planning commission or historic review board, as applicable, shall render all Type III decisions. Such decision is appealable to the city commission, on the record. The city commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.
- D. Type IV Decisions. The planning commission shall render the initial decision on all Type IV permit applications. If the planning commission denies the Type IV application, that decision is final unless appealed in accordance with Section 17.50.190. If the planning commission recommends approval of the application, that recommendation is forwarded to the city commission. The city commission decision is the city's final decision on a Type IV application and is subject to review LUBA.
- E. ELD. The community development director shall render the initial decision on all ELD applications. The community development director's decision is the city's final decision unless appealed in accordance to ORS 197.375 to a city-appointed hearings referee. The hearings referee decision is the city's final decision which is appealable to the Oregon Court of Appeals.

#### 17.50.120 - Quasi-judicial hearing process.

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the community development director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the community development director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under 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 community development director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:
  - 1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
  - 2. That all testimony and evidence submitted, orally or in writing, 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 permittee to construct certain public improvements, the city ~~may~~, in its discretion, ~~allow~~ shall require the permittee 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 Guarantee~~. A permittee shall be required to provide a Performance guarantee as follows.
  - 1. After Final Approved Design By The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the

estimated cost of constructing the ~~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 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—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 community development director may grant reasonable extensions, not to exceed an additional thirty days, in cases of practical difficulty. Failure to sign and record the covenant within the prescribed period shall require a new application for any use of the subject property.

#### 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 planning commission.
- B. Planning Commission Review.
  - 1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).

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 community development director ~~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 community development director ~~planning manager~~ decision. Review by the city commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered.
  2. For Type III and IV decisions, only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the planning commission or historic review board, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.
- E. Notice of the Appeal Hearing. The planning division shall ~~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 city 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.
  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 community development director may extend, prior to its expiration, any approved permit for a period of 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 community development director 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~~ Commission 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 all~~ 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 planning commission determines a substantial likelihood that any of the following situations exists:
  - 1. One or more conditions of the approval have not been implemented or have been violated;
  - 2. The activities of the use, or the use itself, are substantially different from what was approved; or
  - 3. The use is subject to the nonconforming use regulations, the applicant has not obtained approval, and has substantially changed its activities or substantially increased the intensity of its operations since the use became nonconforming.
- B. Process for Revocation and Modification. Revocation or modification shall be processed as a Type IV decision. The planning division or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the city's approval.
- C. Possible Actions at the Revocation Hearing. Depending on the situation, the planning commission may take any of the actions described below. The planning commission may not approve the new use or a use that is more intense than originally approved unless the possibility of this change has been stated in the public notice. Uses or development which are alleged to have not fulfilled conditions, violate conditions or the use is not consistent with the city's approval may be subject to the following actions:
  - 1. The planning commission may find that the use or development is complying with the conditions of the approval. In this case, the use or development shall be allowed to continue.
  - 2. The planning commission may modify the approval if it finds that the use or development does not meet the standards for revocation and that the use can comply with the original approval criteria if certain conditions are met. In this case, the planning commission may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, or refer the case to the code compliance officer for enforcement of the existing conditions.
  - 3. The planning commission may revoke the approval if it finds there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.
- D. Effect of Revocation. In the event permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the planning commission, unless the decision provides otherwise. In the event the decision-maker's decision on a revocation request is appealed, the revocation action shall be stayed pending a final, unappealed decision.

#### 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 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 city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.
- D. Major Projects. The fees for a major project shall be the city's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section. 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 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, and 3-4 plex residential units, except that any group of more than four parking spaces shall be subject to the provisions of this chapter.

#### 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 community development director.
  - a. For the purposes of demonstrating the availability of on street parking as defined in [Section] 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the community development director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the community development director.
  - b. The 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 one thousand square feet net leasable area unless otherwise stated.

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	<u>MINIMUM</u>	<u>MAXIMUM</u>

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
<u>Multi-Family Residential</u>	<u>1.00 per unit</u>	<u>2.5 per unit</u>
<u>3-4 plex Residential</u>	<u>1.00 per unit</u>	<u>2.5 per unit</u>
<u>Cluster Housing</u>	<u>1.00 per unit</u>	<u>2.5 per unit</u>
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 <u>and Transitional Shelter</u>	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool Nursery/Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,	.25 per seat	0.5 per seat

Retail Store, Shopping Center, Restaurants	4.10	5.00
Office	2.70	3.33
Medical or Dental Clinic	2.70	3.33
Sports Club, Recreation Facilities	Case Specific	5.40
Storage Warehouse, Freight Terminal	0.30	0.40
Manufacturing, Wholesale Establishment	1.60	1.67
Light Industrial, Industrial Park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
  2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
  3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
  4. 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. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.



2. **Shared Parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.
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 [twenty-two] feet of uninterrupted and available curb;
    2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;
    3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.
    4. **Public Use Required for Credit.** On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
- C. **Reduction of the Number of Automobile Spaces Required.** 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. **Transit Oriented Development.** For projects not located within the Downtown Parking Overlay District, the community development director may reduce the required number of parking stalls up to twenty-five percent when it is determined that a project in a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred-foot radius) or multi-family development with over eighty units, is adjacent to or within one thousand three hundred twenty feet of an existing or planned public transit street and is within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).
  2. **Reduction in Parking for Tree Preservation.** The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated 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.
  3. **Transportation Demand Management.** The community development director may reduce the required number of parking stalls up to 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. Transportation demand management (TDM) program has been developed for approval by, and is approved by the city engineer. The plan will contain 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.
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 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 community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.
  - 2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter

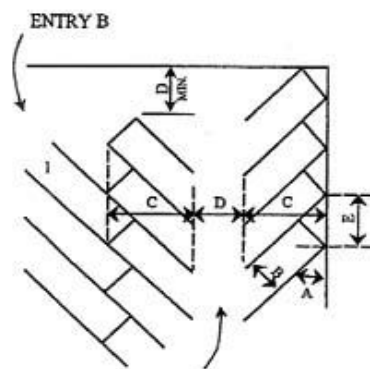
and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

#### PARKING STANDARD

##### PARKING ANGLE SPACE DIMENSIONS

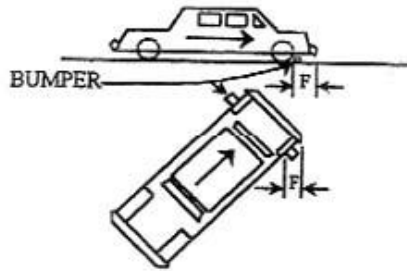
A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.



TYPICAL PARKING LAYOUT

## ENTRY A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B

## OVERHANG

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

- E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, excluding projects 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 fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

## 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.
- B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in 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
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		covered
Multi-family ( <del>three</del> <u>five</u> or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)
<u>3-4 Plex</u>	<u>1 per 10 units</u> <u>(minimum of 2)</u>	<u>50% (minimum of 1)</u>
<b>Institutional</b>		
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Nursing home or care facility <u>and</u> <u>Transitional Shelter</u>	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 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.~~

42. 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.

~~53. 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 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 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 community development director, 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 community development director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.
  1. The perimeter parking lot are[a] shall include:
    - a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
    - ~~b. 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~~
    - be. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

~~DE.~~ 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 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. Seven-foot sidewalks with shade trees spaced a maximum of thirty five feet apart in three-foot by five-foot tree wells.

~~ED.~~ 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. Interior parking lot landscaping shall include:

- a. A minimum of one tree per six 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.~~
- be. ~~Shrubs spaced no more than four feet apart on average.~~ A minimum of 1.5 shrubs per parking space.
- ~~cd.~~ No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
- 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 community development director 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 - Modifications that will better meet design review requirements.
- B. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).

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 forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The city engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the city engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.
2. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
3. The city engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:
  - a. Short in duration (i.e., less than one hour);
  - b. Infrequent (less than three operations daily between 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 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 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 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 and setbacks unless modified pursuant to subsection c.; and
    - c. Side and rear setbacks may be reduced to not less than three feet for the accessory structure and its projections if the height does not exceed seventeen feet as defined in Section 17.04.550.
  - 2. Accessory Structures with a Footprint from Two Hundred to 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 three feet for one accessory structure and its projections if the height does not exceed seventeen feet as defined in Section 17.04.550.
  - 3. Accessory Structures with a Footprint Over Six Hundred Square Feet.
    - a. Shall not exceed more than one accessory structure with a footprint in excess of six hundred square feet per parcel; and
    - b. The parcel shall be in excess of twenty thousand square feet; and

- c. The footprint shall not exceed the footprint of the primary structure; and
  - d. Shall not exceed 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:

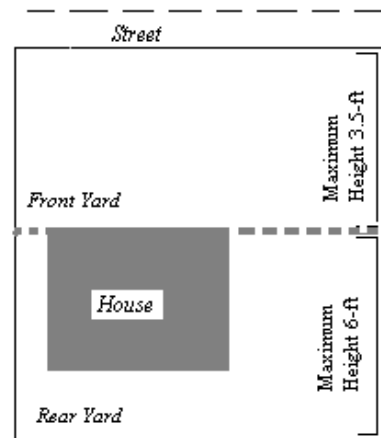
1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height. Fences, hedges, and/or walls located within 2 feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining 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:
  - 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 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

- a. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

- b. 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 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 the Willamette Falls Downtown Design District. The provisions do not apply to indoor mobile food carts or mobile food carts 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.
3. ~~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. Mobile food carts in a single location or property for less than 5 hours in a 24-hour period are not required to be connected to City sewer and water services.~~
4. Mobile food carts shall have a valid Oregon City or Metro business license.
5. Mobile food carts may not be located within the right-of-way, except for special event with approval from the city engineer.

#### **D. Design Standards.**

1. ~~Mobile food carts on private property are subject to compliance with site plan and design review standards, excluding Section 17.62.0550.B.~~
12. 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 and with no tables or seating are not subject to Section 17.62.050.A.3, 17.62.050.A.7, 17.62.050.A.9, 17.62.050.A.12, 17.62.055, 12.04, 12.08, and 17.52.

24. 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 vendors in a single location ~~within the right-of-way or~~ on private property for less than 5 hours in a 24-hour period ~~and in compliance with Section 17.54.115.D.1 with no tables or seating may~~ shall be processed as a Type I Minor Site Plan and Design Review.

2. All other mobile vendors shall be processed as a Type II Minor Site Plan and Design Review.

## **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 site-related development standards. These modifications are done as part of design review and are not required to go through the Variance process pursuant to section 17.60.020.

##### A. Applicability.

##### 1. This process shall apply to modifications to:

- a. Building Details in Section 17.62.050.B.9
- b. Transparency in Section 17.62.050.B.10 (up to 50% of the minimum)
- c. Landscaping

##### 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:

1A. The modification will result in a development that better meets design guidelines; and

2B. 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 community development director pursuant to Section 17.50.030. The community development director 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 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 community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

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

1. Applicability. Type I applications involve no discretion. The Type I process is not applicable for:
  - a. Any activity which is included with or initiates actions that require Type II-IV review.

- b. ~~Any use which is not permitted outright, unless otherwise noted~~ 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 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 square feet in a twelve-month period shall be processed as Type II.
  - b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
  - c. Temporary structures, excluding mobile vendors.
  - d. Removal, replacement or addition of awnings, or architectural projections to existing structures.
  - e. Addition, modification, or relocation of refuse enclosure.
  - f. Changes to amount, location, or design of bicycle parking.
  - g. Installation of mechanical equipment.
  - h. Repaving of previously approved parking lots with no change to striping.
  - i. Replacement of exterior building materials.
  - j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
  - k. Addition or alteration of parapets or rooflines.
  - l. Modification of building entrances.
  - m. Addition to or alteration of a legal nonconforming single or two-family dwelling.
  - n. Change to parking lot circulation or layout, excluding driveway modifications.
  - o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
  - p. Adoption of shared parking agreements.
  - q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 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 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 17.65.

y. Mobile food carts in one location 5 hours or less as identified in Section 17.54.115

z. 3-4 plex, townhouses, single and two family dwelling, 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 community development director.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per Section 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 parking spaces.
- c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
- d. Mobile food carts as identified in Section 17.54.115

ed. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

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

- a. The submittal requirements of Chapter 17.50.

- b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035C. 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 community development director on a case-by-case basis.
3. Development standards for Type II minor site plan and design review.
- a. All development shall comply with Sections 17.62.050(1—7 and 8—15 and 20—22) when deemed applicable by the community development director. Other sections may apply, as directed by the community development director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of Section 17.62.055.

**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 to ten percent, and five-foot intervals for grades over ten percent;
  - 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
    - a. Areas indicated on floodplain maps as being within the one hundred-year floodplain,
    - b. Unstable slopes, as defined in Section 17.44.020,
    - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;
  - 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
  - 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;

7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty-five feet of the site, and the current or proposed uses of the structures;
  8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
  9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
  10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty 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 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 inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
- C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.
- 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 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 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.~~

EG. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.

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

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

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

G. Such special studies or reports as the community development director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The community development director shall require an applicant to submit one or more development impact statements, as described in Section 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 community development director 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 Sections 16.12.070, 16.12.080, and 16.12.120 [and this Section] 17.62.040.

H. The community development director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:

1. The community development director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the community development director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the planning commission for

initial review, the information required by this paragraph shall be included in the staff report;

2. The community development director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance. If additional information is required, the community development director 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 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 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 years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. 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.~~

- ~~de.~~ Landscaping shall be visible from public thoroughfares to the extent practicable.
- ~~ef.~~ 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.
- f. 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.

2. Vehicular Access and Connectivity.

- a. Parking areas shall be located behind buildings, 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 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 acres shall provide streets as required in Chapter 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.~~
39. 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.
- ~~de.~~ 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.~~
- ~~e.~~ Elevated external stairways or walkways shall not extend beyond the primary wall 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.~~
- f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.
- ~~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.~~
- ~~413.~~ 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 community development director 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.~~
- ~~514.~~ 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.~~
- ~~616.~~ 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.
- ~~717.~~ 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.~~

~~820.~~ 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 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 percent of the view. Placement and type of screening shall be determined by the community development director.
- d. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

~~921.~~ 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.~~
- ab. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
  - 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.
- be. 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 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 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.~~

1023 Temporary Structures. Temporary structures are permitted pursuant to the following standards:

- a. For structures up to two hundred square feet:
  - i. Shall not be on a property for more than three consecutive days; and
  - ii. Shall not be on a property more than six times per year; and
  - iii. Shall comply with the 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 Chapters 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 square feet may be permitted up to two times per year; and:
  - i. Structure larger than two hundred square feet up to eight hundred square feet:
    - (1) Shall not be on a property for more than thirty consecutive days;
    - (2) Shall comply with the 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 Chapters 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 hundred square feet:
    - (1) Shall not be on a property for more than seven consecutive days;
    - (2) Shall comply with the 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 Chapters 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 Chapters 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.

~~1123.~~ 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:

- 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. 17.18 Multi-Family Residential Design Standards~~
- ~~gh.~~ 17.14 Single and Two Family Design Standards
- ~~hi.~~ 17.16 Townhouse Residential Design Standards
- ~~ij. 17.18 Multi-family Residential Design Standards~~
- ~~ik.~~ 17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, Manufactured Homes, and Manufactured Home Parks
- ~~jl.~~ 17.40 Historic Overlay District
- ~~km.~~ 17.41 Tree Protection Standards
- ~~ln.~~ 17.42 Flood Management Overlay District
- ~~me.~~ 17.44 Geologic Hazards
- ~~np.~~ 17.47 Erosion and Sediment Control
- ~~og.~~ 17.48 Willamette River Greenway
- ~~pf.~~ 17.49 Natural Resource Overlay District
- ~~qs.~~ 17.50 Administration and Procedures

~~rs.~~ 17.52 Off-Street Parking and Loading

~~st.~~ 17.54 Supplemental Zoning Regulations and Exceptions

~~tu.~~ 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.

1B. 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 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.~~

24. 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.



- ~~35.~~ On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, ~~unless a greater setback is accepted under the provisions of Section 17.62.055D.~~ For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property ~~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 less than 40 feet.

~~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 one element from the following list for every five 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 community development director, that can meet the intent of this section.
- ~~42.~~ Building Orientation. All buildings along the street frontage shall have the front most architecturally significant facade shall be oriented toward the street and a functional primary entrance. 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.
- ~~53.~~ Entryways. Entrances shall include a doorway and a minimum of four (3) 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.~~

~~65. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.~~

#### 7E. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.
2. Chamfer the corner of the building (i.e. cut the corner at a forty-five-degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.

~~This standard does 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 (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.~~

#### 9H. Minimum Wall Articulation: Building Details

All buildings shall provide detailed design along all elevations (e.g., front, rear and sides). Detailed design requires use of 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.

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 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 percent of the facade
12. Decorative cornices and roof lines (e.g., for flat roofs)
13. Variation in massing exceeding the requirements in Section 17.62.050.B.8 by 10%
14. An alternative feature providing visual relief and detail as approved by the community development director.

Architectural features shall be varied on the different building elevations, and on different buildings within the same development. At least two 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.~~

**10f. Facade Transparency.**

i. First Floor Street Facing: Minimum 60% windows/transparency at 5 feet in height or below

First Floor Non-Street Facing: 30% windows/transparency at 5 feet in height or below

All Other Floors for all Elevations: 15%

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.

ii. 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.

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 feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.

iv. Multi-family windows shall incorporate window trim at least four 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.~~

J. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or significant change in height.

~~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).~~

K. Drive-through facilities shall:

- 1. Be located at the side or rear of the building.
- 2. Be designed to maximize queue storage on site.

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.

~~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 ~~and 3-4 plex standards.~~ Usable Open Space Requirements

~~All 3-4 plex and multi-family residential development in any zone shall comply with the standards in Chapter 17.18 in addition to the standards of this chapter.~~

- 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 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 of the following amenities, and sites with 21 units or more shall provide a minimum of three 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 community development director.
  - c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments

as approved by the city that enhance safety and privacy for both the common open space and dwelling units.

d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.

2. Private open space that is not open to all residents. 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.~~

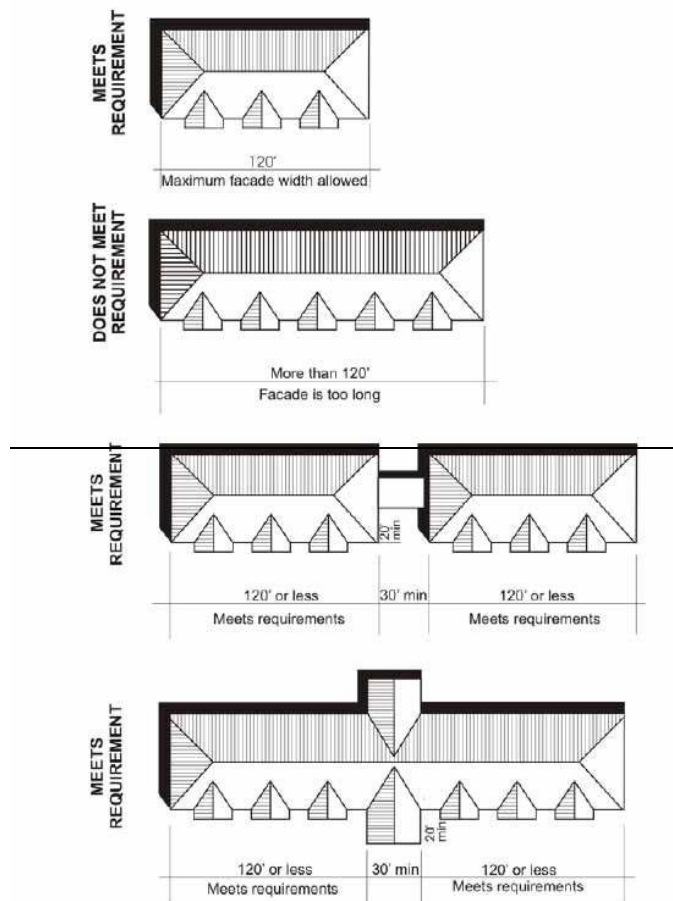
~~G. Architectural and Material Standards. Building articulation and modulation – multifamily residential buildings and residential portions of mixed-use buildings. An alternative to the standards in subsection G. below may be approved by the community development director if the design is consistent 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:

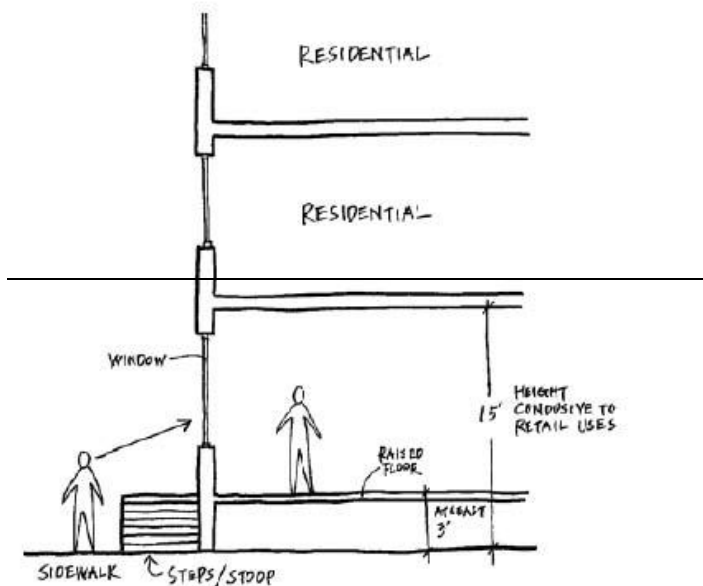
Studio, one bedroom, two bedroom and three bedroom units or an ADA accessible master bedroom and bathroom (ground floor or elevator access).

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 than 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, clad 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 or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
- b. The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

2. Lighting Plan Requirement.

All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan 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.
- b. Public street and right-of-way lighting.
- c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
- d. Temporary lighting for emergency or nighttime work and construction.
- e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
- f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
- g. Lighting required and regulated by the Federal Aviation Administration.

C. 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 ~~shall be~~ 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. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
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. Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.
7. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
8. 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.
109. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
1110. 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 feet.

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.

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 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 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 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. This limitation does not apply in development subject to historic overlay provision in OCMC Chapter 17.40, where the reduction 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. 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 Municipal Code**

### **Chapter 17.65 Master Plans**

*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 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.

#### 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 use 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.

#### 17.65.030 - Applicability of the Master Plan Regulations.

- A. ~~Submission Required for Large Institutional Uses.~~ A master plan shall be submitted for any institutional development ~~on a site over ten acres in size. 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 be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. The 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. 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.
  - C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.
  - D. Voluntarily. An applicant may voluntarily submit a master plan as part of a land use review for sites a minimum size of over two acres may elect or greater concurrently with a subdivision application under Title 16.
- ~~2. Mixed use, institutional, or commercial projects over two acres may elect to submit a master plan.~~

#### 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, or any phase of a detailed development plan, and a land division under OCMC Title 16.
- 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 x eleven inches in size, and black and white reproducible.
- d. ~~Non-institutional~~ Land uses that surround the development site. ~~This map~~ May also reference submitted maps, diagrams or photographs.
- e. Previous land use approvals within the General Development Plan boundary and related conditions of approval if applicable.
- f. Existing utilization of the site. ~~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 one-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 se[w]er, 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, ~~t~~The 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 ~~will~~may 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.

K. For residential and mixed-use projects:

- a. Proposed minimum lot area, width, frontage and yard requirements.
  - b. Project density.
  - 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 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 streets, rights-of-way, driveways, 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.

~~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.
  45. 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 17.50 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, 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 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;~~
  - ~~21.~~ A proposed expansion of the approved boundary;
  - ~~32.~~ 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;
  - ~~43.~~ 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);
  - ~~45.~~ 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;
  - ~~56.~~ Increases in overall floor area of development on the site or number of residential units of over ten percent;
  - ~~67.~~ A increases/decrease greater than ten percent in the amount of approved or required parking; and
  - ~~78.~~ 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 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- <del>Campus Industrial</del>
Mixed-Use Downtown	MUD
Mixed-Use Employment	MUE
Mixed-Use <del>Commercial Corridor</del>	- NC
Future Urban	FU-10
<u>Public/Quasi-Public</u>	!

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

#### 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.

## 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

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### 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, and is not assessed in this memorandum.

### 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 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.

### PLANNING ASSUMPTIONS

The 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 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 WMP 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 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.

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OCMC Chapter / Section	Summary	Explanation
<b>2.28 Historic Review Board</b>		
2.28.070 Appeals	<ul style="list-style-type: none"> <li>Removes Section. Cross references OCMC 17.50.190.</li> </ul>	<ul style="list-style-type: none"> <li>Section is redundant. Change makes appeal process consistent with OCMC 17.50.HRB Appeal fee per adopted Fee Schedule.</li> </ul>
<b>12.04 Streets Sidewalks and Public Places</b>		
	<ul style="list-style-type: none"> <li>The standards relevant to development of a street or pedestrian pathway were relocated to OCMC 16.12, which has been amended to include all standards for development.</li> <li>Chapter 12.04 has been retained to include standards relevant to street maintenance.</li> <li>Sidewalk construction standards clarified.</li> <li>Amended driveway access standards to allow some properties fronting a major street two driveways.</li> </ul>	<ul style="list-style-type: none"> <li>This change will streamline development review by consolidating designs standards in one chapter 16.12 applicable to all new development.</li> <li>On-going operational, maintenance and enforcement standards applicable to existing development and management of public rights-of-ways will remain in Chapter 12.04.</li> </ul>
12.04.003 - Applicability.	Moved to OCMC 16.12	See above
12.04.007 – Modifications.	Moved to OCMC 16.12	See above
12.04.010 – Construction specifications – Improved streets.	Moved to OCMC 16.12	See above
12.04.020 – Construction specifications – Unimproved streets.	Moved to OCMC 16.12	Moved to standard engineering specifications rather than code.
12.04.025 – Street design – Driveway curb cut. Renamed to “Driveways”.	Moved to OCMC 16.12. Section cross-references driveway standards in OCMC 16.12	Cross-references OCMC 16.12. Cross-reference required because driveways could be reviewed on their own, outside of a development subject to 16.12. Clarifies and codifies existing policies.



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<b>12.08 Public and Street Trees</b>		
12.08.015	<ul style="list-style-type: none"> <li>• Applies to all “Development” per code definition, not just new construction and major redevelopment.</li> <li>• Adds 5-foot utility spacing requirement</li> </ul>	Clarifies and codifies existing policies.
12.08.020	<ul style="list-style-type: none"> <li>•</li> </ul>	
12.08.035	Adds cross reference to OCMC 17.41 Tree Protection.	Clarifies and codifies existing policies.
12.08.035	Allow for tree replacement in front yard if insufficient space in planter strip (w/ covenant)	Clarifies and codifies existing policies. Adds additional options when a tree cannot be planted due to planting constraints.
<b>16.08 Land Divisions – Process and Standards</b>		
16.08.010 – Purpose and General Provisions	<ul style="list-style-type: none"> <li>• Defines minor partition and subdivisions in greater detail.</li> <li>• OCMC 16.08 now includes standards for both Minor Partitions and Subdivisions, not just Subdivisions.</li> <li>• Cross references applicable chapters, overlay districts and zone district criteria.</li> </ul>	<ul style="list-style-type: none"> <li>• Combining subdivision and minor partition requirements, which are currently in two separate chapters, into a single chapter called Land Divisions making the code easier to navigate.</li> <li>• Clarification of existing policies</li> </ul>
16.08.015. – Preapplication conference required.	<ul style="list-style-type: none"> <li>• Removes redundant details about pre-application conference application requirements, and cross references 17.50 instead.</li> </ul>	<ul style="list-style-type: none"> <li>• Redundant with OCMC 17.50.</li> </ul>
16.08.020 – Preliminary subdivision plat application.	<ul style="list-style-type: none"> <li>• Removes unnecessary details about preliminary subdivision plat application submittal details.</li> </ul>	<ul style="list-style-type: none"> <li>• Details about preliminary plat submittal requirements are redundant with OCMC 16.08.025</li> </ul>

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16.08.025 – Preliminary subdivision plat – Required plans information.	<ul style="list-style-type: none"> <li>• Removing references to subdivision and replacing with land divisions</li> <li>• Removes details for subdivision connectivity analysis</li> <li>• Require that the preliminary plat shall be drawn by a surveyor.</li> <li>• Clarifies required site plan information</li> </ul>	<ul style="list-style-type: none"> <li>• Combining subdivision and minor partition requirements for clarity and ease of navigation of the code</li> <li>• Redundant with requirements for traffic circulation plan required in OCMC 16.08.025.H</li> <li>• Clarifying and codifying existing policy</li> <li>• Clearer, codified application requirements</li> </ul>
16.08.030 – Narrative statement	<ul style="list-style-type: none"> <li>• Remove heading</li> <li>• Removing overlapping submittal information redundant with OCMC 16.08.025</li> <li>• Submittal requirements for public services, CC&amp;Rs, density calculations, and connectivity analysis will remain and will be combined with 16.08.025</li> </ul>	<ul style="list-style-type: none"> <li>• Heading not needed</li> <li>• Redundant with submittal requirements in OCMC 16.08.025</li> <li>• Combining all submittal requirements into 16.08.025 in order to have clearer application requirements that are easy to find.</li> </ul>
16.08.035 - Notice and invitation to comment.	<ul style="list-style-type: none"> <li>• Remove</li> </ul>	<ul style="list-style-type: none"> <li>• Section is redundant with OCMC 17.50</li> </ul>
16.08.040 - Preliminary subdivision plat—Approval standards and decision.	<ul style="list-style-type: none"> <li>• Remove</li> </ul>	<ul style="list-style-type: none"> <li>• Section was redundant with OCMC 17.50</li> </ul>
16.08.27 – Large Parcels.	<ul style="list-style-type: none"> <li>• New section to house an existing standard which was previously in a section where it did not belong and was difficult to find</li> <li>• Removing reference to chapters which have been removed and removing confusing/unnecessary language</li> </ul>	<ul style="list-style-type: none"> <li>• Moving standards to more appropriate section where they are easier to find</li> <li>• Making standard easier to understand</li> <li>• In the R-2 district, minimum density is regulated through site plan and design review standards, and in commercial zones there is no minimum lot size, therefore it is unnecessary to apply this standard to these zones.</li> </ul>

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	<ul style="list-style-type: none"> <li>Clarifying that the standard is not applicable in the R-2 or non-residential zoning districts</li> </ul>	
16.08.045 - <del>Building site</del> —Frontage width requirement.	<ul style="list-style-type: none"> <li>Removed phrase “Building Site”</li> <li>Adding language to clarify that the 20-foot minimum frontage requirement is not applicable for flag lots</li> </ul>	<ul style="list-style-type: none"> <li>Clarification/Removing confusing language</li> <li>Clarifying what is already in existing code</li> </ul>
16.08.050 - Flag lots <del>in subdivisions</del> .	<ul style="list-style-type: none"> <li>Removed “in subdivisions”.</li> <li>Clarifying requirements for joint accessways</li> <li>Adds language regarding design of joint accessways for flag lots, same as minor partitions</li> </ul>	<ul style="list-style-type: none"> <li>Flag lots are all subject to the same standards. Unnecessary to have a section for flag lots in subdivisions and a different section for flag lots in partitions.</li> <li>Clarifies flag lot requirements resulting in clearer standards that are easier to understand</li> <li>Confusing and unnecessary to have two different sets of standards for flag lots depending on whether they are in a subdivision or minor partition.</li> </ul>
16.08.053 Tracts	<ul style="list-style-type: none"> <li>New section clarifying that tracts are exempt from compliance with the dimensional standards of the underlying zoning designation, frontage requirements and flag lot requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Tracts are undevelopable, so it is unnecessary to impose dimensional standards</li> </ul>
16.08.054 General	<ul style="list-style-type: none"> <li>Adding general submittal requirements for land divisions, including property owners’ signatures, fees, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Capturing submittal requirements not included in 16.08.025</li> </ul>
16.08.055 - Final <del>subdivision</del> plat—Application requirements and approval standards.	<ul style="list-style-type: none"> <li>Removing reference to subdivision</li> <li>Allowing final plat to deviate slightly from the approved preliminary plat, as long as it</li> </ul>	<ul style="list-style-type: none"> <li>Applies to all plats. No need for separate subdivision and minor partition standards. Plat process is the same.</li> <li>Layouts can change slightly between preliminary and final plat depending on conditions of approval, construction of public improvements, site conditions, etc.</li> </ul>

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	doesn't result in an increase of lots in a Minor Partition, or an increase of more than 2 lots in a subdivision	Minor changes are to be expected and are acceptable without a separate review.
16.08.060 – Filing and recording of final subdivision plat	<ul style="list-style-type: none"> <li>Removing reference to subdivision</li> </ul>	<ul style="list-style-type: none"> <li>Applies to all plats. No need for separate subdivision and minor partition standards. Plat process is the same.</li> </ul>
16.08.065 – Post approval modifications to approved plat.	<ul style="list-style-type: none"> <li>Moved to 16.08.055 and revised as stated above</li> </ul>	<ul style="list-style-type: none"> <li>Moved to more appropriate section for ease of navigation.</li> </ul>
<b>Chapter 16.12 Minimum Improvements and Design Standards for Development <del>Land Divisions</del></b>		
		This chapter was reorganized to include street improvements for development applications including street design standards from OCMC 12.04.
16.12.010 - Purpose and general provisions	<ul style="list-style-type: none"> <li>Amended purpose to apply more broadly to development and not land divisions.</li> </ul>	<ul style="list-style-type: none"> <li>Apply the chapter more broadly.</li> </ul>
16.12.011 - Applicability	<ul style="list-style-type: none"> <li>Moves certain street design standards from Chapter 12.04</li> <li>Amended purpose to apply more broadly to development and not land divisions.</li> </ul>	<ul style="list-style-type: none"> <li>Provides clarification on how street improvements for large additions or new homes are calculated, and explicitly excluded ADU's from said calculation.</li> <li>Amended purpose to apply more broadly to development and not land divisions.</li> <li>Relocated from 12.04</li> </ul>
16.12.013 - Modifications	<ul style="list-style-type: none"> <li>Criteria for modification of street standards.</li> </ul>	<ul style="list-style-type: none"> <li>Relocated from 12.04</li> </ul>
16.12.015 – Street Design - Generally	<ul style="list-style-type: none"> <li>Requires street improvements per TSP, including dedication, connectivity to adjacent properties, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Moved from 12.04</li> </ul>
16.12.016 – Street Design	<ul style="list-style-type: none"> <li>Added approval by City Engineer for street design.</li> </ul>	<ul style="list-style-type: none"> <li>Moved from 12.04</li> </ul>
Table 16.12.016 Street Design	<ul style="list-style-type: none"> <li>Required improvements by Road Classification</li> </ul>	<ul style="list-style-type: none"> <li>Moved from 12.04</li> </ul>

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	<ul style="list-style-type: none"> <li>Requires compliance with Transportation System Plan</li> <li>Add clarity related to pedestrian connections.</li> <li>Process for reduced street design</li> <li>Planter strip requirements cross-reference to OCMC 12.08</li> </ul>	
16.12.017 - .019		Moved from 12.04
<del>16.12.020 – Blocks – Generally</del>	Removed.	Remove standards related to blocks. See 16.12.030.
16.12.020 – 16.12.025	<ul style="list-style-type: none"> <li>Removed block design</li> </ul>	<ul style="list-style-type: none"> <li>Remove redundant and unclear standard</li> <li>Moved from 12.04</li> </ul>
16.12.026 -16.12.029	<ul style="list-style-type: none"> <li>Changed to only require alleys in concept plan medium, high and mixed use zones.</li> </ul>	<ul style="list-style-type: none"> <li>Moved from 12.04;</li> <li>Alley requirement is not practicable for infill areas within existing developed areas of city.</li> </ul>
16.12.030 - Blocks—Width	<ul style="list-style-type: none"> <li>Allow larger blocks in GI, CI, MUE, I, and WFDD zoning designations.</li> <li>Consolidates existing block length and spacing standards from 12.04 in one section.</li> </ul>	<ul style="list-style-type: none"> <li>Allow larger blocks in industrial and institutional zoning designations.</li> <li>Sections consolidated for ease of use.</li> </ul>
16.12.031- Street Names.	No changes	Moved from 12.04
16.12.032 - Pedestrian and bicycle accessways.	<ul style="list-style-type: none"> <li>Minor changes to Modify pavement and landscaping standard</li> <li>Specify applies to off –street pedestrian accessways</li> </ul>	<ul style="list-style-type: none"> <li>Moved from 12.04</li> <li>Size of adjacent landscaping altered to be the same on both sides of the path</li> <li>Reworded for clarity</li> </ul>
16.12.033 – Mobility Standards	No changes.	Moved from 12.04

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16.12.035 - <del>Reserved</del> . Driveways.	<ul style="list-style-type: none"> <li>Clarifies measurement method for driveway spacing.</li> <li>Applies intersection spacing requirements of 16.12.020 to high-volume driveways.</li> <li>Allow City Engineer flexibility to approve driveway modifications.</li> <li>Clarifies restrictions on number and width of driveways.</li> </ul>	<ul style="list-style-type: none"> <li>Moved from 12.04.</li> <li>Consolidates and clarifies existing standards.</li> <li>Amended driveway access standards to allow some properties fronting a major street two driveways.</li> </ul>
16.12.040 – Building sites	<ul style="list-style-type: none"> <li>Remove unclear standards</li> </ul>	<ul style="list-style-type: none"> <li>Amended standard for clarity</li> </ul>
16.12.050 – Lot Size Reduction	<ul style="list-style-type: none"> <li>Restricted to only apply to single-family detached dwellings</li> </ul>	<ul style="list-style-type: none"> <li>Assure lot size reductions do not apply to all housing types.</li> </ul>
16.12.060 Building site—Lot and parcel side lines.	<ul style="list-style-type: none"> <li>Exempt lots associated with cluster housing from rectangular shaped lots</li> </ul>	<ul style="list-style-type: none"> <li>Allow more flexibility in design</li> </ul>
16.12.070.	<ul style="list-style-type: none"> <li>Clarify intent</li> <li>Relocate driveway standards to 16.12.035 – Driveways.</li> </ul>	<ul style="list-style-type: none"> <li>Clarify</li> <li>Consolidate standards related to driveways into one location.</li> </ul>
16.12.085(B). Franchise Utilities	Added.	Clarifies Franchise utility easement requirement. Formerly “Public Utility Easement”.
16.12.090 - Minimum improvements—Procedures. Subsection (D)	<ul style="list-style-type: none"> <li>Add specificity about utilities on private property</li> </ul>	<ul style="list-style-type: none"> <li>Add clarity</li> </ul>
16.12.095 - Minimum improvements—Public facilities and services.	<ul style="list-style-type: none"> <li>Split subsection into two</li> <li>Add clarity</li> <li>Remove redundant or dated language</li> <li>Relocate E and F</li> </ul>	<ul style="list-style-type: none"> <li>Relocates Local Improvement District non-remonstrance language to one subsection.</li> </ul>
16.12.100 - Same—Road standards and requirements	<ul style="list-style-type: none"> <li>Amend code section reference</li> </ul>	<ul style="list-style-type: none"> <li>Changed to reflect code amendments</li> </ul>

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16.12.101 - Standard construction specifications.	<ul style="list-style-type: none"> <li>relocated</li> </ul>	Relocated.
16.12.105.C. Financial Guarantee	Removed.	Removed outdated language which is discussed in other subsections.
16.12.110. Public Improvements – Financial Guarantees	<ul style="list-style-type: none"> <li>Modified. Clarify performance guarantees and performance warrantee process and amount.</li> <li>Added performance warranty language</li> </ul>	<ul style="list-style-type: none"> <li>Revised outdated language.</li> <li>Updates performance warranty standards.</li> </ul>
16.12.120 Waiver of Remonstrance	<ul style="list-style-type: none"> <li>Relocated</li> </ul>	<ul style="list-style-type: none"> <li>.Relocated</li> </ul>
16.12.125 Violation—Penalty.	<ul style="list-style-type: none"> <li>Relocated</li> </ul>	<ul style="list-style-type: none"> <li>Add section on violations and penalties</li> </ul>
<b>Chapter 16.16. Minor Partitions – Process and Standards</b>		
	Chapter deleted and integrated into 16.08.	Chapter deleted and integrated into 16.08 which includes all land divisions instead of a separate chapter for Minor Partitions and Land Divisions
<b>Chapter 16.20 Property Line Adjustments and Abandonment Process and Standards</b>		
	<ul style="list-style-type: none"> <li>Minor procedure revisions to better conform to state statutes and administrative procedures.</li> <li>Clarify requirements for submittal of a lot line adjustment or abandonment application.</li> <li>Clarify the relevant criteria for a lot line adjustment or abandonment application.</li> </ul>	<ul style="list-style-type: none"> <li>Clearer application standards</li> </ul>
<b>Chapter 17.04 Definitions</b>		
17.04.006 3-4 Plex residential	Added.	New definition.
17.04.145 – Bed and Breakfast inns/Boardinghouse	Revised.	Revised to clarify that this definition does not include transitional shelters
17.04.253 Cluster housing	Added.	New definition.

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17.04.260 - Cottage housing.	Removed.	Replaced by “Cluster housing” .
17.04.260 Corner duplexes	Added.	New definition.
17.04.333 Duplex, corner	Added.	New definition.
<del>17.04.340 Dwelling apartment or multi family or condominium.</del>	Removed.	Replaced by revised multi-family definition
<del>17.04.350 Dwelling, two family or duplex.</del>	Removed.	Replaced by duplex
<del>17.04.395 Existing manufactured home park or subdivision.</del>	Removed.	Obsolete language
<del>17.04.400 Expansion to an existing manufactured home park or subdivision.</del>	Removed.	Obsolete language.
17.04.415 - Family	Removed,	Obsolete language.
17.04.483 Footprint	Added.	New definition.
17.04.490 – Front Lot Line	Revised.	Removed unclear language and reference to a figure in the code which does not exist
17.04.550 – Height.	Revised.	Added language to defined height measurements for flat and mansard roofs and parapets. Clarifies height measurement in flood zones. Lists specific allowable projections not considered part of height measurement.
17.04.585 – Hotel	Revised.	Revised to clarify that this definition does not include transitional shelters.
17.04.603 Internal conversion for existing single-family detached residential units.	Added.	New definition.
17.04.730 - Manufactured home.	Revised.	Revised to reflect current state and federal definitions.
17.04.775 – Motel	Revised.	Revised to clarify that this definition does not include transitional shelters.
17.04.780. Multi-family residential units.	Revised.	Changes definition from three to five or more dwelling units on one lot. Units do not have to be structurally attached. May include a variety of dwelling types.



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17.04.810 – Net developable area.	Revised.	Refers to current Natural Resource overlay rather than Water Resource overlay in OCMC 17.49.
17.04.1140 – Single-family detached residential units	Revised.	Revised to clarify that manufactured homes can be single-family detached residential units and that ADUs can be attached to a single-family residential detached unit.
17.04.1135 – Single-family attached residential units	Revised.	Clarifying that single-family attached residential units include townhouses or rowhouses.
17.04.1195. Story	Revised.	Updates definition of a story to include basements that meet definition.
17.04.1311. Transitional shelter	Added.	New definition.
<b>Chapter 17.06 Zoning District Classifications</b>		
17.06.015 – Classification of zoning districts	<ul style="list-style-type: none"> <li>Changing names of zoning designations to reflect new zoning district naming conventions</li> </ul>	<ul style="list-style-type: none"> <li>Revised for clarity and consistency</li> </ul>
<b>Chapter 17.08 Low Density Residential Districts</b>		
17.08.010 – Designated	<ul style="list-style-type: none"> <li>Identifying R-10, R-8 and R-6 Districts are designated for low density residential development</li> </ul>	<ul style="list-style-type: none"> <li>Consolidating low density districts into a single chapter</li> </ul>
17.08.020 – Permitted Uses	<ul style="list-style-type: none"> <li>Permitted uses from R-10, R-8 and R-6 combined and moved to this section</li> <li>Adding internal conversions and corner duplexes as permitted uses</li> </ul>	<ul style="list-style-type: none"> <li>Consolidating into a single chapter.</li> <li>Equitable Housing recommendation to allow diversity of housing types</li> </ul>
17.08.025 – Conditional uses	<ul style="list-style-type: none"> <li>Conditional uses from existing R-10, R-8 and R-6 districts combined and moved to this section</li> <li>Adding transitional shelter as a conditionally permitted use</li> </ul>	<ul style="list-style-type: none"> <li>Consolidating into a single low-density districts chapter</li> <li>Equitable Housing Recommendation to allow transitional shelters as conditional use</li> </ul>
17.08.030 – Master Plans	<ul style="list-style-type: none"> <li>New section which allows single-family attached residential units within low density zones if</li> </ul>	<ul style="list-style-type: none"> <li>Equitable housing recommendation to allow single-family attached residential units as part of a master plan.</li> </ul>

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	reviewed pursuant with the Master Plan process	
17.08.035 – Prohibited Uses	<ul style="list-style-type: none"> <li>Prohibited uses from existing R-10, R-8 and R-6 districts combined and moved to this section</li> </ul>	<ul style="list-style-type: none"> <li>Consolidating into a single low-density districts chapter</li> </ul>
17.08.040 – Dimensional Standards	<ul style="list-style-type: none"> <li>Dimensional standards consolidated into a chart</li> <li>Removing story requirement in height standards</li> <li>Allowing a higher lot coverage % if property includes an ADU</li> <li>Changes to interior yard setbacks to have only one setback requirement</li> </ul>	<ul style="list-style-type: none"> <li>Equitable housing recommendation – ease of navigation of code</li> <li>Redundant and unnecessary to have a height and/or story requirement</li> <li>Equitable Housing recommendation to allow opportunities for more ADUs</li> <li>Current standards with two different interior setback requirements are confusing and unnecessary</li> </ul>
17.08.050 – Density standards	<ul style="list-style-type: none"> <li>Converting current density standards into a dwelling units per net developable acre figure</li> <li>Exemptions to clarify that ADUs and internal conversions do not count towards density calculations, corner duplexes count as a single unit, and cluster housing is subject to different density standards</li> </ul>	<ul style="list-style-type: none"> <li>Clarifying and simplifying existing density standards</li> <li>Equitable housing recommendation to encourage development of different housing types</li> </ul>
<b>Chapter 17.10 Medium Density Residential Districts</b>		
17.10.010 – Designated	<ul style="list-style-type: none"> <li>Identifying R-5 and R-3.5 Districts are designated for medium density residential development</li> </ul>	<ul style="list-style-type: none"> <li>Consolidating medium density districts into a single chapter</li> </ul>
17.10.020 – Permitted Uses	<ul style="list-style-type: none"> <li>Permitted uses from R-3.5 and R-5 combined and moved to this section</li> </ul>	<ul style="list-style-type: none"> <li>Consolidating into a single chapter.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Adding internal conversions, corner duplexes, 3-4 plexes, and manufactured home parks as permitted uses</li> </ul>	<ul style="list-style-type: none"> <li>• Equitable Housing recommendation to allow diversity of housing types</li> </ul>
17.10.025 – Conditional uses	<ul style="list-style-type: none"> <li>• Conditional uses from existing R-5 and R-3.5 districts combined and moved to this section</li> <li>• Adding transitional shelter as a conditionally permitted use</li> </ul>	<ul style="list-style-type: none"> <li>• Consolidating into a single medium-density districts chapter</li> <li>• Equitable Housing Recommendation to allow transitional shelters as conditional use</li> </ul>
17.10.030 – Master Plans	<ul style="list-style-type: none"> <li>• New section which allows multi-family residential units within medium density zones if reviewed pursuant with the Master Plan process</li> </ul>	<ul style="list-style-type: none"> <li>• Equitable housing recommendation to allow multi-family residential units as part of a master plan.</li> </ul>
17.10.035 – Prohibited Uses	<ul style="list-style-type: none"> <li>• Prohibited uses from existing R-5 and R-3.5 districts combined and moved to this section</li> </ul>	<ul style="list-style-type: none"> <li>• Consolidating into a single medium-density districts chapter</li> </ul>
17.10.040 – Dimensional Standards	<ul style="list-style-type: none"> <li>• Dimensional standards consolidated into a chart</li> <li>• Removing story requirement in height standards</li> <li>• Allowing a higher lot coverages if ADU, single-family attached or 3-4-plex</li> <li>• Changes to interior yard setbacks to have only one setback requirement</li> </ul>	<ul style="list-style-type: none"> <li>• Equitable housing recommendation – ease of navigation of code</li> <li>• Redundant and unnecessary to have a height and/or story requirement</li> <li>• Equitable Housing recommendation to allow opportunities for more housing types</li> <li>• Current standards with two different interior setback requirements are confusing and unnecessary</li> </ul>
17.10.050 – Density standards	<ul style="list-style-type: none"> <li>• Converting current density standards into a dwelling units per net developable acre figure</li> <li>• Exemptions to clarify that ADUs and internal conversions do not</li> </ul>	<ul style="list-style-type: none"> <li>• Clarifying and simplifying existing density standards</li> <li>• Equitable housing recommendation to encourage development of different housing types</li> </ul>

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	count towards density calculations, corner duplexes count as a single unit, and cluster housing is subject to different density standards	
<b>Chapter 17.12: High Density Residential District.</b>		
17.12.020 - Permitted uses.	<ul style="list-style-type: none"> <li>Adding ADUs, duplexes, cluster housing, internal conversions, SFR attached, and 3-4 plexes as permitted uses</li> </ul>	<ul style="list-style-type: none"> <li>Equitable Housing recommendation to allow opportunities for more housing types</li> </ul>
17.12.025 - Conditional uses.	<ul style="list-style-type: none"> <li>Removing live/work units</li> <li>Transitional shelters now allowed as a Conditional Use of up to 10 beds.</li> </ul>	<ul style="list-style-type: none"> <li>Equitable Housing Recommendation: No longer allow live/work units. Staff would like the Planning Commission to reconsider allowing as a Conditional Use.</li> </ul>
17.10.040 - Dimensional standards.	Remove maximum stories for height and rely on height as measured in feet.	Equitable Housing Recommendation
	Lot coverage of 80% added.	Equitable Housing Recommendation
	Single-family attached lot width minimum and setbacks reduced.	Equitable Housing Recommendation
17.12.050 - Density standards.	Clarify density standards based on existing regulations in other chapters.	Equitable Housing Recommendation
	Offer up to a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years. Developer may add 2 market rate dwellings for each affordable unit provided.	Equitable Housing Recommendation
<b>Chapter: 17.14 Single-Family &amp; Duplex Residential Design Standards</b>		
	Added.	Equitable Housing Recommendation New Chapter. Adopted from 17.20. R-10, R-8 and R-6 Chapters combined into a low-density residential chapter.

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17.14.010 – Purpose.		
17.14.010.F.	<p>Revised.</p> <ul style="list-style-type: none"> <li>Removes the ability of the community development director to approve an alternative design that meets the intent of the chapter.</li> </ul>	<p>Clarifies that the standards are clear and objective or the applicant may choose an alternative review process. Clarified procedures that all of these unit types are processed as a Type I over-the-counter permit with no discretion.</p>
17.04.020	Revised.	<p>Applies to single-family and duplexes. Clarifies that ADUs are not garages.</p>
17.14.035 - Corner lots and through lots.	Revised.	Specifies separate standards for single-family homes and duplexes on corner lots.
17.14.070.B.		Codifies alternative review process.
17.14.050 - Main entrances.	Revised.	Requires porch in all cases.
17.14.060. – Corner Duplexes.	<p>Added.</p> <p>Add standards for corner duplexes including a requirement that the units are located in the same building, have one main entrance on the primary façade facing (both not allowed), comply with the same design standards as single-family homes, and that the units be similar in design.</p>	<p>Equitable Housing Recommendation Corner duplexes are now allowed. New standards for Corner Duplexes.</p>
17.14.080. Residential yard landscaping and tree requirements.	Allow residential tree plantings to occur anywhere on the property regardless of the underlying zoning designation and clarify that the tree requirements are limited to the time of development. Removes	Equitable Housing Recommendation

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	landscaping and shrub requirements. Retains tree-planting requirements.	
<b>Chapter 17.16: 17.16 Single-Family Attached Townhouse Residential Design Standards</b>		
	<b>Added.</b>	New Chapter. Equitable Housing Recommendation Adds Purpose, Design Standards, Driveway Access and Parking, and Outdoor space and tree requirements for Townhomes. Provide clear guidance on access and driveway standards which require shared driveways to retain on-street parking, and limit onsite driveway width.
Chapter 17.20 ADU, Cluster Housing, Internal Conversions, Live/Work Units, Manufactured Homes, and Manufactured Home Parks Residential Design Standards		
	Revised. Major additions to existing chapter.	New Chapter with 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.
17.20.010. Accessory Dwelling Units	Revised. <ul style="list-style-type: none"> <li>Remove owner-occupancy restriction.</li> <li>Allow one ADU per single-family dwelling.</li> <li>Eliminate off-street parking requirements for ADUs,</li> <li>Simplify dimensional standards.</li> <li>Increase size limit to 60% of main dwelling or 800 sf.</li> <li>Increase lot coverage 5-10% per zone</li> <li>Simplify design compatibility standards.</li> </ul>	Provide more flexibility with regard to ADU regulations. Equitable Housing Recommendation

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	<ul style="list-style-type: none"> <li>• Exempt ADUs from density standards.</li> </ul>	
17.20.020. Cluster Housing	<ul style="list-style-type: none"> <li>• Adapted from OCMC 17.62.059 Cottage Housing.</li> <li>• Introduce new cluster housing standards as a significant revision to the existing cottage housing standards</li> <li>• Allow a wider variety of residential units depending on zone density.</li> <li>• Increase allowed max. unit size to 1500 sf</li> <li>• Retain density bonuses up to 2x</li> <li>• Greater flexibility for open space reduced to 400 sf / dwelling</li> </ul>	<p>Equitable Housing Recommendation</p> <p>Updated design standards for more diverse types</p> <p>Flexibility for lot creation, condos or fee-simple through subdivision process.</p>
17.20.030 - Internal Conversions	<ul style="list-style-type: none"> <li>• Added New Section.</li> <li>• Permit conversion of existing single-family homes into multiple units through internal divisions to encourage the preservation of existing homes, new density increases for internal conversions, no additional off-street parking requirements</li> <li>• Internal conversions would require a building permit review, and historic review if applicable.</li> <li>• Allow internal conversion of homes at least 20 years old</li> </ul>	<p>Equitable Housing Recommendation. Allowing for new housing types, while preserving neighborhood character</p>

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	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Expansion limitations. Similar to ADUs, no additional off-street parking requirements</li> </ul>	
17.20.040 – Live-Work Units.	Revised section (F).	<p>Removed deed restrictions since the requirements are redundant with existing codes and policies.</p> <p>Remove live/work units as a Permitted Use in R-2 due to incompatibility and limited interest in this development type. It will continue to be a Conditional Use.</p>
17.20.050 – Manufactured Homes.	<ul style="list-style-type: none"> <li>• New section.</li> <li>• Adds purpose statement</li> <li>• Permitted in all zones that permit single family per ORS.</li> <li>• Adds development standards.</li> <li>• Should they be subject to Single Family Residential Design standards of OCMC 17.14?</li> </ul>	Equitable Housing Recommendation. Provides clear and objective standards for manufactured homes in existing parks, which do not exist in the current code.
17.20.060 - Manufactured Home Park	<ul style="list-style-type: none"> <li>• New section.</li> <li>• Adds standards for new manufactured home parks.</li> <li>• Type III review for new parks.</li> <li>• Type II for modifications to existing parks.</li> <li>• Adds development requirements:</li> <li>• Minimum size 2 acres</li> </ul>	Equitable Housing Recommendation. Provides clear and objective standards for new manufactured home parks and modifications to existing parks. Current code is silent on standards making review of modifications to existing parks difficult, and discouraging new MH parks.



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	<ul style="list-style-type: none"> <li>• 15' setbacks around outer park boundary</li> <li>• Screening 10-foot setbacks from private streets, min. 15' separation between adjacent units / structures.</li> <li>• Internal private street width 24' min. pavement, w/ sidewalk 4' wide on one side.</li> <li>• Parking on one side OK if 30' pavement width.</li> <li>• On-site parking space 1 per unit.</li> </ul>	
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<b>Chapter 17.24 NC Neighborhood Commercial District</b>		<ul style="list-style-type: none"> <li>•</li> </ul>
17.24.020 – Permitted Uses.	Added 3-4-plex as permitted with a nonresidential use, when not exceeding 50% of the building square footage.	<ul style="list-style-type: none"> <li>• Allows properties to develop as residential mixed use with 3-4 units in addition to commercial or other uses in NC, provided the residential does not exceed more than half the square footage of the building.</li> </ul>
17.24.035 - Prohibited Uses.	Added new prohibited uses. <ul style="list-style-type: none"> <li>• K. Transitional shelters.</li> <li>• L. Outdoor Mobile Food Carts or Vendors, except with a special event permit.</li> </ul>	<ul style="list-style-type: none"> <li>• Clarify the uses are not allowed in the zoning designation, as there are other zoning designation which the uses are listed as permitted.</li> </ul>
17.24.040 – Dimensional Standards	Clarified density standards for residential development equal to R-3.5	<ul style="list-style-type: none"> <li>• There are currently no density standards for this zone. This adds density standards equal to R-3.5 as a base line to account for the allowance for SF attached and duplexes. The density does not apply to residential units above non-residential uses such as commercial/office or live/work.</li> </ul>

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<b>Chapter 17.26 HC Historic Commercial District</b>		•
17.26.035 – Prohibited uses.	Added new prohibited uses. <ul style="list-style-type: none"> <li>• C. Transitional shelters.</li> <li>• D. Outdoor Mobile Food Carts or Vendors, except with a special event permit.</li> </ul>	<ul style="list-style-type: none"> <li>• Clarify the uses are not allowed in the zoning designation, as there are other zoning designation which the uses are listed as permitted.</li> </ul>
17.26.050.B.10 – Dimensional standards	Any new duplex lots shall meet the minimum lot size, minimum density, and setbacks for duplexes in the R-3.5 zone.	<ul style="list-style-type: none"> <li>• There are currently no density standards for this zone. This adds minimum density standards equal to R-3.5 as a base line to account for the allowance for SF attached and duplexes.</li> </ul>
<b>Chapter 17.29 MUC Mixed Use Corridor District</b>		•
17.29.020 - Permitted uses—MUC-1 and MUC-2.	Adds new permitted uses: <ul style="list-style-type: none"> <li>• M. 3-4 plex</li> <li>• AB. Transitional shelter</li> <li>• AC. Parking not in conjunction with a primary use when the primary use parking is not needed on private property;</li> <li>• AD. Hotels and motels, commercial lodging;</li> </ul>	<ul style="list-style-type: none"> <li>• Specify that 3-4 plex are allowed since they are a new residential type which was previously a part of multi-family.</li> <li>• Allow year round transitional shelters, which have been allowed under emergency Ordinances in this zoning designation for the past few years during the winter months.</li> <li>• Allow parking lots to be used after hours by the public</li> <li>• Allow hotels and motels as permitted, as that is more consistent with the other uses allowed in the zoning designation as well as the character of MUC.</li> </ul>
17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.	<ul style="list-style-type: none"> <li>• Removed hotel/motel</li> <li>• Removed “structures and lots” under parking not associated with a primary use and added” on private property”.</li> <li>• Removed types of passenger terminals.</li> </ul>	<ul style="list-style-type: none"> <li>• Hotels and motels; commercial lodging changed to a permitted use. See note above.</li> <li>• Amended the code to be the same level of specificity as other uses as well as clarified that the conditional use applies to private property, as opposed to public on-street parking.</li> </ul>

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		<ul style="list-style-type: none"> <li>Removed passenger terminal types to be consistent with the level of specificity provided in the code.</li> </ul>
17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.	<p>Added new prohibited use.</p> <ul style="list-style-type: none"> <li>K. Outdoor Mobile Food Carts or Vendors, except with a special event permit.</li> </ul>	<ul style="list-style-type: none"> <li>Clarify the uses are not allowed in the zoning designation, as there are other zoning designation which the uses are listed as permitted.</li> </ul>
17.29.050.H and 17.29.060.J - Dimensional standards—MUC	Revised to include density minimum for multi-family use.	Adds residential density minimum of 17.4 units per net acre for efficient use of land, excluding residential vertical mixed used and live/work.
<b>Chapter 17.32 General Commercial District</b>		
17.32.040 – Prohibited Uses	<p>Added:</p> <ul style="list-style-type: none"> <li>F. Transitional Shelters</li> <li>G. Outdoor Mobile Food Carts or Vendors, except with a special event permit.</li> </ul>	<ul style="list-style-type: none"> <li>Clarify the uses are not allowed in the zoning designation, as there are other zoning designation which the uses are listed as permitted.</li> <li>Requires special event permit issued by Public Works Department. Additional PW requirements apply.</li> </ul>
17.32.050.H – Dimensional standards.	Revised to include density minimum for multi-family use.	Adds residential density minimum of 17.4 units per net acre for efficient use of land, excluding residential vertical mixed used and live/work.
<b>Chapter 17.34 Mixed Use Downtown District</b>		
17.34.030 - Conditional uses.	<p>Revised.</p> <ul style="list-style-type: none"> <li>AC. Parking not in conjunction with a primary use when the primary use parking is not needed on private property;</li> </ul>	<ul style="list-style-type: none"> <li>Amended the code to be the same level of specificity as other uses as well as clarified that the conditional use applies to private property, as opposed to public on-street parking</li> </ul>
17.34.040 - Prohibited uses.	<p>Added:</p> <p>I. Outdoor Mobile Food Carts or Vendors, except with a special event permit.</p>	Clarify the use not allowed in the zoning designation, as there is another zoning designation which the use is permitted.

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17.34.060.D - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.	<p>Deleted limitation on maximum building height from 75’ to 45’ for the following:</p> <ul style="list-style-type: none"> <li>• <del>Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;</del></li> <li>• <del>Property within one hundred feet of single-family detached or detached units.</del></li> </ul>	<p>The rationale for placing the height limits is unknown and appears a bit arbitrary. The property between 11<sup>th</sup> and 16<sup>th</sup> is significantly lower than the neighboring properties on the bluff and the reduction is not consistent with the character and expectations of the regional center nor the pattern of building heights within the zoning designation.</p> <p>No other location limits height based on existing uses and not zoning designation. Limiting heights based on existing uses nearby does not take into account the City’s topography, creates an inconsistent urban design with a variety of heights in our regional center. Due to the lot pattern and configuration, the height of properties on Main Street are limited.</p> <p>Height limits in these areas restrict viability of residential uses in the Mixed Use downtown, which is a priority in various adopted city plans for the waterfront and downtown areas, and a necessary component for an urban regional center.</p> <p>The height limit is maintained around the End of the Oregon Trail.</p>
17.34.060.J and 17.34.070.J Dimensional Standards	Revised to include density minimum for multi-family use.	Adds residential density minimum of 17.4 units per net acre for efficient use of land, excluding residential vertical mixed used and live/work.
17.34.070.I Dimensional Standards – within the Downtown Design District	Amend minimum landscaping to 5% and lot coverage to 95%.	Previous standard was 100% lot coverage and 0% landscaping.
<b>Chapter 17.35 Willamette Falls Downtown District</b>		

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17.35.020 – Permitted Uses	<p>Revised.</p> <ul style="list-style-type: none"> <li>AC. Parking not in conjunction with a primary use when the primary use parking is not needed on private property</li> <li>Changed formatting to be consistent with other chapters.</li> </ul>	<ul style="list-style-type: none"> <li>Allow parking lots to be used after hours by the public</li> <li>Amended formatting for clarity and consistency</li> </ul>
17.35.030 – Conditional uses	<p>Revised.</p> <p>D. Parking not in conjunction with a primary use when the primary use parking is not needed on private property;</p>	Amended the code to be the same level of specificity as other uses as well as clarified that the conditional use applies to private property, as opposed to public on-street parking
<b>Chapter 17.36 GI General Industrial District</b>		
17.36.035 – Prohibited Uses	<p>Added.</p> <p>A. Outdoor Mobile Food Carts or Vendors, except with a special event permit.</p>	Requires special event permit issued by Public Works Department. Additional PW requirements apply.
<b>Chapter 17.37 CI Campus Industrial District</b>		
17.37.035 – Prohibited Uses	<p>Added.</p> <p>A. Outdoor Mobile Food Carts or Vendors, except with a special event permit.</p>	Clarify the uses are not allowed in the zoning designation, as there are other zoning designation which the uses are listed as permitted.
<b>Chapter 17.39 I Institutional District</b>		
17.39.040 - Conditional uses.	<p>Added:</p> <p>I. Police Station</p>	The zoning code identifies emergency services (including Police and Fire) together in nearly all zoning designations, though did not list police as a Conditional Use (though lists Fire) in the Institutional District.

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17.39.045 - Prohibited uses.	Added:  C. Outdoor Mobile Food Carts or Vendors, except with a special event permit.	Clarify the uses are not allowed in the zoning designation, as there are other zoning designation which the uses are listed as permitted.
<b>Chapter 17.41 – Tree Protection</b>		
	Renamed Chapter from Tree Protection Standards to Tree Protection, Preservation, Removal and Replanting Standards	Renamed chapter for greater clarity
17.41.040, 17.41.050	Renamed section headers.	Renamed section headers for consistency
17.41.060	Clarify when section 17.41 applies	Add clarity that trees required to be planted in this chapter do not include required trees in stormwater facilities or in pedestrian and bicycle accessways.
17.41.060-17.41.120	Combine sections in the same mitigation planting option.	Combine sections for clarity.
<b>Chapter 17.50 Administration and Procedures</b>		
17.50.303 Summary of decision-making process	Add General Development Plan amendment	Clarify the process by which a general development plan amendment is reviewed
17.50.040 - Development review in overlay districts and for erosion control.	Added:  Historic Overlay under Chapter 17.40,	Clarify when compliance with historic district occurs with development.
17.50.050 – Pre-application conference.	Revised.  <ul style="list-style-type: none"> <li>Reformatted for clarity</li> <li>Clarify that a pre-application conference is required prior to completing a Type II-IV and/or Legislative application (except for Historic review).</li> <li>Clarify when pre-application conferences may be valid for a year.</li> </ul>	<ul style="list-style-type: none"> <li>Language reordered for clarity</li> <li>Clarify a pre-application conference is required prior to a complete application for certain types of applications. Remove</li> <li>The validity of a pre-application conference may be extended by 6 months if the code has not been amended or the proposal has not changed significantly.</li> </ul>

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17.50.055 - Neighborhood association meeting.	<ul style="list-style-type: none"> <li>• Change the requirement to provide option for applicant to contact CIC and neighborhood associations via email and remove requirement for certified mail notice.</li> <li>• Remove requirement to provide sign-in sheet for neighborhood association meeting.</li> <li>• Add requirement to show email/mail correspondence.</li> </ul>	<ul style="list-style-type: none"> <li>• Allow easier and more timely communication over email between applicants and CIC/neighborhood associations.</li> <li>• Remove the requirement to provide a sign-in sheet from neighborhood meetings, as it does not relate to any criteria.</li> <li>• Add requirement to show applicant's have reached out to CIC/neighborhood associations.</li> </ul>
17.50.070 - Completeness review and one hundred twenty-day rule.	<ul style="list-style-type: none"> <li>• Revised to clarify procedures when an application exceeds 180-days without completeness</li> <li>• Adding procedures for an expedited review period of 100 days for affordable housing projects</li> </ul>	<ul style="list-style-type: none"> <li>• The revision clarifies that the City gets a 30-day review regardless of which point in the 180-day period the application is submitted.</li> <li>• Allow more timely review process of projects which would create affordable housing</li> </ul>
17.50.080 - Complete application—Required information.	<ul style="list-style-type: none"> <li>• Reformatted/reordered for clarity</li> <li>• Remove requirement for physical copies of application Type II-IV applications and only require one paper copy for Type I applications</li> <li>• Clarify that applicants have the option to pay for City-provided mailing labels or provide their own labels</li> </ul>	<ul style="list-style-type: none"> <li>• Language reordered for clarity</li> <li>• Paper copies are not needed as all transmittals and reviews are done electronically. Not requiring paper copies also results in easier archiving and is environmentally friendly.</li> <li>• The revision codifies existing practices for mailing labels (option to provide your own or pay for City-provided).</li> </ul>
17.50.090 – Public Notices	<ul style="list-style-type: none"> <li>• Replacing planning manager with community development director</li> <li>• Replacing requirement for a newspaper notice for Type III and IV applications with requirement to post on website</li> </ul>	<ul style="list-style-type: none"> <li>• Revisions for clarity</li> <li>• Based on feedback from Oregon City residents and planning staff, the public is more likely to check the city website than the newspaper for upcoming public hearings. Additionally, posting notices in the newspaper is expensive for the City.</li> </ul>

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17.50.130 - Conditions of approval and notice of decision.	<ul style="list-style-type: none"> <li>Revision specifying approval standards include overlay district standards master plan compliance, and public works design standards.</li> </ul>	<ul style="list-style-type: none"> <li>Revision for clarity. Language is currently in a different code section, moving to 17.50.130 for clarity resulting in more organized and clear code.</li> </ul>
17.50.140 – <del>Performance</del> Financial guarantees.	<ul style="list-style-type: none"> <li>Relocating financial guarantee from 17.62 to 17.50 and language revisions</li> <li>Adding fee-in-lieu requirements</li> </ul>	<ul style="list-style-type: none"> <li>Relocation to more appropriate chapter and minor language revisions for clarity and consistency</li> <li>Codifying current fee-in-lieu practices and procedures for public improvements</li> </ul>
17.50.141 – Public improvements - Warranty	<ul style="list-style-type: none"> <li>Adding public improvement warranty requirements</li> </ul>	<ul style="list-style-type: none"> <li>Codifying practices and procedures for warranty associated with public improvements.</li> </ul>
17.50.190 - Appeals.	<ul style="list-style-type: none"> <li>Replacing planning manager with community development director</li> <li>Various revisions to clarify appeal procedures (mailing notice of appeal, posting on city website, requiring mailing address for public commenters)</li> </ul>	<ul style="list-style-type: none"> <li>Revisions for clarity</li> <li>Clarifying appeal procedures and noticing requirements to allow for clear appeal process and proper notification</li> </ul>
17.50.200 - Expiration of an approval.	<ul style="list-style-type: none"> <li>Revision specifying that a land division approval expires if not submitted to the Clackamas County Recorder's Office within two year of approval.</li> </ul>	<ul style="list-style-type: none"> <li>Clarify that the preliminary approval of land divisions expire if not submitted to the Clackamas County Surveyors Office within 2 years. This is the simplest deadline to administer, since all requirements for platting, including public improvements, must be met prior to recordation.</li> </ul>
17.50.220 - Reapplication limited.	<ul style="list-style-type: none"> <li>Section removed.</li> </ul>	<ul style="list-style-type: none"> <li>Remove the 1 year waiting period for similar applications. Re-application should be permitted at any time without limitation at the applicant's own risk.</li> </ul>
17.50.240 - Conformity of permits.	<ul style="list-style-type: none"> <li>Adding requirement to resolve any and all city liens that may be filed against a property prior to final approval of a project.</li> </ul>	<ul style="list-style-type: none"> <li>Provides an early opportunity to recover or pursue outstanding liens</li> </ul>



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17.50.260 – Reconsideration of a final decision	<ul style="list-style-type: none"> <li>Remove process for reconsideration of a final decision</li> </ul>	<ul style="list-style-type: none"> <li>Remove process for reconsideration of a final decision.</li> </ul>
17.50.290 - Fees	<ul style="list-style-type: none"> <li>Adding that all fees are due upon submittal of an application with the exception of actual attorney fees which are required within 60 days of appeal decision</li> </ul>	<ul style="list-style-type: none"> <li>Adding clarity and codifying process for collecting actual attorney fees associated with an appeal.</li> </ul>
<b>Chapter 17.52 Off-Street Parking and Loading</b>		
17.52.010	Clarify that this chapter does not apply to single-family, duplexes, ADU's, and internal conversions.	Add clarity as to the applicability of the chapter.
17.52.020.A	<ul style="list-style-type: none"> <li>Amend parking minimums for multi-family change from 1-1.75 per unit depending on number of bedrooms to 1 per unit.</li> <li>Amend parking maximums for multi-family from 1.5-2.5 per unit to 2.5 per unit.</li> <li>Identify parking standards for 3-4 plex as a min of 1 per unit and max of 2.5 per unit.</li> <li>Identify parking standards for cluster housing as a min of 1 per unit and max of 2.5 per unit.</li> <li>Identify parking standards for transitional shelters to be the same as group homes</li> </ul>	<ul style="list-style-type: none"> <li>Parking min and max amended for consistency with other types of housing which do not define parking by number of bedrooms. The average household size is also not consistent with the number of bedrooms. The number creates difficulty when modifying existing units.</li> <li>Parking numbers were added for new residential types to be consistent.</li> <li>Parking for transitional shelters was identified as group homes which may have the same likelihood of automobile ownership.</li> </ul>
17.52.030.A	<ul style="list-style-type: none"> <li>Remove standards about driveway slopes.</li> </ul>	<ul style="list-style-type: none"> <li>Relocated to 16.12.035</li> </ul>
17.52.030.E	<ul style="list-style-type: none"> <li>Exclude projects with 75% or more residential use from carpool and vanpool requirements</li> </ul>	<ul style="list-style-type: none"> <li>Remove barrier for residential projects.</li> </ul>
17.52.040	<p>Table A</p> <ul style="list-style-type: none"> <li>Amend multi-family to include 5 or more units</li> <li>Identify bicycle parking for 3-4 plex as the same as multi-family</li> </ul>	<ul style="list-style-type: none"> <li>Amend to conform to the new definition of multi-family.</li> <li>Assure bicycle parking for 3-4 plex at the same rate as multi-family</li> <li>Assure bicycle parking for transitional shelters.</li> </ul>

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	<ul style="list-style-type: none"> <li>Identify bicycle parking for transitional shelters at the same rate as a care facility</li> <li>C &amp; D: Remove redundant requirements for bicycle parking and revise.</li> </ul>	<ul style="list-style-type: none"> <li>Standard redundant as a requirements for bicycle parking and reformat for ease. Connectivity requirements relocated to 17.62.050.A.</li> </ul>
17.52.060 Parking lot landscaping	<ul style="list-style-type: none"> <li>Apply to parking lots with more than 5 stalls.</li> <li>Remove unclear standards and reformat for consistency</li> <li>Allow arborist to approve tree species</li> <li>Amend interior parking lot landscaping standards to require 1 tree for every 4 spaces, rather than 6 and require a minimum of 1.5 shrubs per parking space rather than space 4 feet apart on average. Remove requirement for pedestrian walkways to have trees in addition to the other minimum requirements.</li> <li>Relocate compliance with traffic sight obstructions and stormwater manual to 17.62.050.A.2.</li> <li>Amend alternative landscaping plan to reference back to 17.62.015 with the associated criteria.</li> </ul>	<ul style="list-style-type: none"> <li>Allow smaller parking lots to be exempt from the rigid landscaping standards.</li> <li>Remove unclear standards and reformat for consistency.</li> <li>Consistency throughout code by allowing arborists to approve tree species.</li> <li>Reorder and simplify the landscaping requirements for ease.</li> <li>Interior parking lot landscaping requirements revised to be more clear and objective and provide transparent guidance including identifying landscaping based on the number of parking stalls rather than spacing.</li> <li>Criteria more appropriate for other chapters relocated.</li> </ul>
<b>17.54 Supplemental Zoning Regulations and Exceptions</b>		
17.54.010.B Accessory buildings and uses	<ul style="list-style-type: none"> <li>Amend section to not allow accessory dwelling units to be reviewed under this accessory building standards and relocate all ADU language</li> </ul>	<ul style="list-style-type: none"> <li>All standards for ADU's relocated to 17.20 for ease of use.</li> <li>Reworded the fence, hedge, walls, and retaining walls standards for clarity. Exclude height limits for fences, hedges, walls, retaining walls in the right of way from standards.</li> </ul>

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17.54.105 Live/Work units	<ul style="list-style-type: none"> <li>Relocate all live/work language</li> </ul>	<ul style="list-style-type: none"> <li>All standards for live/work units relocated to 17.20 so they may be easily identified.</li> </ul>
17.54.115 Mobile Food Carts	<ul style="list-style-type: none"> <li>Add standards for mobile food carts on private property in the Willamette Falls Design District</li> </ul>	<ul style="list-style-type: none"> <li>Add standards for mobile food carts on private property in the Willamette Falls Design District. Allowed on property for up to 5 hours within a 24-hour site with little design requirements and a more typical minor site plan and design review process with exceptions.</li> </ul>
Chapter 17.62 Site Plan and Design Review		
17.62.015 Modifications	<ul style="list-style-type: none"> <li>Add section identifying applicability of modifications and limiting the criteria which may be modified and renumber standards.</li> </ul>	Add parameters to limit the modifications to development standards and provide clear guidance of when Variances are required.
17.62.030 When required	<ul style="list-style-type: none"> <li>Clarify when site plan and design review is required.</li> </ul>	Update section to capture new residential districts and housing types.
17.62.035 Minor site plan and design review	<p>Allow Type I site plan for:</p> <ul style="list-style-type: none"> <li>Conditional and nonconforming uses provided the square footage does not increase.</li> <li>Type I Master Plan amendments</li> <li>Mobile food carts on site less than 5 hours in the WFDD</li> <li>3-4 plex, single and two family dwellings, and accessory dwelling units</li> </ul>	<ul style="list-style-type: none"> <li>Allow commercial uses such as churches and schools to streamline nondiscretionary review processes, provided the size of the use does not increase.</li> <li>Add clarity for processing Type I master plan amendments</li> <li>Allow mobile food carts to be temporary located on private property in WFDD with a streamlined review process</li> <li>Equitable Housing Recommendation: Add a Type I Master Plan Amendment option and 3-4 plex residential projects as applicable for a Type I Site Plan and Design Review.</li> </ul>
17.62.040 Items Required	<ul style="list-style-type: none"> <li>Remove requirement for physical material boards and allow electronic.</li> </ul>	<ul style="list-style-type: none"> <li>Allow electronic submittals which reduces the space and cost for retaining physical files indefinitely.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Remove redundant requirement for erosion and sediment control plan.</li> <li>• Remove requirement for legal description of site</li> </ul>	<ul style="list-style-type: none"> <li>• Amend requirements for submittal to exclude an erosion control plan (this is still required prior to construction, but unnecessary for preliminary site plan review).</li> <li>• The full legal description is not needed, as the map and tax lot is provided on the application form.</li> </ul>
17.62.050.A. Standards	<ul style="list-style-type: none"> <li>• Remove landscaping reduction for pervious material</li> <li>• Clarify landscape plan needed for change to landscaping in parking lots.</li> <li>• Relocated landscaping standard in downtown design district to zoning designation.</li> <li>• Add standard to identify that landscaping shall comply with traffic sight obstructions limitations in 10.32.</li> <li>• Removed access, driveway, and sidewalk standards</li> <li>• Remove standard about compatibility, materials, and historic protection.</li> <li>• Consolidate cross references to other section in the code.</li> <li>• Amend pedestrian circulation requirements to add clarity when connections should not cross a drive aisle, clarify which portions of the site should be connected by a onsite sidewalk, clarified prohibition of external stairs for residential.</li> <li>• Removed requirement for continued maintenance.</li> <li>• Standard for continued compliance with applicable, federal, state and city standards simplified.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction did not have clear standards for approval. Landscaping reductions may occur through 17.62.015 with associated criteria.</li> <li>• Added clarification.</li> <li>• Consolidate all landscaping standards in the downtown design district to the zoning designation where the 10% was in conflict with a 0% landscaping requirement.</li> <li>• Provide clarity about traffic sight obstructions.</li> <li>• Driveway, access, and sidewalk standards consolidated in chapter 16.12.</li> <li>• Remove standard which is not clear and objective. The standard is unclear and redundant, as compliance with other sections such as material standards and historic resources protection in 17.40.</li> <li>• Consolidate references to other chapters.</li> <li>• Provide clarity to existing onsite sidewalk standards and rewrite language for simplicity.</li> <li>• Maintenance requirement removed as it is unnecessary and does not include any criteria to determine adequate maintenance.</li> <li>• Clarified language about compliance with other applicable regulations, as it was too detailed and cumbersome language.</li> <li>• Equitable Housing Recommendation: Building Division review will determine compliance with ADA standards.</li> <li>• Density standards consolidated to the zoning designation for clarity.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Remove standard reviewed by Building Division for ADA.</li> <li>• Remove standard regarding density, instead incorporating it into the zoning district chapters.</li> <li>• Preferred building materials removed.</li> <li>• Removed administrative section on conditions of approval.</li> <li>• Added criteria for owner signature, demonstrating no outstanding liens for the city and taxes paid.</li> </ul>	<ul style="list-style-type: none"> <li>• Preferred building material standards are not required and thus removed.</li> <li>• Conditions of approval section consolidated into 17.50.</li> <li>• Added criteria associated with submittal requirements to allow authority to require compliance.</li> </ul>
17.62.050.B Institutional, office, multi-family, retail, and commercial building standards	<ul style="list-style-type: none"> <li>• 17.62.055 consolidated into 17.50.050</li> <li>• Multi-family standards generally integrated into commercial standards to allow a more transparent review process.</li> <li>• Section exempts structures under 1,000 square feet (such as garages, sheds, etc) when other primary buildings are located onsite.</li> <li>• Remove standard about “contributing to the uniqueness of the site” and modifying franchise designs to comply with the applicable standards.</li> <li>• Remove requirement that multiple buildings in a development shall have similar elements.</li> <li>• Combine sections related to design elements to increase building setback.</li> <li>• Amend standard for building orientation. Primarily reworded for clarity.</li> <li>• Amend entranceway standard to combine multi-family and commercial standards. The intent of previous standard retained.</li> <li>• Clarify corner lot standard does not apply to multi-family.</li> </ul>	<ul style="list-style-type: none"> <li>• Standards consolidated for ease of navigating.</li> <li>• Multi-family and commercial standards integrated into a single set of standards due to increased overlap for orientation, transparency, articulation, entranceways, etc.</li> <li>• Exempt accessory structures such as storage buildings from design requirements unless they are the only building on a site.</li> <li>• Remove standards which are unclear or difficult to enforce. Compatibility is provided though compliance with all other applicable standards.</li> <li>• Provided the criteria are met, a variety of building design provides interest.</li> <li>• Building setback may be reviewed in a single criterion rather than two with redundant language.</li> <li>• Building orientation amended to provide clarity to existing standard.</li> <li>• Entranceway standards for multi-family and commercial were combined as they included similar menus to highlight the entranceway of a building.</li> <li>• No change to corner lot standard, just clarification of existing standards.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Variation and massing standards integrate commercial and multi-family standards and revised for clarity.</li> <li>• Wall articulation revised to remove redundant standards, and integrate multi-family building details which require a certain number of design details depending on the façade at 30' intervals. Exception provided for 0 foot setback on the property and adjacent property.</li> <li>• Transparency clarified to state at 5' height or below (was pedestrian level) and standard for 15% transparency for all other floors and elevation added. Language relocated/reformatted.</li> <li>• Roof standards amended to have consistent standards despite building use. Simplified to regulate only roofs which face a street and require a maximum continuous roofline of 75' without a cross gable or significant change in height.</li> </ul>	<ul style="list-style-type: none"> <li>• Variation in massing standards changed to be more clear and objective. Standards mix commercial and multi-family requirements (and in some cases allow less building articulation) to result in standards which are clear and objective and easily understood. Requirements for 10' deep x 30' wide modulation every 120 feet and 1' deep x 2' wide projections/recesses every 30 feet.</li> <li>• Articulation/building details revised to integrate commercial and multi-family, but retains nearly the same intent. Color removed from standards, as it is temporary and subject to change without permits. New exception provided for properties with 0' interior/side/rear setback to allow development of two buildings with no setback to be constructed on different properties next to each other without design features which will be unseen.</li> <li>• Clarified height of transparency at pedestrian level and added transparency requirement for all floors and all elevations to balance any relaxed design or modulation requirements.</li> <li>• Equitable Housing Recommendation: Roofline standards simplified to not be based on the changing use of a building but the length of the building. Standards limiting parapet height removed due to minimum building heights in some zoning designations.</li> </ul>
17.62.056 Additional standards for large retail establishments	<ul style="list-style-type: none"> <li>• Simplified and clarified applicability to match standard.</li> </ul>	<ul style="list-style-type: none"> <li>• Amended standard for clarity and consistency.</li> </ul>
17.62.057 Multi-family Usable Open Space Requirements	<ul style="list-style-type: none"> <li>• Design standards relocated to 17.62.050.B and this section changed to open space requirements.</li> <li>• Open space requirements amended to combine public and private open space. Size amended</li> </ul>	<ul style="list-style-type: none"> <li>• Limited to open space requirements for clarity. The building design standards were very similar to commercial design standards and created confusion for development with residential and mixed use in the same building.</li> </ul>

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	<p>to be 100 sq. ft. in residential zones and 50 sq. ft. in other zones.</p> <ul style="list-style-type: none"> <li>• Removed requirement for windows to be recessed/projected multi-family.</li> <li>• Requirement for diversity of building types removed for developments of 4 or more buildings.</li> <li>• Diversity of unit types for sites with more than 25 units removed.</li> <li>• Removed standard for 13' minimum height ground floor.</li> </ul>	<ul style="list-style-type: none"> <li>• Equitable Housing Recommendation: Open space requirements included some conflicts and inconsistencies. Standards amended to provide clear direction for useable open space for multi-family.</li> <li>• Equitable Housing Recommendation: Recessed/projection for multi-family windows difficult and expensive for development community.</li> <li>• Diversity of building types removed to allow flexibility and the standard did not provide clear enough direction about the minimum diversity requirements.</li> <li>• Little public interest in requiring diversity in the types of units within a single development.</li> <li>• Ground floor height standard difficult to implement, particularly when multi-family is built for that purpose and not likely to change to commercial.</li> </ul>
17.62.057 Accessory Dwelling Unit, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks, and 3-4 Plex Standards.	<ul style="list-style-type: none"> <li>• Provides cross-reference for these housing types in commercial and multi-family zoning designations.</li> </ul>	<ul style="list-style-type: none"> <li>• Cross-reference provided for clarity. The use of a zoning designation may not provide for these unit types to be constructed as new, though this standard provides guidance for existing sites.</li> </ul>
17.62.059 Cluster Housing	<ul style="list-style-type: none"> <li>• Name changed from cottage to cluster housing and cross reference provided.</li> </ul>	<ul style="list-style-type: none"> <li>• Relocated to separate chapter for clarity.</li> </ul>
17.62.065 Outdoor Lighting	<ul style="list-style-type: none"> <li>• Standards simplified to remove specific lighting levels onsite and rather identify where lighting should be provided and maintain lighting a maximum lighting level of 0.5 foot-candle at surrounding properties and across the street.</li> </ul>	<ul style="list-style-type: none"> <li>• The lighting standards were extremely specific and inconsistent with the level of detail in the remainder of the code. The changes maintain the lighting requirements, but provide more flexibility.</li> </ul>

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	<ul style="list-style-type: none"> <li>Standards for floodlights, shielded lighting, light poles, upward lighting, and flashing lights maintained.</li> </ul>	
17.62.085 Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments	<ul style="list-style-type: none"> <li>Added new housing types to acknowledge that refuse areas not required for ADU's, etc.</li> </ul>	<ul style="list-style-type: none"> <li>New housing types added for clarity</li> </ul>
17.62.090 Implementation	<ul style="list-style-type: none"> <li>Language amended for clarity.</li> </ul>	<ul style="list-style-type: none"> <li>Language explains how to apply site plan and design review standards to add clarity.</li> </ul>
17.62.095 Performance Guarantee	<ul style="list-style-type: none"> <li>Remove section</li> </ul>	<ul style="list-style-type: none"> <li>Relocate to more appropriate chapter (17.50)</li> </ul>
<b>Chapter 17.65 Master Plans</b>		
17.65.010 Purpose and intent	<ul style="list-style-type: none"> <li>Clarify that the chapter is meant to include residential review.</li> <li>Minor text changes for clarity</li> </ul>	Equitable Housing Recommendation: Expand language to allow clarity for residential developments
16.65.020 Whats included in a master plan	<ul style="list-style-type: none"> <li>Remove standard that master plan must be a minimum of 5 years duration</li> <li>Add clarification as to the benefits of a master plan</li> </ul>	<ul style="list-style-type: none"> <li>A master plan may be constructed in a duration of less than 5 years.</li> </ul>
17.65.030 Applicability of the Master Plan Regulations	<ul style="list-style-type: none"> <li>Remove requirement for institutional development to be more than 10 acres</li> <li>Allow voluntary master plan for sites 2+ acres.</li> </ul>	<ul style="list-style-type: none"> <li>The requirement makes it difficult to incrementally upgrade existing facilities which are primarily built out and do not have a master plan such as the cemetery.</li> <li>Equitable Housing Recommendation: Expand voluntary master plans to properties over 2 acres to allow flexibility.</li> </ul>
17.65.040 Procedure	<ul style="list-style-type: none"> <li>Clarify that concurrent review is processed at the highest level of any application.</li> </ul>	<ul style="list-style-type: none"> <li>Adds clarity about review process</li> </ul>



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	<ul style="list-style-type: none"> <li>• Add relationship to other reviews to ensure comprehensive review</li> <li>• Moving Duration of General Development Plan section and duration of detail development plan sections to Procedure section</li> </ul>	<ul style="list-style-type: none"> <li>• Ensures that the development will be reviewed comprehensively and its cumulative impacts considered</li> <li>• Moving the duration of general and detailed development plans to procedures section resulting in a code that is easier to navigate and understand for applicants.</li> </ul>
17.65.050 – General Development Plan	<ul style="list-style-type: none"> <li>• Minor language revisions for clarity and consistency</li> <li>• Adding geologic hazards for site description requirements</li> <li>• Adding requirement for a phasing plan for public improvements</li> <li>• Adding section specifying additional submittal requirements for residential and mixed use projects</li> <li>• Adding an approval criteria that the development must be consistent with underlying zones and overlay districts</li> <li>• Adding approval criteria for general development plans for residential developments</li> <li>• Relocating Duration of General Development Plan to procedures section</li> </ul>	<ul style="list-style-type: none"> <li>• Revisions for clarity</li> <li>• Requires applications to address geologic hazards overlay if applicable.</li> <li>• Provides clarity of submittal requirements for applicants and clarifies that public improvements may be phased in the master plan process</li> <li>• Provides clarity of submittal requirements for applicants and codifies application materials required for staff's review of residential/mixed use developments</li> <li>• Ensures consistency with zoning district and overlay district regulations and ensures the application addresses all applicable regulations</li> <li>• Existing code allows for master plans for residential developments, but does not provide standards or approval criteria. Adding approval criteria results in a clear code with clear and objective standards for residential developments being reviewed under the master plan process</li> <li>• Relocation of subsection to more appropriate section resulting in a code that is easier to navigate and understand</li> </ul>
17.65.060 – Detailed Development Plan	<ul style="list-style-type: none"> <li>• Minor language revisions for clarity and consistency</li> <li>• Adding submittal requirements for residential projects that are not subject to OCMC 17.62</li> </ul>	<ul style="list-style-type: none"> <li>• Revisions for clarity</li> <li>• Submittal requirements reference chapter 17.62, however, Chapter 17.62 does not apply to residential developments, therefore, the revision specifies submittal</li> </ul>

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	<ul style="list-style-type: none"> <li>Relocating Duration of Detailed Development Plan to procedures section</li> </ul>	<p>requirements for those developments not subject to Chapter 17.62</p> <ul style="list-style-type: none"> <li>Relocation of subsection to more appropriate section resulting in a code that is easier to navigate and understand</li> </ul>
17.65.070 – Adjustments to development standards	<ul style="list-style-type: none"> <li>Various language revisions for clarity and consistency</li> <li>Adding section identifying which regulations may be adjusted through a master plan adjustment process</li> <li>Adding reduction of minimum density of residential sites as a regulation that may not be adjusted</li> </ul>	<ul style="list-style-type: none"> <li>Revisions for clarity</li> <li>In order to provide a non-discretionary adjustment process, which can be reviewed at a Type II level as allowed by the current code, this section specifies which standards are eligible for adjustments.</li> <li>Specifying that applicants may not request an adjustment to allow a residential development to be below the minimum required density.</li> </ul> <p>Allow an applicant to propose land uses listed as conditional or prohibited in the underlying zone with a General Development Plan (Type III).</p>
17.65.080 – Amendments to Approved Plans	<ul style="list-style-type: none"> <li>Removing requirement that an amendment to a master plan which includes development within 100 ft of the master plan boundary must be reviewed through a Type III process</li> <li>Adding new uses which increase vehicle trips more than 10% from what was originally approved as a an amendment that must be reviewed through a Type III process</li> </ul>	<ul style="list-style-type: none"> <li>The standard that development within 100 feet of the master plan boundary must be reviewed through a more discretionary Type III process is unnecessary and not tied to any approval criteria.</li> <li>If a new use not included in the original master plan which will result in significant traffic impacts is proposed, a more discretionary Type III process is required.</li> </ul>
<b>Chapter 17.68 Zoning Changes and Amendments</b>		
	<ul style="list-style-type: none"> <li>Various language revisions for clarity and consistency</li> </ul>	<ul style="list-style-type: none"> <li>Revisions for clarity</li> </ul>

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	<ul style="list-style-type: none"><li>• Adding Public/Quasi-Public comprehensive plan designation and Institutional zoning designation</li></ul>	<ul style="list-style-type: none"><li>• Current chart is missing the Public/Quasi-Public comprehensive plan designation and associated zoning designation.</li></ul>
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Errors or emissions may exist. Please refer to code amendments for all changes.



## 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

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### 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.

General Code & Policy Audit (complete)

Code & Policy Amendments (complete)

Equitable Housing Opportunity Mapping

Informational Materials for Development

Final Plan and Adoption Process (Recommendation)

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.



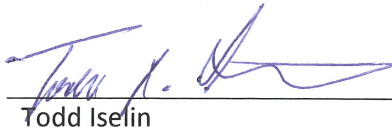
By signing this memorandum, Project Advisory Team members agree that the summary above is an accurate representation of the recommendations put forth by the Team at their meeting on June 21, 2018. In the case that a PAT member was not present at the meeting, a signature indicates support for these recommendations.

Steven VanHaverBeke

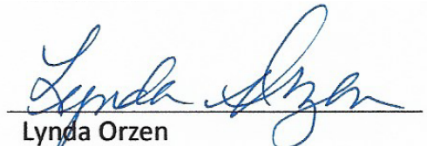


Adam Zagel

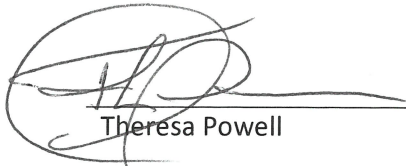
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Lynda Orzen

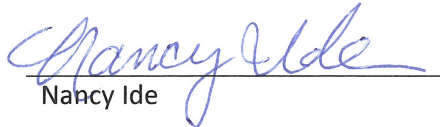


Gary Martin



Theresa Powell

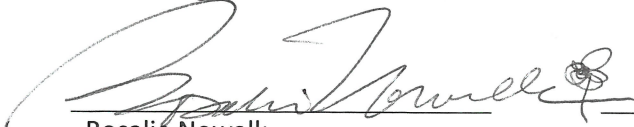
Nancy Ide



Denyse McGriff

Dawn Birge

Rosalie Nowalk

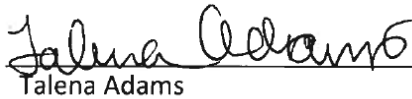


Amv Willhite



Robert Zimmer

Talena Adams



Kira Meyrick



Nikolai Ursin



Paul Espe



# 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

+ add language around barriers to choice + accessibility history

Need a housing needs analysis now - not later

Unless there are incentives (\$\$) we will get the same stuff that is being built now



# 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 a diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities as well as the removal of barriers.

## Other Changes

Amendments identified by staff including general clarification, reformatting, and amendments to address concerns identified over the years.



# 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. ●●●●●●

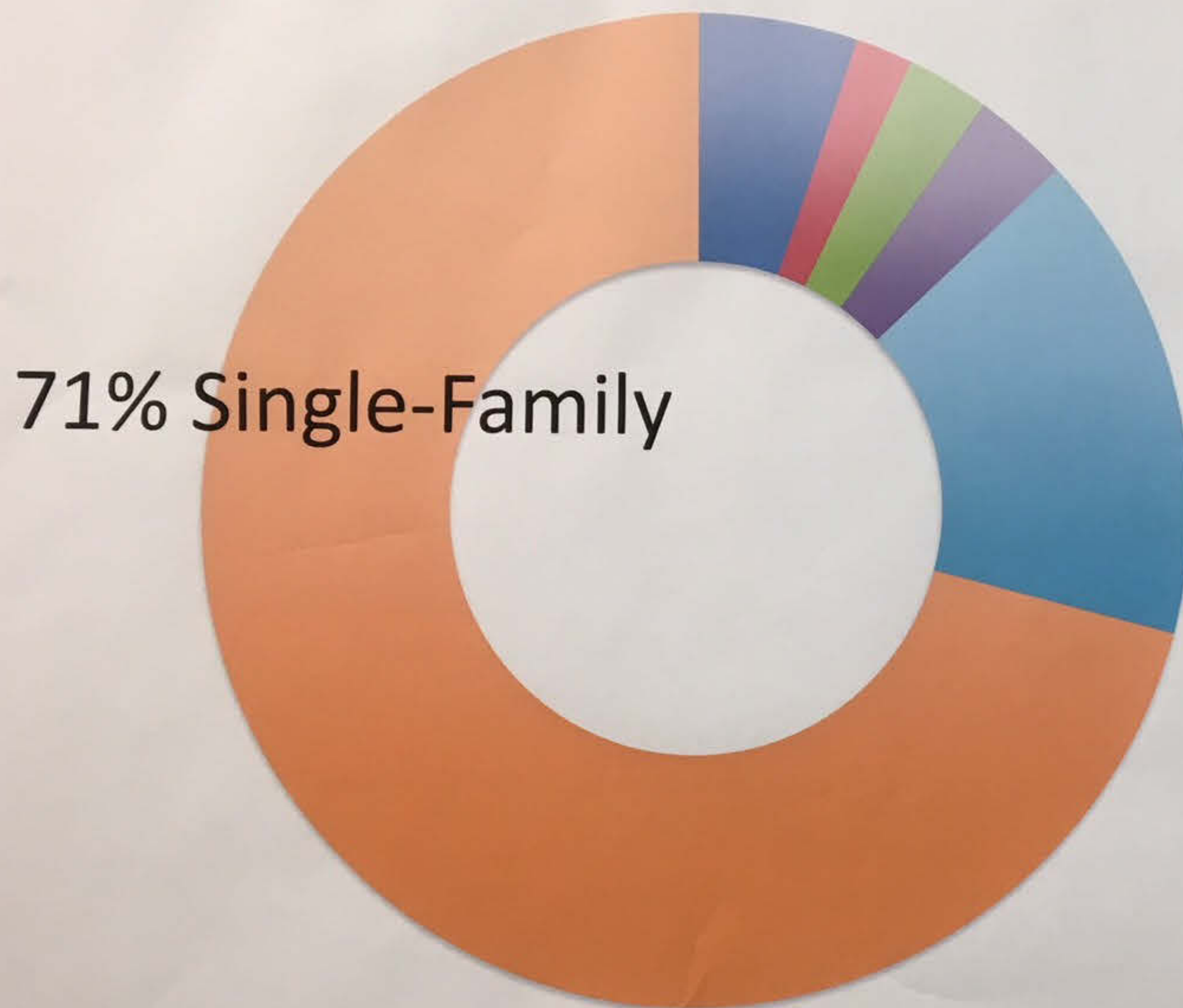
Identify partnerships/programs and funding to address houseless community members. ●●●●●●●●

## 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.



# 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.*



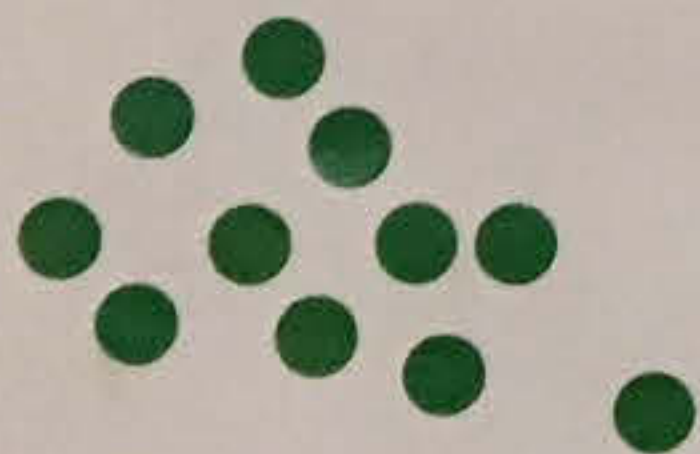
# Housing Prices Unaffordable

## Households Paying More than 35% of Income to Housing

Homeowners (w/mortgage)	23.9%, 1,629 households
Homeowners (w/out mortgage)	10%, 171 households
Renters●	40.1%, 1,633 households ●●●
Combined city-wide	27%, 3,433 households

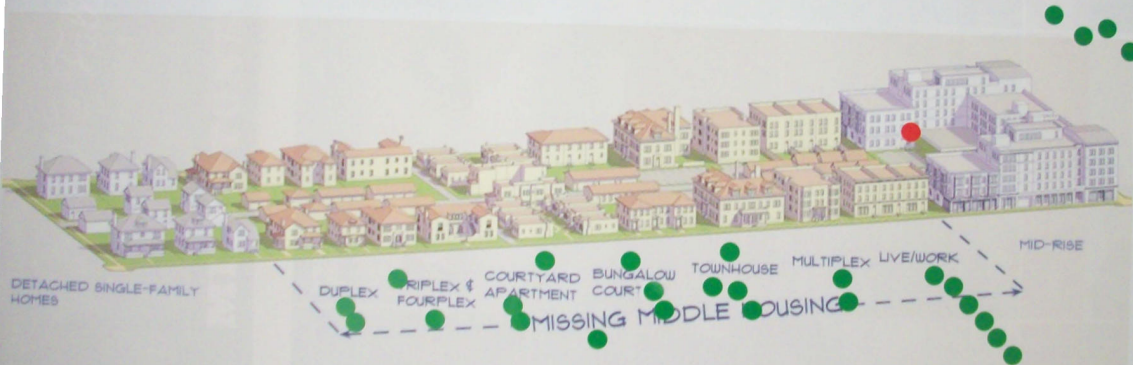


# Missing Middle





# Opportunities to Expand Housing Options: Missing Middle



*Auto park garage*



# 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



# Accessory Dwelling Unit (ADU)



Attached ●



Detached ●●●

Proposed	R-10 <i>Low Density</i>	R-8 <i>Low Density</i>	R-6 <i>Low Density</i>	R-5 <i>Medium Density</i>	R-3.5 <i>Medium Density</i>	R-2 <i>High Density</i>
Existing	R-10 <i>Low Density</i>	R-8 <i>Low Density</i>	R-6 <i>Low Density</i>	R-5 <i>Medium Density</i>	R-3.5 <i>Medium Density</i>	R-2 <i>High Density</i>

Red = not permitted



# Internal Conversion



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	<del>R-10 Low Density</del>	<del>R-8 Low Density</del>	<del>R-6 Low Density</del>	<del>R-5 Medium Density</del>	<del>R-3.5 Medium Density</del>	<del>R-2 High Density</del>

not allowed

why not?

Red = not permitted



# Townhouse (Single-Family Attached)



<b>R-10</b> <i>Low Density</i>	<b>R-8</b> <i>Low Density</i>	<b>R-6</b> <i>Low Density</i>	<b>R-5</b> <i>Medium Density</i>	<b>R-3.5</b> <i>Medium Density</i>	<b>R-2</b> <i>High Density</i>
<b>R-10</b> <i>Low Density</i>	<b>R-8</b> <i>Low Density</i>	<b>R-6</b> <i>Low Density</i>	<b>R-5</b> <i>Medium Density</i>	<b>R-3.5</b> <i>Medium Density</i>	<b>R-2</b> <i>High Density</i>

Red =



# Duplexes



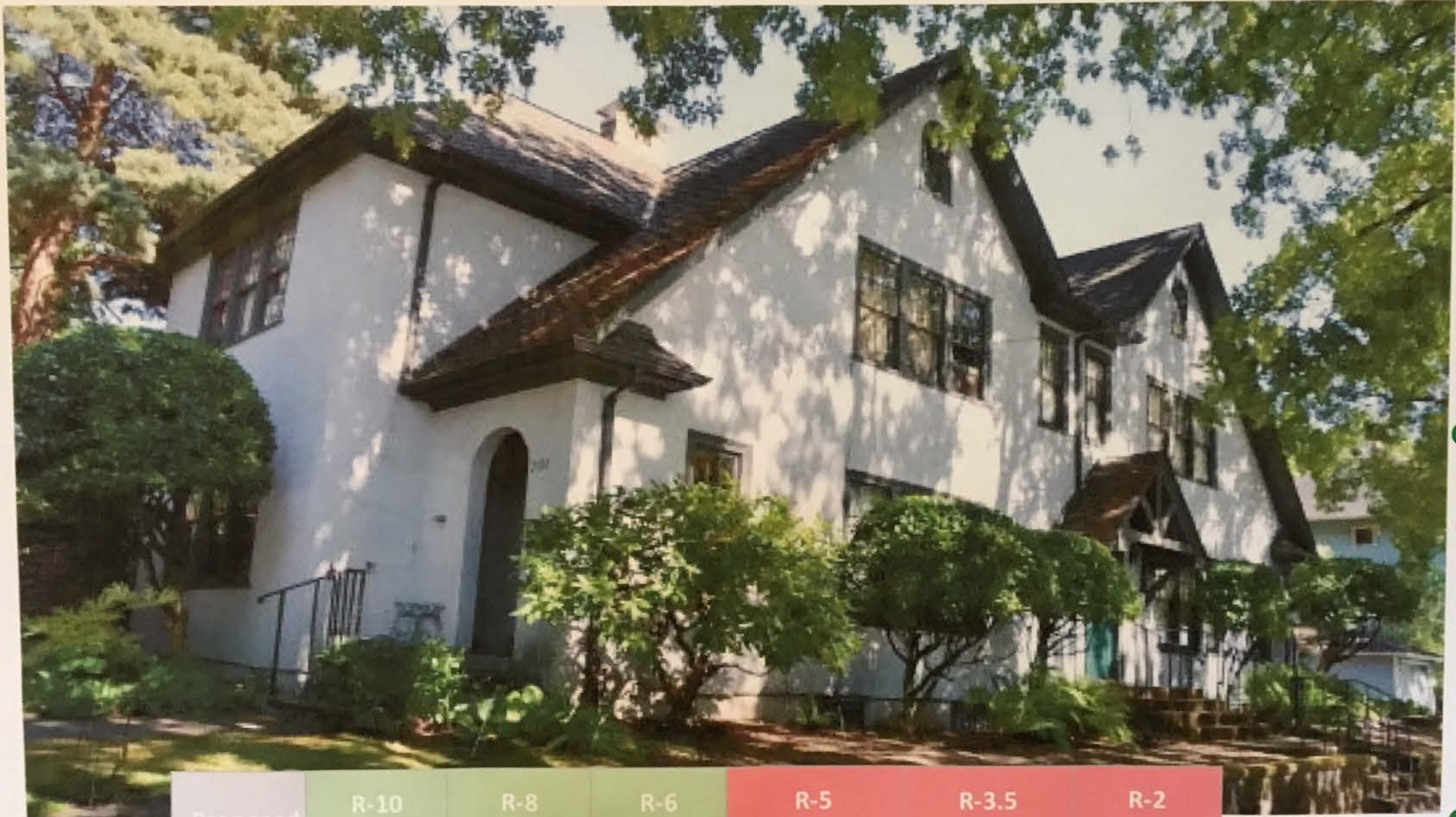
Proposed	R-10 Low Density	R-8 Low Density	R-6 Low Density	R-5 Medium Density	R-3.5 Medium Density	R-2 High Density
Existing	R-10 Low Density	R-8 Low Density	R-6 Low Density	R-5 Medium Density	R-3.5 Medium Density	R-2 High Density

Red  
= not  
permitted

Not  
this  
design  
right



# Corner Duplex



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



# 3-4 Plexes

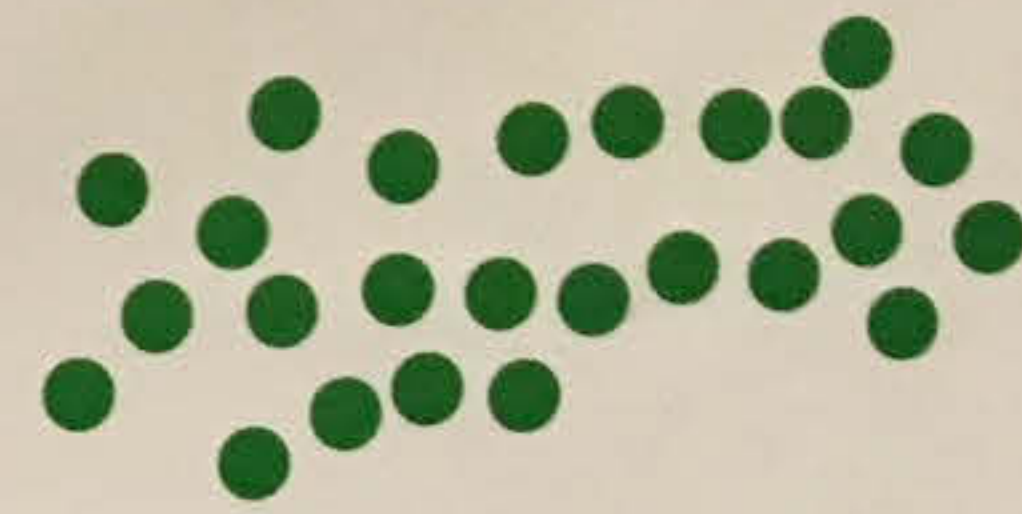


Proposed	R-10 Low Density	R-8 Low Density	R-6 Low Density	R-5 Medium Density	R-3.5 Medium Density	R-2 High Density
Existing	R-10 Low Density	R-8 Low Density	R-6 Low Density	R-5 Medium Density	R-3.5 Medium Density	R-2 High Density

Red =  
not  
permitted



# 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

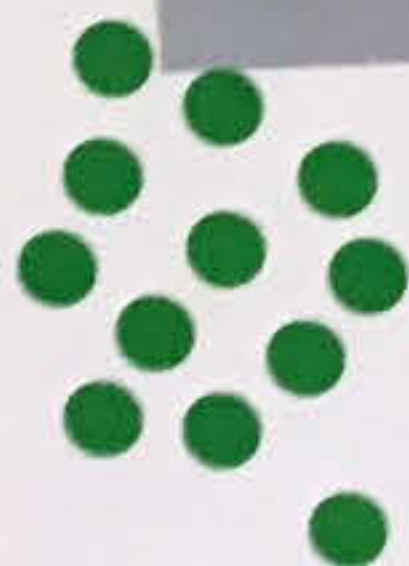


# Manufactured Home Parks



	R-10	R-8	R-6	R-5	R-3.5	R-2
Proposed	Low Density	Low Density	Low Density	Medium Density	Medium Density	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





# Multifamily Design Standards

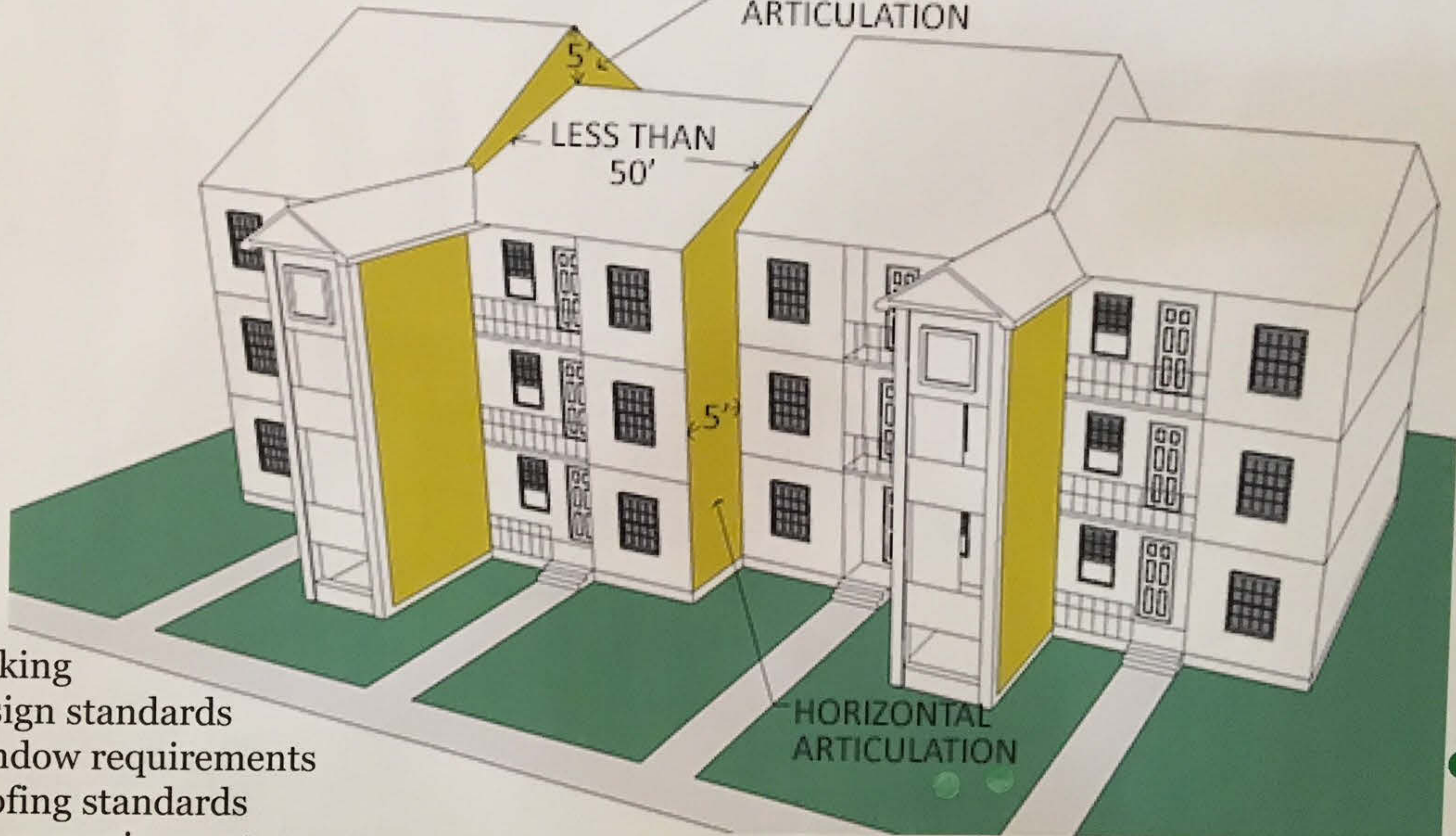
MULTIFAMILY & MIXED USE  
ARTICULATION STANDARDS

VERTICAL  
ARTICULATION

LESS THAN  
50'

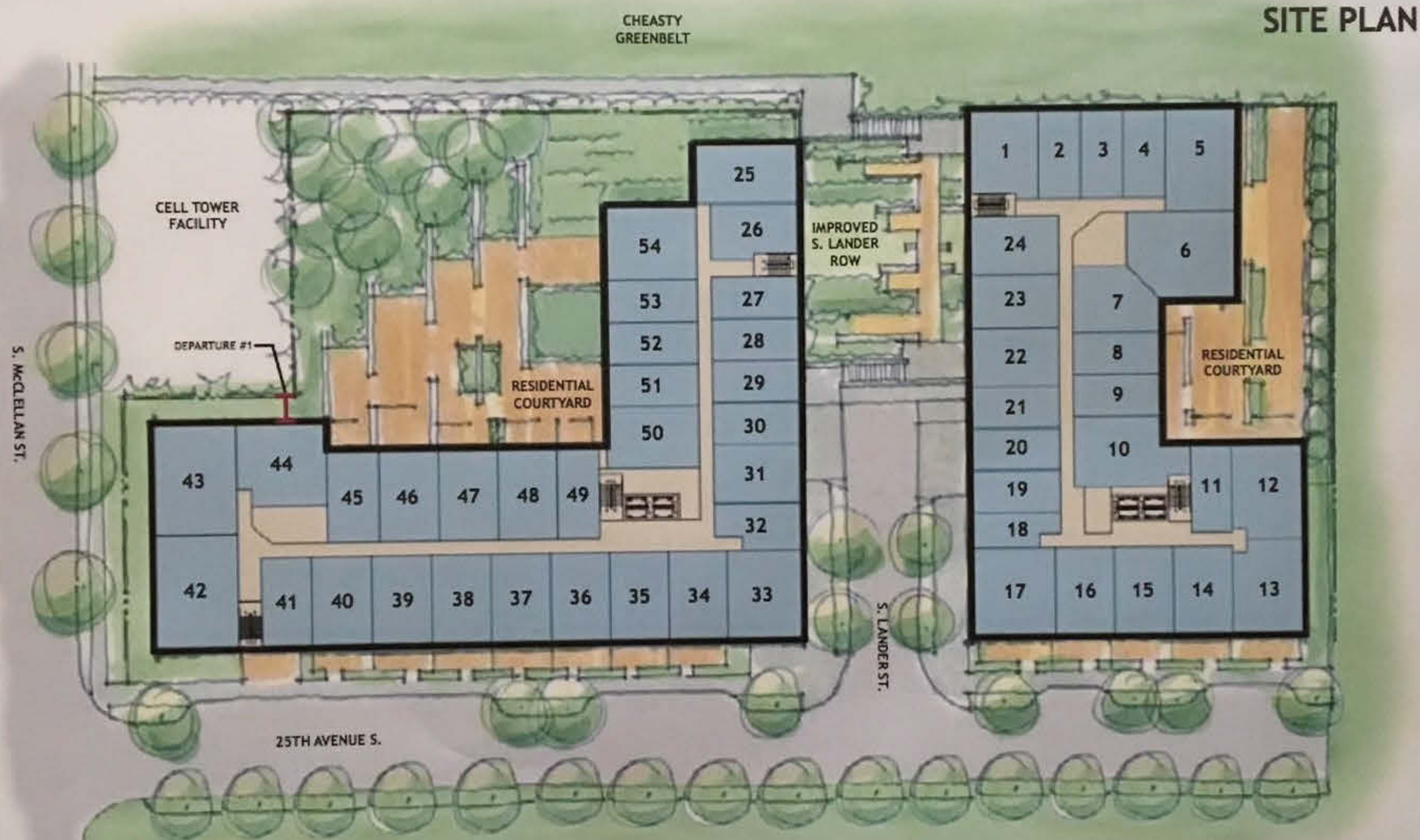
HORIZONTAL  
ARTICULATION

Parking  
Design standards  
Window requirements  
Roofing standards  
Other requirements





# Site Plan & Design Review



- Remove requirement to be complementary design to surrounding area ●●●●●●●●●●
- Incorporate residential density standards into mixed use/commercial districts (17.4 units per acre) ●●●●●●●●●●
- Amend landscaping standards ● *What does this mean; ie. amended how?* ●●●●
- Amend lighting standards ●●●●

*Thinking about off-street parking needed*



# Affordable Housing Density Bonus

POSSIBLE UNDER CURRENT ZONING

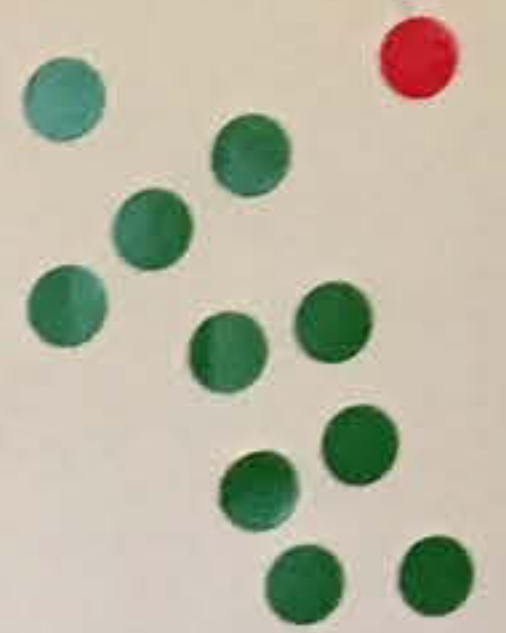


POSSIBLE UNDER AHBP



Up to 20% in R-2 Multi-Family Dwelling District

unless  
Set-Back





# Other Changes

- Allow posting of hearings on City website rather than in paper
- Allow applicants to contact CIC & Neighborhood Associations via email rather than certified mail
- Incorporate standards to process affordable housing projects quickly
- Remove 1 year waiting period for similar applications
- Remove reconsideration of a final decision
- Update definitions
  - Change height to be measured at floodplain
  - Height measured in feet in residential districts
  - Remove height reduction in MUD for properties near residences and by Main/McLoughlin/11th/16<sup>th</sup>
    - between Washington and bluff/railroad area. Do not limit view of river from bluff.*
  - Remove live/work from R-2
  - reword fence/hedge/wall/retaining wall requirements and remove height limitations in right-of-way
    - SAFETY FIRST*
  - Add standards for mobile food carts in WFDD
  - Expand options for Type I Site Plan and Design Review
    - to what?*
    - Change alley requirement for concept plan areas only
  - Amend submittal requirements

# B&B / Accommodations <30 Days

Thursdays  
accommodations  
input

- Conditional use in all residential zones

R-10	R-8	R-6	R-5	R-3.5	R-2
Low Density	Low Density	Low Density	Medium Density	Medium Density	High Density

permits needed



# Transitional Shelter

- Not specifically identified in the code
- Conditional Use in residential zones for  $\leq 10$  beds
- Permitted in MUC-1, MUC-2, and MUD

*Should be a CUP in MUC-1/MUC-2 not permitted outright  
No preexisting uses - should go through CUP!*



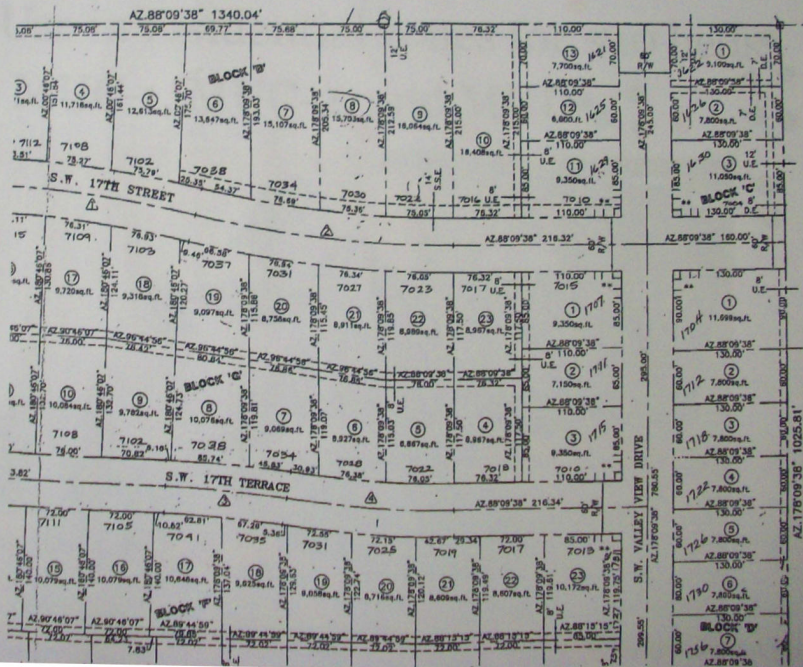
# Subdivision Lot Averaging

→ Only if land is dedicated to city as park/open space

As per PC recommendations

should be a restriction on the 570 sq ft oversized lots

No changes proposed





# Master Plan

Strengthen residential standards  
Remove requirement for institutional development over 10 acres  
Expand requirements for voluntary master plan  
Changes to amendment procedures





## 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	

Y = Permitted

Y = Proposed Permitted (Currently Prohibited)

# 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.**

The focus of Fort Kennedy has been initially on creating encampments, with Transitional Shelters and Semi-Permanent Housing (Tiny Houses) for our Homeless Veterans.

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.**

**Better Built Barns, 13781 S. Forsythe Rd. Oregon City provide me a quote on these Tiny Houses.**

**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.)

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 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.oregoncity.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](mailto:dchelson@gmail.com)

## 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=vXhZe1KoEfl&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 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 oath about receiving the Sept. 9, 2016 letters. They were forced to recant 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 seriously 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 that 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 fees, 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

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Mark J. Matheson  
Anna Marie Matheson  
855 Molalla Avenue  
Oregon City, Oregon 97045  
(503) 954-0250  
[mark.matheson@drteamsint.com](mailto: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 INFLECTION OF  
EMOTIONAL DISTRESS; BREACH OF  
DUTY OF GOOD FAITH AND FAIR  
DEALING; INTENTIONAL  
INTERFERENCE 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**



1           Petitioner/Plaintiffs hereby amend the Petition for Writ of Review and Complaint  
2 for Declaratory Judgment filed on June 20, 2017, demand a jury trial with regard to their  
3 civil rights and tort claims, and allege:  
4

5                           **A. PARTIES; JURISDICTION; VENUE**

6   1.

7           At all times material to this Amended Petition for Writ of Review and Complaint  
8 (Amended Petition and Amended Complaint), Petitioner/Plaintiff Anna Marie Matheson  
9 (Mrs. Matheson) and Plaintiff Mark J. Matheson (Mr. Matheson), are husband and wife,  
10 and are residents of Clackamas County, Oregon.  
11

12   2.

13           At all times material to this Amended Petition and Amended Complaint, Plaintiff  
14 The Advantage Group LLC, NW (TAG) is an Oregon limited liability company with a  
15 principal place of business located at 855 Molalla Avenue, Oregon City, in Clackamas  
16 County, Oregon. Mr. Matheson is a member/manager of TAG.  
17

18   3.

19           At all times material to this Amended Petition and Amended Complaint, Plaintiff  
20 Oregon City Community Emergency Response Team (OC CERT) is an Oregon  
21 nonprofit corporation with a principal place of business located at 855 Molalla Avenue,  
22 Oregon City, in Clackamas County, Oregon. Mr. Matheson is the Registered Agent,  
23 Incorporator and Vice President of OC CERT.  
24  
25  
26  
27

1 4.

2 At all times material to this Amended Petition and Amended Complaint, Plaintiff A  
3 Better Oregon City Coalition (ABOCC) is an Oregon nonprofit corporation with a  
4 principal place of business located at 855 Molalla Avenue, Oregon City, in Clackamas  
5 County, Oregon. Mr. Matheson is the Secretary and Incorporator of ABOCC.  
6

7 5.

8 Petitioner/Plaintiffs are collectively and individually a “person” as defined in 42  
9 U.S.C. § 1983, 42 U.S.C. § 1985, ORS 28.130 and common law.  
10

11 6.

12 At all times material to this Amended Petition and Amended Complaint, the  
13 Respondent/Defendant the City of Oregon City (the City) is a municipal corporation duly  
14 organized and existing under the laws of the State of Oregon and is a corporate entity  
15 capable of suing and being sued.  
16

17 7.

18 At all times material to this Amended Petition and Amended Complaint,  
19 Defendant Dan Holladay (Holladay) is the elected Mayor of the City with a term from  
20 January 1, 2015 to December 31, 2018. Holladay is made a Defendant in both his  
21 official and personal capacities.  
22  
23  
24  
25  
26  
27

1 8.

2 At all times material to this Amended Petition and Amended Complaint,  
3 Defendant Anthony J. Konkol, III (Konkol) is the City Manager. Konkol has served as  
4 the City Manager since March 2016. Konkol is made a Defendant in both his official  
5 and personal capacities.  
6

7 9.

8 The Respondent/Defendants are collectively and individually a “person” as  
9 defined in 42 U.S.C. § 1983, 42 U.S.C. § 1985, ORS 28.130, and common law.  
10

11 10.

12 Respondent/Defendants were timely notified of the Petitioner/Plaintiffs’ intent to  
13 file tort claims against them as required by the Oregon Tort Claims Act, a set forth in  
14 ORS 30.275 (hereafter, the OTCA).  
15

16 11.

17 This Court has jurisdiction over this Amended Petition and Amended Complaint  
18 under the provisions of 42 U.S.C. § 1983, 42 U.S.C. § 1985(3), ORS 455.475, ORS  
19 34.030, ORS 31.230, ORS 28.010 to ORS 28.160, ORS 183.484, Oregon Residential  
20 Specialty Code (ORSC) at Section 104.6 and 105.2, Oregon Structural Specialty Code  
21 (OSSC) at Section 104.6, Title 17 of the Oregon City Municipal Code (OCMC), OCMC  
22 1.24.180, OCMC 1.24.190, OCMC 2.30.060 and OCMC 16.020. In particular, ORS  
23 34.030 requires the Petitioner/Plaintiff Mrs. Matheson to file the Amended Petition with  
24 this Circuit Court.  
25  
26  
27

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 Commission 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

1 City's policy that building construction in the City is safe and built to code requirements.  
2 The Mayor, the Commission and the Manager are also the final decision-makers and  
3 policy makers with respect to the City's Police Department's duty to maintain public  
4 order and protect all lives and property in the community within the City.  
5

6 16.

7 At all times material to this Amended Petition and Amended Complaint, the  
8 Commission, Holladay, as the Mayor, and Konkol, as the Manager, were acting under  
9 the color of City, State and federal law as the final decision-makers and policy makers.  
10

11 17.

12 The City's "Building Inspection Operating Plan" dated March 2015 provides, in  
13 relevant part:

14 As provided in ORS 455.475 **an applicant for a building permit may**  
15 **appeal the decision of a building official on any matter relating to the**  
16 **administration and enforcement of the department**. The appeal must  
17 be in writing. A decision by the department on an appeal filed under this  
18 subsection is subject to judicial review as provided in ORS 183.484. An  
19 appeal of a decision of the Building Official unrelated to code provisions is  
20 reviewed by the Community Development Director (emphasis added).

21 18.

22 At all times material to this Amended Petition and Amended Complaint, Mrs.  
23 Matheson is the owner of property located at 855 Molalla Avenue, Oregon City, in  
24 Clackamas County, Oregon (the Property). Mrs. Matheson resides in a residential  
25 house that was built in 1916 at the Property with her husband, Mr. Matheson  
26 (collectively, the Mathesons). The Mathesons have lived together at the Property for  
27 over twenty-five (25) years.  
28

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,

1 exercising ordinary and common judgment, could infer that Mr. Matheson was referring  
2 to Holladay.

3  
4 24.

5 On or about July 1, 2016, Mr. Matheson, acting on behalf of ABOCC, filed a petition  
6 for a ballot measure to recall Holladay as the City's Mayor (the petition for recall).  
7 ABOCC was formed specifically to file the petition to recall. There are two (2) other  
8 individual Incorporators of ABOCC: Al Snell and Mike Simon. Of the three (3)  
9 Incorporators, Mr. Matheson is the most vocal. On information and belief, the  
10 Respondents/Defendants did not retaliate against Snell and Simon for exercising their  
11 free speech rights.  
12

13  
14 25.

15 Motivated by his political and ethical beliefs, on or about July 3, 2016, Mr.  
16 Matheson started a public discussion on Nextdoor.com under a thread entitled "Recall  
17 Dan Holladay" (the recall thread) to inform citizens that the petition for recall had been  
18 filed.  
19

20  
21 26.

22 On or about July 6, 2016, the City approved the petition for recall.

23  
24 27.

25 On or about July 7, 2016, Holladay posted a message directly to Mr. Matheson  
26 on the recall thread, as follows: "Mark, I am confused [sic] what exactly is broken that  
27 needs to be fixed?" Holladay signed the post as "Mayor Dan Holladay" (emphasis



1 added). On information and belief, Holladay had not participated on the Nextdoor.com  
2 website before the petition for recall was filed.

3 28.

4 On or about July 7, 2016, Mr. Matheson posted a link on the recall thread to an  
5 article that had been published in the *Portland Tribune* about the recall petition. In  
6 response, and on the same date, Holladay posted: "Mark, [sic] Once again what exactly  
7 is broken that needs to be fixed? Mayor Dan Holladay" (emphasis added).  
8

9 29.

10 At or near the same time the petition for recall was approved, Mr. Matheson hung  
11 a large "Recall Mayor Holladay" banner (the banner) in front of the residential house  
12 where he lives with Mrs. Matheson at the Property. As of the date of the filing of this  
13 Amended Petition and Amended Complaint, the banner remains prominently displayed  
14 on the Property. On information and belief, Holladay lives in the same neighborhood as  
15 the Mathesons and presumably sees the banner frequently.  
16

17 30.

18 On or about July 7, 2016, *The Clackamas Review*, a local newspaper, published  
19 an article about the petition for recall. Mr. Matheson posted the link to the article on the  
20 recall thread.  
21  
22  
23  
24  
25  
26  
27

1 31.

2 On or about July 8, 2016, Holladay offered Mike Acosta (Acosta) a position on  
3 the Urban Renewal Commission on the recall thread. Acosta had made several  
4 comments in support of Holladay on the recall thread.  
5

6 32.

7 On or about July 9, 2016, Holladay posted a link on the recall thread  
8 without comment. The link was to a Trustee's Notice of Sale (the foreclosure  
9 notice). The foreclosure notice had been filed against Mrs. Matheson on or  
10 about June 22, 2016 concerning the Property.  
11

12 33.

13 On or about July 9, 2016, Mr. Matheson responded to Holladay's July  
14 9 posting on the recall thread, in relevant part, as follows: "I see Dan is picking  
15 on my wife now. And your lack of taste may be satisfying to you, and the  
16 special interests, but you just devastated my wife." Although Mr. Matheson  
17 went on to explain that the Mathesons were in the process of obtaining an  
18 injunction against the foreclosure on the grounds that their lender was  
19 predatory and that there is no subset of standard Mixed-Use District  
20 classifications within the City that would allow a financial institution to  
21 underwrite the Property, this was hours after Holladay posted the foreclosure  
22 notice. On information and belief, the foreclosure notice had been seen by  
23 several members of the public before Mr. Matheson could respond and/or  
24 clarify. As of the date of the filing of this Amended Petition and Amended  
25  
26  
27

1 Complaint, the Mathesons have yet to resolve their problems with their  
2 mortgage servicer but did receive a twelve (12) month injunction.

3  
4 34.

5 On information and belief, Holladay did not reply to Mr. Matheson or otherwise  
6 acknowledge Mr. Matheson's comment on the recall thread concerning the foreclosure  
7 notice.

8  
9 35.

10 On or about July 10, 2016, Mr. Matheson posted on the OC Armory thread, that:  
11 "The Armory issue has moved beyond the local politics. John Lewis bending of the truth  
12 has seen to that. The matter is now being looked at by the state agencies, and the fed's  
13 are involved because I'm involved." Mr. Matheson made that comment because of his  
14 political and ethical beliefs.

15  
16 36.

17 The following day, July 11, 2016, motivated by his ethical and political beliefs, Mr.  
18 Matheson posted on the OC Armory thread that: "With a volunteer mayor at the helm,  
19 its [sic] unsettling to more than a few people how this is getting slammed through like  
20 there are no other alternatives."

21  
22 37.

23 On or about July 11, 2016, Holladay posted a direct reply to Mr. Matheson on the  
24 OC Armory thread: "One simple question MRK [sic] ARE YOU A VETERAN [sic] HAVE  
25 YOU SERVED [sic] BECAUSE I HAVE." On information and belief, Holladay

1 deliberately used all capital letters with the intent to “shout” at<sup>1</sup> and humiliate Mr.  
2 Matheson because he is not a Veteran like Holladay allegedly is.

3  
4 38.

5 Rather than respond directly to Holladay, on the same date, Mr. Matheson  
6 replied: “It seems Holladay is campaigning again.” Holladay replied directly to Mr.  
7 Matheson: “Simple question have you severed [sic] your Nation in uniform? I thought  
8 not.” Mr. Matheson responded: “If there [sic] is only one way to serve a country is to put  
9 on a uniform, I hear China has a dress code.”

10  
11 39.

12 On information and belief, all of Holladay’s postings on Nextdoor.com set forth  
13 herein were made in his official capacity as the Mayor.

14  
15 40.

16 On or about July 11, 2016, Mrs. Matheson received a “Notice of Code  
17 Enforcement Complaint” (Notice #1) regarding the banner. Within Notice #1, the City  
18 alleged that the banner did not meet City code requirements and must be removed.  
19 Notice #1 stated that even if the banner met requirements, Mrs. Matheson must pay a  
20 \$50 fee to hang the banner. Notice #1 was signed by Chris Long (Long), a Building  
21 Department official. Notice #1 did not notify Mrs. Matheson whether she had a right to  
22 appeal the Notice. Within ten (10) days of the date Mrs. Matheson received Notice #1,  
23 Mr. Matheson moved the banner from in front of the residential home to the trailer used  
24

25  
26  
27 <sup>1</sup> [https://en.wikipedia.org/wiki/All\\_caps](https://en.wikipedia.org/wiki/All_caps)

1 for work purposes. The City pursued no further action against Mrs. Matheson for any  
2 alleged code violations related to the banner.

3 41.  
4

5 On or about August 10, 2016, Mr. Matheson's first editorial concerning the  
6 petition for recall was published in *The Clackamas Review*. Within the editorial, Mr.  
7 Matheson explained in detail why he and the ABOCC filed the petition for recall.  
8 Motivated by his political and ethical beliefs, Mr. Matheson stated that he had concerns  
9 about Holladay's adherence to election laws and ethics rules. Mr. Matheson also  
10 explained that Holladay needed to be able to demonstrate "economic expertise." Mr.  
11 Matheson concluded his editorial by saying, "The recall of Holladay is meant to give the  
12 community an opportunity to change the leadership and begin rebuilding cooperative  
13 relationships."  
14

15 42.  
16

17 At or near the end of August 2016, Mr. Matheson began performing roof repairs  
18 at the residential home he shares with Mrs. Matheson at the Property. The roof repair is  
19 a restoration project, which means that Mr. Matheson was using like materials. Mr.  
20 Matheson has worked over a decade in designing, managing, and oversight  
21 responsibility for major and minor road reconstruction, water, sewer and storm  
22 construction, historical reconstruction, beatification projects, property development and  
23 maintenance programs, as a government civil engineer and as a civil engineering  
24 designer for the private sector.  
25  
26  
27

1 43.

2 On or about September 6, 2016, Mr. Matheson sent a letter to City  
3 Commissioner Rocky Smith, Jr. (Commissioner Smith) concerning his reservations  
4 about Acosta's nomination to the URC. Motivated by his ethical and political beliefs,  
5 and with knowledge that Holladay had previously offered Acosta the position on the  
6 Nextdoor.com website, Mr. Matheson stated that Holladay "is using his status as  
7 the...Mayor of Oregon City to reward Michael Acosta for joining his special interest  
8 group." Of major concern to Mr. Matheson was that Acosta's behavior at Neighborhood  
9 Association meetings "was clearly an attempt to influence and intimidate people who  
10 could be supporting the recall initiative."  
11

12 44.

13 On or about September 9, 2016, the City, by and through its Building  
14 Department, sent a letter to Mrs. Matheson (Notice #2). Notice #2 incorrectly stated  
15 that "unauthorized construction" had been "completed" at Mrs. Matheson's residential  
16 home without "obtaining the required permits." Notice #2 also incorrectly cited the  
17 OSSC at Section 105.1, which does not apply to residential property.  
18  
19

20 45.

21 Notice #2 stated that "required permits must be applied for and obtained within  
22 10 days from [sic] date of this letter." Notice #2 went on to say that: "All decisions and  
23 orders are appealable to the City of Oregon City Building Official." Notice #2 was  
24 signed by Long.  
25  
26  
27

1 46.

2 As of September 9, 2016, Mr. Matheson had only started—and had not  
3 completed—the roof repair restoration project. Mr. Matheson had been performing the  
4 roof repair work for approximately three (3) weeks.  
5

6 47.

7 On information and belief, the City deliberately used the incorrect code so that  
8 Mr. Matheson would be forced to stop the roof repairs and so that the City could justify  
9 the need for full access to the residence at the Property. “Full access,” meaning  
10 inspection of the entire Property, not just the roof of the residential home.  
11

12 48.

13 At or near the same time Mrs. Matheson received Notice #2, the Building  
14 Department demanded to obtain full access to inspect the entire residential home  
15 without “reasonable cause” as required by Section 104.6 of the OSSC. Mr. Matheson  
16 and Mrs. Matheson refused to grant access.  
17

18 49.

19 On or about September 12, 2016 at approximately 9:43 a.m., the City’s Building  
20 Department posted a “stop work notice” (Notice #3) on the residential home at the  
21 Property. Notice #3 stated: “ALL PERSONS ARE HEREBY ORDERED TO **STOP**  
22 **WORK** ON THIS PROJECT LOCATED AT 855 Molalla Ave. Permits are Required Prior  
23 to starting work” (emphasis in original). Notice #3 went on to say: “**ALL PORTIONS**  
24 **OF WORK ARE TO BE DISCONTINUED. THIS WORK STOP ORDER TO BE**  
25 **REMOVED ONLY UPON AUTHORIZATION FROM THE CITY OF OREGON CITY**”  
26  
27



1 (emphasis in original). Notice #3 did not cite a code, ordinance, statute or rule upon  
2 which the City relied, nor did Notice #3 state that it is appealable. Notice #3 was  
3 signed by Long.  
4

5 50.

6 On or about September 14, 2016, the City's Police Department mailed a "Notice  
7 of Violation" to Mrs. Matheson, notifying her that she is required to obtain a permit (Notice  
8 #4). Notice #4 stated that: "Prior to any additional work occurring at this property, all  
9 applicable permits must be obtained...." Notice #4 further provided that "[f]ailure to obtain  
10 all applicable permits by 5 PM on Monday, September 19, 2016 will result in a citation to  
11 the Municipal Court (emphasis in original). Although Notice #4 listed the codes and  
12 statutes on which it relied, it did not state that it is appealable. Notice #4 was not signed,  
13 although it referenced "Investigator Mueller." Of note, the City e-mailed a copy of Notice  
14 #4 to Mr. Matheson. On information and belief, by e-mailing a copy of Notice #4 to Mr.  
15 Matheson, the City tacitly acknowledged that Mr. Matheson was acting as attorney-in-fact  
16 on behalf of Mrs. Matheson.  
17  
18  
19

20 51.

21  
22 On or about September 19, 2016, Mr. Matheson, acting as attorney-in-fact on  
23 behalf of Mrs. Matheson, faxed and e-mailed a letter to the City's Building Department,  
24 asking the City to clarify with specificity what law the City relied upon when issuing  
25 Notice #3, the "stop work notice." Mr. Matheson's letter stated that the City's Notice #3  
26 was issued illegally and, for that reason, "is being ignored." Mr. Matheson's  
27

1 communication to the City's Building Department was made within the ten (10) day  
2 deadline set forth in Notice #2 and by the deadline set forth in Notice #4. The Building  
3 Department did not respond to either Mrs. Matheson or Mr. Matheson, nor did the  
4 Building Department acknowledge receipt of the letter.  
5

6 52.

7 On or about September 19, 2016, Mr. Matheson, acting as attorney-in-fact on  
8 behalf of Mrs. Matheson, faxed and e-mailed a letter to the City's Police Chief, informing  
9 the Police Chief that he considered Notice #3, the stop work notice, to be issued  
10 illegally. Mr. Matheson asked that the Police Department investigate the "fishing  
11 expedition" that was being conducted by the Building Department. Mr. Matheson  
12 stated that the code enforcement action was in retaliation for his political activities. The  
13 Police Department did not respond to Mr. Matheson or Mrs. Matheson and, on  
14 information and belief, did not investigate Mr. Matheson's claims.  
15  
16

17 53.

18  
19 On or about September 19, 2016, Mr. Matheson, acting as attorney-in-fact on  
20 behalf of Mrs. Matheson, faxed and e-mailed a letter to Mike Roberts (Roberts) at the  
21 Building Department. Within the letter addressed to Roberts, Mr. Matheson again asked  
22 that the City specify "what triggered" Notice #2 and Notice #3, the stop work notice. Mr.  
23 Matheson stated that "unless you clarify the reason, or under what context you are  
24 applying the code," the City's stop work notice is illegal and is "a misuse of government  
25 office and racketeering." Roberts and/or the Building Department did not respond to Mr.  
26  
27

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.

1 57.

2 On or about November 30, 2016, Mr. Matheson's editorial concerning the recall  
3 petition was published in *The Clackamas Review*. Motivated by his political and ethical  
4 beliefs, Mr. Matheson stated that "[t]he level of lather created by the recall initiative  
5 triggered the need to set aside a number of responsibilities to editorialize my personal  
6 perspective and experience over the last 90 days." Mr. Matheson, who believed the  
7 Respondent/Defendants retaliated against him for his political activities, closed the  
8 editorial by writing: "Legitimizing Holladay's political ambitions depends on administering  
9 a corrosive style of governing to fend off any opposition." Mr. Matheson subsequently  
10 withdrew the recall petition. Mr. Matheson and the ABOCC filed a second recall  
11 petition, which Mr. Matheson also withdrew.  
12  
13

14 58.

15 On or about February 24, 2017, the City's Code Enforcement Division of the  
16 Police Department mailed a Notice to Mrs. Matheson concerning "possible code  
17 violations" at the property (Notice #5). Like Notice #3, the stop work notice, Notice #5  
18 does not list a code, citation, statute or ordinance upon which the City relies, nor does  
19 Notice #5 state that it is appealable.  
20  
21

22 59.

23 On or about April 6, 2017, a hearing was held before the Honorable Laraine  
24 McNiece (the Honorable McNiece) at the Municipal Court concerning the Complaint. At  
25 the hearing, Mrs. Matheson argued through her attorney that she was denied due  
26 process because the City failed to cite the correct law in both Notice #2 or Notice #3,  
27

1 and because the City proceeded with the Complaint without providing her the  
2 opportunity to contest, appeal or otherwise remonstrate the validity of Notice #2, Notice  
3 #3 and Notice #4. Finally, Mrs. Matheson argued that ORSC, Section 105.2 exempted  
4 her from applying for a permit for roofing repairs, so long as less than fifteen percent  
5 (15%) of the roofing sheath had been removed on her residential home.  
6

7 60.

8 At the April 6, 2017 hearing, the Court admitted Mr. Matheson as a witness on  
9 behalf of Mrs. Matheson. Mr. Matheson testified that he personally measured the  
10 roofing sheeting that had been removed, and that it came out to be approximately two  
11 percent (2%) to five percent (5%) of the skip sheeting, less than half of what ORSC,  
12 Section 105.2 requires for an exemption from applying for a permit. Yet and still, in  
13 support of Mr. Matheson's testimony, Mrs. Matheson presented an expert witness who  
14 testified that in his professional opinion, less than fifteen percent (15%) of the plywood  
15 sheeting had been removed.  
16  
17

18 61.

19 The City testified at the April 6, 2017 hearing that it never measured how much  
20 of the roofing sheath had been removed. The City also provided testimony that, based  
21 on its naked eye observation of the residential home—an observation that was made  
22 from a moving car traveling at approximately 30 miles per hour—the City required  
23 Mrs. Matheson to obtain a permit on the basis that more than fifteen percent (15%) of  
24 the skip sheeting had been removed. When asked on the stand whether there could be  
25 any other reason why the residential home at the Property was getting so much  
26  
27

1 attention, Roberts testified that “there was no other reason.” The City further conceded  
2 in its testimony that although it received all of Mr. Matheson’s September 19 letters, the  
3 City did not acknowledge or respond to any of Mr. Matheson’s September 19 letters.  
4

5 62.

6 On or about April 20, 2017, the Honorable McNiece issued a Final Order, a copy of  
7 which is attached hereto as Exhibit A and incorporated herein by this reference.  
8 Notwithstanding that the City acknowledged under oath that it received all of Mr.  
9 Matheson’s September 19 letters, the Honorable McNiece ruled that Mrs. Matheson  
10 failed to respond to the City’s Notice #2, Notice #3 and Notice #4. Furthermore,  
11 notwithstanding Mr. Matheson’s and the expert witness’ testimony, the Honorable  
12 McNiece ruled that Mrs. Matheson was required to obtain a permit. Finally, the  
13 Honorable McNiece ruled that Mrs. Matheson was not denied due process.  
14  
15

16 63.

17 OCMC 16.020 provides that each day of penalty requires a fine of \$300.00 per  
18 day. Within the Final Order, the Honorable McNiece issued a fine of \$62,100.00 in  
19 favor of the City, representing \$300.00 per day from September 14, 2016, the date of  
20 Notice #4, to April 6, 2017, the date of the hearing. The Court also issued a fine in favor  
21 of the City in the amount of \$10,200.00 for the alleged violation of Notice #3, the “stop  
22 work notice.” The April 20, 2016 Final Order incorrectly states that the stop work notice  
23 was issued on September 14, 2016; in fact, it was issued on September 12, 2016.  
24  
25  
26  
27

1 64.

2 On or about May 27, 2017, Mr. Matheson, acting as attorney-in-fact on behalf of  
3 Mrs. Matheson, e-mailed the Municipal Court concerning the recording of the hearing on  
4 April 6, 2017. The recording Mr. Matheson received from the Municipal Court was only  
5 approximately one and a half (1.5) hours in length, whereas the hearing lasted  
6 approximately four (4) hours. The Municipal Court e-mailed Mr. Matheson on or about  
7 May 30, 2017, informing him that the recording he received contained “[e]verything the  
8 recorder captured.” The recording did not include key elements of Mrs. Matheson’s  
9 case in chief. Noticeably absent from the recording was Mr. Matheson’s testimony  
10 about his measurements of the roof sheaf that had been removed.  
11  
12

13 65.

14 On or about June 1, 2017, the City’s Police Chief informed Mr. Matheson by e-mail  
15 that no police report had been filed concerning the trespass and threat that occurred in  
16 November 2016 “because the officer did not believe that a crime had been committed.”  
17 The Police Chief went on to say, “I understand you do not like the result. It is certainly  
18 not the first time that unwelcome behavior in a neighborhood ends up being something  
19 that is not illegal.” Mr. Matheson responded to the Police Chief’s e-mail on the same  
20 day, June 1, 2017. In his response, Mr. Matheson stated, “I want to clarify my position,  
21 the concern and actions to follow are about adhering to a procedure and working in  
22 regards to the public’s interest.” The preceding statement to the Police Chief was  
23 motivated by Mr. Matheson’s political and ethical beliefs.  
24  
25  
26  
27



1 66.

2 On or about June 2, 2017 the City's Building Department mailed a notice to Mrs.  
3 Matheson (Notice #6). Notice #6 states that the City intends to bring further code  
4 violations against Mrs. Matheson, and that she must "cease all work on the roof"  
5 because "this work has been legally determined....in a court action to be work requiring  
6 a permit from the City..." Notice #6 does not state whether it is appealable. Hereafter,  
7 Notice #1, Notice #2, Notice #3, Notice #4, Notice #5 and Notice #6 are collectively  
8 referred to as the Notices.  
9

10 67.

11 On or about July 15, 2017, Mrs. Matheson received a Motion for Judgment,  
12 Affidavit in support and a Final Judgment signed by the Honorable McNiece on July 11,  
13 2017 (the Final Judgment). The Final Judgment requires Mrs. Matheson to pay a fine in  
14 the amount of \$71,400 plus interest in the amount of nine percent (9%) per annum. A  
15 copy of the Final Judgment is attached hereto as Exhibit C and is incorporated herein  
16 by this reference.  
17

18 68.

19 Within the Affidavit attached to the Motion for Judgment, the City alleges that the  
20 Honorable McNiece issued a Corrected Final Order/Judgment on April 25, 2017, a copy  
21 of which is attached hereto as Exhibit B and incorporated herein by this reference. On  
22 information and belief, Mrs. Matheson was never served a copy of the Corrected Final  
23 Order/Judgment and was not aware of its existence until July 15, 2017. The Corrected  
24 Final Order/Judgment corrects the date of the hearing from April 9, 2017 to April 6,  
25 2017. It also corrects the amount of fines payable. The Corrected Final  
26  
27

1 Order/Judgment again incorrectly states that Notice #3, the stop work notice, was  
2 issued on September 14, 2016; the stop work notice was actually issued on September  
3 12, 2016. Hereafter, the April 20, 2017 Final Order and the April 25, 2017 Corrected  
4 Final Order/Judgment are collectively referred to as the Final Orders.  
5

6 69.

7 At all times material to this Amended Petition and Amended Complaint, on  
8 information and belief, Respondent/Defendants' actions, individually and collectively,  
9 constitute single, continuous and ongoing pattern of violations of the  
10 Respondent/Defendants' written and/or unwritten policies, and/or de facto policies.  
11

12 70.

13 At all times material to this Amended Petition and Amended Complaint, on  
14 information and belief, Respondent/Defendants' written and/or unwritten policies, and/or  
15 de facto policies are currently in place at the City, with new, current and/or  
16 prospective private citizens being subjected to the harms that have already been  
17 inflicted upon the Petitioner/Plaintiffs.  
18

19 71.

20 At all times material to this Amended Petition and Amended Complaint, on  
21 information and belief, any interest advanced by the Respondent/Defendants to support  
22 the Notices and/or the Final Orders and Final Judgment related to the suppression of  
23 constitutional and statutory rights is minor compared to the infringement of rights  
24 worked by the Notices and the Final Order against the Petitioner/Plaintiffs.  
25  
26  
27

1 72.

2 At all times material to this Amended Petition and Amended Complaint, on  
3 information and belief, unless and until all Respondent/Defendants are restrained by  
4 Order of this Court, Respondent/Defendants, acting through their officers, servants,  
5 agents and employees, will continue to attempt to enforce the Notices and/or the Final  
6 Orders and Final Judgment.  
7

8 73.

9 At all times material to this Amended Petition and Amended Complaint, on  
10 information and belief, unless and until this Court declares the Notices, the Final Orders  
11 and the Final Judgment unconstitutional, the Respondent/Defendants, acting through  
12 their officers, servants, agents, employees and assigns, will continue to attempt to  
13 enforce the Notices, the Final Orders and the Final Judgment.  
14

15 74.

16 At all times material to this Amended Petition and Amended Complaint, on  
17 information and belief, Mrs. Matheson has already been fined once for alleged code  
18 violations is at risk to be fined again. Mrs. Matheson reasonably fears that she will  
19 continue to be issued illegal code violations and fined for conduct which is prohibited by  
20 City and/or State law and/or that is otherwise protected by the U.S. Constitution.  
21

22 ///

23 ///

24 ///

25 ///

26 ///

1 **C. CLAIMS FOR RELIEF**

2  
3 **FIRST CLAIM FOR RELIEF BY PETITIONER MRS. MATHESON AGAINST THE**  
4 **RESPONDENT THE CITY**  
5 **AMENDED PETITION FOR WRIT OF REVIEW**

6 75.

7 Mrs. Matheson realleges and incorporates paragraphs 1. through 74. as though  
8 fully set forth herein.

9 76.

10 This Amended Petition for Writ of Review (Amended Petition) is brought pursuant  
11 to ORS 34.010 to ORS 34.100.

12 77.

13 The Municipal Court's Final Orders and Final Judgment are "judicial" or "quasi-  
14 judicial" as defined in ORS 34.040 and is subject to this form of review.

15 78.

16 The original Petition for Writ of Review was filed on June 20, 2017, within 60 days  
17 of the date the April 20, 2017 Final Order was issued. As such, there can be no dispute  
18 that this Amended Petition is timely filed, even though this Amended Petition is filed  
19 outside the 60-day statute of limitations. See, e.g., *Meury v. Jarrell*, 16 Or. App. 239,  
20 517 P.2d 1221 (1974), aff'd 269 Or. 606, 525 P.2d 1286 (1974). Moreover, this  
21 Amended Petition is filed within 60 days of the date the Final Judgment was  
22 issued on July 11, 2017.

1 79.

2 Mrs. Matheson has standing to seek this Amended Petition because she was a  
3 party to the proceedings in the Municipal Court below and because she suffered injury  
4 to a substantial interest as a result.  
5

6 80.

7 Mrs. Matheson's fundamental due process rights were violated and were  
8 significantly impaired by the City, acting through its officers, servants, agents,  
9 employees and assigns, by issuance of the Notices, and by issuance of the Final  
10 Orders and Final Judgment, in one or more of the following particulars:  
11

- 12 • By exceeding its jurisdiction – to wit, by issuing code violations that are not  
13 applicable to Mrs. Matheson's residential home in order to obtain full  
14 access to inspect the entire Property without reasonable cause;  
15
- 16 • By failing to follow the procedure applicable to the matter before it – to wit,  
17 deliberately refusing Mrs. Matheson the opportunity to contest the Notices  
18 and deliberately refusing to acknowledge Mr. Matheson's September 19  
19 letters written as attorney-in-fact on behalf of Mrs. Matheson, thereby  
20 prohibiting Mrs. Matheson the ability to appeal Notice #2, Notice #3 and  
21 Notice #4;  
22
- 23 • By making a finding or order not supported by substantial evidence in the  
24 whole record – to wit, ruling that Mrs. Matheson failed to communicate  
25 with City officials, when the evidence clearly establishes otherwise, and by  
26

1 ruling that Mrs. Matheson is required to obtain a permit, notwithstanding  
2 evidence that clearly establishes she is not required to do so;

- 3 • By improperly construing the applicable law – to wit, ruling that Mrs.  
4 Matheson is required to obtain a permit when the evidence clearly  
5 establishes otherwise and ruling that Mrs. Matheson’s due process rights  
6 were not violated, when the evidence clearly establishes otherwise; and  
7
- 8 • By rendering a decision that is unconstitutional – to wit, ruling that Mrs.  
9 Matheson was not denied due process of law, when the evidence clearly  
10 establishes otherwise.  
11

12 81.

13 Mrs. Matheson suffered substantial injury as a result of the City’s actions in that  
14 she was denied procedural and substantive protections under City, State and federal  
15 law. Mrs. Matheson is also being forced to pay illegal fines to the City.  
16

17 82.

18 On information and belief, this Amended Petition constitutes an exhaustion of all  
19 administrative remedies available to Mrs. Matheson.  
20

21 83.

22 Mrs. Matheson has no plain, speedy, or adequate remedy other than the review  
23 prayed for herein.  
24  
25  
26  
27

1 84.

2 Mrs. Matheson is entitled to an Order issuing a Writ of Review directed to the  
3 Respondent/Defendant, commanding the Respondent/Defendant to return the Writ with  
4 a certified copy of the entire record and proceedings in this matter for review by this  
5 Court in substantially the form attached hereto as Petitioner/Plaintiff's proposed Order  
6 for Writ of Review.  
7

8 85.

9 Mrs. Matheson is entitled to an Order staying all proceedings related to the  
10 Notices, the Final Orders and the Final Judgment.  
11

12 **SECOND CLAIM FOR RELIEF BY PLAINTIFF MRS. MATHESON AGAINST THE**  
13 **DEFENDANT THE CITY**  
14 **AMENDED COMPLAINT FOR DECLARATORY JUDGMENT**

15 86.

16 Mrs. Matheson realleges and incorporates paragraphs 1. through 74. as though  
17 fully set forth herein.  
18

19 87.

20 Mrs. Matheson requests a Declaratory Judgment under ORS 28.010 to ORS  
21 28.160 for the purpose of determining a question and actual controversy between the  
22 parties.  
23

24 88.

25 Mrs. Matheson contends that the Notices, the Final Orders and the Final  
26 Judgment violate her due process rights and are illegal. Mrs. Matheson further  
27



1 contends that she should not be required to pay the fines issued by the Honorable  
2 McNiece in the Final Orders and Final Judgment.

3  
4 89.

5 The City has stated its intent to enforce the Notices, the Final Orders and the  
6 Final Judgment against Mrs. Matheson. Therefore, a current controversy exists  
7 between the parties.

8  
9 90.

10 Mrs. Matheson requests that this Court issue a Judgment declaring that all  
11 Notices issued by the City and the Final Orders and Final Judgment issued by the  
12 Honorable McNiece are invalid and void because they violate City, State and federal  
13 law.

14  
15 91.

16 Mrs. Matheson has no plain, speedy, or adequate remedy.

17 **THIRD CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AND**  
18 **ABOCC AGAINST ALL DEFENDANTS FOR VIOLATION OF CIVIL RIGHTS UNDER**  
19 **COLOR OF LAW – 42 U.S.C. § 1983**  
**(FIRST AMENDMENT TO THE U.S. CONSTITUTION – FREEDOM OF SPEECH)**

20  
21 92.

22 The Mathesons and ABOCC reallege and incorporate paragraphs 1. through 74.  
23 as though fully set forth herein.

24  
25 93.

26 The First Amendment to the U.S. Constitution prohibits the Defendants from  
27 abridging citizens from their guaranteed right to freedom of speech.

1 94.

2 Mr. Matheson's letter to the Oregon Military Department, the banner displayed at  
3 the Mathesons' Property, the recall petitions filed by ABOCC and Mr. Matheson, Mr.  
4 Matheson's comments and postings on Nextdoor.com on the OC Armory and recall  
5 petition threads, Mr. Matheson's editorials in the *Clackamas Review*, Mr. Matheson's  
6 letter to Commissioner Smith, the September 19 letters Mr. Matheson wrote as attorney-  
7 in fact for Mrs. Matheson, and the June 1, 2017 e-mail Mr. Matheson wrote to the Police  
8 Chief, are all speech protected by the First Amendment to the U.S. Constitution.  
9

10 95.

11 Mr. Matheson's speech was made in the capacity of a private citizen on matters  
12 of public concern.  
13

14 96.

15 Mr. Matheson's free speech rights outweigh any interest of the Defendants in  
16 suppressing that speech.  
17

18 97.

19 Defendants, by and through their officers, servants, agents, employees and  
20 assigns, including, but not limited to, Holladay, acting in his official capacity as Mayor,  
21 violated Mr. Matheson's right to free speech and retaliated against ABOCC, Mr.  
22 Matheson and Mrs. Matheson in one or more of the following particulars:  
23

- 24 • By maliciously and publicly humiliating Mr. Matheson on a public social media  
25 website simply because he was not a Veteran;  
26

- 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

1 Defendants retaliated against either or both Mr. Matheson and Mrs. Matheson and  
2 ABOCC due to their exercise of free speech rights.

3 99.

4  
5 The proximity and closeness in time of each of the above-listed events to Mr.  
6 Matheson and ABOCC's political activities and exercise of free speech is too  
7 coincidental to be a mere coincidence. Mr. Matheson's and ABOCC's exercise of their  
8 free speech rights were clearly a substantial or motivating factor in the Defendants'  
9 retaliatory adverse actions against both the Mathesons and ABOCC. The Defendants'  
10 malicious and retaliatory conduct is continuing and ongoing as of the date this Amended  
11 Petition and Amended Complaint is filed.

12  
13 100.

14 Defendants acted intentionally and with callous disregard for Mr. Matheson's and  
15 ABOCC's clearly established constitutional free speech rights. Simply put, it was not  
16 objectively reasonable for the Defendants, by and through their officers, agents,  
17 servants, employees and assigns, including, but not limited to Holladay, acting in his  
18 official capacity as Mayor, to refuse to protect Mr. Matheson's and ABOCC's right to free  
19 speech and to retaliate against both the Mathesons and ABOCC simply because Mr.  
20 Matheson and ABOCC exercised their free speech rights. This conduct on the part of  
21 all Defendants represents a violation of 42 U.S.C. § 1983, given that their actions were  
22 undertaken under color of law.  
23  
24  
25  
26  
27

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.

///

///

///

1 104.

2 Defendants' conduct is well defined by law and each individual Defendant knew  
3 or reasonably should have known that their conduct was well below the standard  
4 prescribed by law.  
5

6 105.

7 The Mathesons and ABOCC are entitled to injunctive relief to restrain the City, its  
8 officers, agents, servants, employees and assigns, from engaging in existing and future  
9 violations of the First Amendment to the U.S. Constitution.  
10

11 106.

12 The Mathesons and the ABOCC are entitled to declaratory relief that the City,  
13 Holladay and Konkol's conduct violated their federal statutory rights.  
14

15 107.

16 The City's actions, by and through its officers, employees, servants, agents and  
17 assigns, were intentional, willful and with reckless disregard of the Mathesons' federal  
18 statutory rights. Such conduct exceeds the bounds of social toleration and is of the type  
19 that punitive damages deter.  
20

21 108.

22 As a direct and foreseeable result of the Defendants' violations of Mr. Matheson's  
23 and ABOCC's free speech constitutional rights, and the Defendants' retaliation against  
24 both the Mathesons and ABOCC, the Mathesons and ABOCC have suffered severe and  
25 substantial damages. These damages include, but are not limited to, fear and  
26 apprehension that they will, again, be subject to similar unlawful acts for the purpose of  
27

1 limiting and/or preventing protected free speech, for imposed illegal fines, for continued  
2 allegations of illegal code violations and/or continued imposed illegal fines, for  
3 diminished earnings capacity, lost career and business opportunities, economic loss  
4 due to the damage to the Property, emotional trauma, loss of liberty, loss of privacy and  
5 irreparable harm to their reputations.  
6

7 109.

8 As a further consequence of the Defendants' deprivations, Mrs. Matheson was  
9 required to retain counsel to represent her in the code violation proceedings pursued  
10 against her; the Mathesons will further incur litigation expenses including attorney fees,  
11 expert witness fees, costs and expenses related to this Amended Petition and Amended  
12 Complaint.  
13

14 **FOURTH CLAIM FOR RELIEF BY PLAINTIFFS**  
15 **THE MATHESONS AGAINST ALL DEFENDANTS FOR VIOLATION OF**  
16 **CIVIL RIGHTS UNDER COLOR OF LAW – 42 U.S.C. § 1983**  
17 **(FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION - DUE**  
18 **PROCESS CLAUSE)**

19 110.

20 The Mathesons reallege and incorporate paragraphs 1. through 74. as though  
21 set forth herein.  
22

23 111.

24 The Due Process clause of the Fourteenth Amendment to the U.S. Constitution  
25 prohibits the Defendants from depriving any person of life, liberty or property without  
26 due process of law.  
27



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

1 and/or that shows by a preponderance of evidence that any of the Defendants retaliated  
2 against either or both Mr. Matheson and Mrs. Matheson due to a violation of due  
3 process of law.  
4

5 115.

6 Defendants acted intentionally and with callous disregard for Mrs. Matheson's  
7 clearly established constitutional due process rights. Simply put, it was not objectively  
8 reasonable for the Defendants, by and through their officers, agents, servants,  
9 employees and assigns, to refuse to protect Mrs. Matheson's right to due process and  
10 to retaliate against both the Mathesons. This conduct on the part of all Defendants  
11 represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken  
12 under color of law.  
13

14 116.

15 To the extent the Commission, Holladay and Konkol, the policy making  
16 Defendants in this action, had the policies, whether written or unwritten, or a de facto  
17 policy and affirmative duties as set forth herein, the need for more or different training is  
18 so obvious, and the inadequacy so likely to result in the violation of constitutional rights,  
19 that the policy-makers can reasonably be said to have been deliberately indifferent to  
20 the need for new and/or additional training.  
21

22 117.

23  
24 The City's actions, by and through its officers, employees, servants, agents and  
25 assigns, were conducted pursuant to the policy, custom or practice of the Building  
26  
27

1 Department and the Police Department. As such, the City is directly liable for the  
2 damages of the Mathesons.

3 118.

4  
5 On information and belief, the Commission, Holladay and Konkol, are  
6 responsible for establishing the policies, customs, practices, and procedures to be  
7 utilized in the operation of their facilities, and is responsible for the implementation of  
8 the policies, practices, and procedures questioned in this lawsuit. As such, Holladay  
9 and Konkol are each individually responsible for the damages of the Mathesons.

10 119.

11  
12 Defendants' conduct was well defined by law and each Defendant knew or  
13 reasonably should have known that their conduct was well below the standard  
14 prescribed by law.

15 120.

16  
17 The Mathesons are entitled to injunctive relief to restrain the City, its officers,  
18 agents, servants, employees and assigns, from engaging in existing and future  
19 violations of the Fourteenth Amendment to the U.S. Constitution.

20 121.

21  
22 The Mathesons are entitled to declaratory relief that the City, Holladay and  
23 Konkol's conduct violated their federal statutory rights.

24 122.

25  
26 The City's actions, by and through its officers, employees, servants, agents and  
27 assigns, were intentional, willful and with reckless disregard of the Mathesons' federal

1 statutory rights. Such conduct exceeds the bounds of social toleration and is of the type  
2 that punitive damages deter.

3 123.  
4

5 As a direct and proximate result of the Defendants' violations of Mrs. Matheson's  
6 due process constitutional rights, the Mathesons both have suffered severe and  
7 substantial damages. These damages include, but are not to limited to, fear and  
8 apprehension that they will, again, be subject to similar unlawful acts for the purpose of  
9 limiting and/or preventing protected free speech, for imposed illegal fines, for continued  
10 allegations of illegal code violations and/or continued imposed illegal fines, for  
11 diminished earnings capacity, lost career and business opportunities, economic loss  
12 due to the damage to their Property, emotional trauma, loss of liberty, loss of privacy  
13 and irreparable harm to their reputations.  
14

15 124.  
16

17 As a further consequence of the Defendants' deprivations, Mrs. Matheson was  
18 required to retain counsel to represent her in the code violation proceedings pursued  
19 against her; the Mathesons will further incur litigation expenses including attorney fees,  
20 expert witness fees, costs and expenses related to this Amended Petition and Amended  
21 Complaint.

22 **FIFTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AND**  
23 **ABOCC AGAINST ALL DEFENDANTS FOR VIOLATION OF CIVIL RIGHTS UNDER**  
24 **COLOR OF LAW – 42 U.S.C. § 1985(2)(3)**  
**(OBSTRUCTION OF JUSTICE AND CONSPIRACY)**

25 125.  
26

27 The Mathesons and ABOCC reallege and incorporate paragraphs 1. through 74.  
28 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 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



1 capacity, lost career and business opportunities, economic loss due to the damage to  
2 their Property, emotional trauma, loss of liberty, loss of privacy and irreparable harm to  
3 their reputations.

4  
5 130.

6 As a further consequence of the Defendants' deprivations, Mrs. Matheson was  
7 required to retain counsel to represent her in the code violation proceedings pursued  
8 against her; the Mathesons will further incur litigation expenses including attorney fees,  
9 expert witness fees, costs and expenses related to this Amended Petition and Amended  
10 Complaint.

11 **SIXTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST**  
12 **THE DEFENDANT THE CITY FOR NEGLIGENCE**

13 131.

14 The Mathesons reallege and incorporate paragraphs 1. through 74. as though  
15 set forth herein.

16  
17 132.

18 As a direct and proximate result of the Final Judgment, the Final Orders and all  
19 Notices, the Mathesons have been unable to complete the repairs to their roof, causing  
20 significant property damage to their residential home.

21 133.

22 The City, by and through the actions of the officers, servants, agents, employees  
23 and assigns of the City's Building Department and Police Department, negligently  
24 breached its duty owed to the Mathesons to maintain public order and protect their lives  
25  
26  
27

1 and property in the community; it also negligently breached its duty owed to the  
2 Mathesons to maintain improved safety and livability as residents of the City.

3  
4 134.

5 The City is vicariously liable for the actions of its officers, servants,  
6 agents, employees and assigns, that caused the property damage under the  
7 common-law doctrine of *respondeat superior* for the following reasons:

- 8 • At all times material to this Amended Petition and Amended Complaint, the  
9 officers, servants, agents, employees and assigns of the City's Building  
10 Department and Police Department were employed by the City and were acting  
11 in the course and scope of their employment with City;
- 12 • At all times material to this Amended Petition and Amended Complaint, the  
13 actions of the officers, servants, agents, employees and assigns of the City's  
14 Building Department and Police Department that caused the property damage  
15 occurred substantially within the authorized limits of time and space of their  
16 employment with the City; and
- 17 • At all times material to this Amended Petition and Amended Complaint, the  
18 actions of the officers, servants, agents, employees and assigns of the City's  
19 Building Department and Police Department that caused the property damage  
20 were motivated, in whole, or at least in part, to serve their employer, the City.

21  
22  
23  
24 135.

25 The City is subject to liability to the Mathesons for property damages in an  
26 amount to be proven at trial. The Mathesons also seek attorney fees, costs and

1 disbursements, pursuant to ORCP 68, and prevailing party fees, pursuant to ORS  
2 20.190 and any and all other statutes or rules that apply.

3 **SEVENTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS**  
4 **AGAINST DEFENDANTS THE CITY AND HOLLADAY IN HIS OFFICIAL CAPACITY**  
5 **FOR FALSE LIGHT**

6 136.

7 The Mathesons reallege and incorporate paragraphs 1. through 74. as though  
8 set forth herein.

9 137.

10 On information and belief, when Holladay posted the foreclosure link on the recall  
11 thread on or about July 9, 2016, he was acting in his official capacity as Mayor.

12 138.

13 On information and belief, when Holladay made the disparaging comments about  
14 Mr. Matheson's Veteran status on the OC Armory thread on or about July 11, 2016, he  
15 was acting in his official capacity as the Mayor.

16 139.

17 Even to the extent the information in the foreclosure link and Mr. Matheson's  
18 Veteran status is true, Holladay knew or should have known that his public comments  
19 on a social media website would place the Mathesons in a false light before the public  
20 and would be highly offensive to a reasonable person.

21 140.

22 The fact that Holladay posted the link under the recall thread establishes that  
23 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 this Amended 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 this Amended 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 this Amended 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 this Amended 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 this Amended 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 this Amended 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.

1 **TENTH CLAIM FOR RELIEF BY PLAINTIFFS MR. MATHESON AND TAG AGAINST**  
2 **THE DEFENDANT THE CITY FOR INTENTIONAL INTERFERENCE WITH**  
3 **CONTRACTUAL RELATIONS**

4 156.

5 Mr. Matheson and TAG reallege and incorporate paragraphs 1. through 74. as  
6 though fully set forth herein.  
7

8 157.

9 At all times material to this Amended Petition and Amended Complaint, TAG is  
10 an International manufacturing company that holds exclusive rights over a disaster  
11 response initiative for the United States and Australia. On an interim basis, it operates  
12 from a home office and uses a prototype technology platform to remotely operate, train  
13 and educate people on the initiative. As the member/manager of TAG and the owner  
14 of its intellectual property, Mr. Matheson operates field services and daily administration  
15 needs from a home office and dispatches the technology platform located on the  
16 Property. On information and belief, the City was aware that TAG is operated from the  
17 Property at all times material to this Amended Petition and Amended Complaint.  
18  
19

20 158.

21 Prior to September 12, 2016, the date Notice #3, the stop work order  
22 was issued, Mr. Matheson and TAG developed a Cooperative Research and  
23 Development Agreement and secured an agreement with BMW  
24 Manufacturing to develop a dedicated satellite network. The National Disaster  
25 Response Infrastructure for the Federal Emergency Management Agency  
26  
27

1 (FEMA) is the prelude to a dedicated network called BMW Manufacturing  
2 network. Mr. Matheson personally worked for over twelve (12) years on the  
3 disaster response initiatives and five (5) years to develop a good working  
4 relationship with BMW Manufacturing as a technology supplier. The  
5 Agreement represents trillions of dollars in equipment, services and support.  
6

7 159.

8  
9 Until September 12, 2016, TAG performed all of its obligations under the  
10 contract, except those obligations it was prevented or excused from performing. That  
11 obligation includes, but is not limited to, building a dedicated National Disaster  
12 Response Infrastructure that is the prelude to a dedicated network for BMW  
13 Manufacturing.  
14

15 160.

16  
17 From and after September 12, 2016, and continuously as of the date this  
18 Amended Petition and Amended Complaint is filed, the existing unit cannot be  
19 deployed, because it involves working on a four (4) additional platforms as part of a pilot  
20 initiative of the State of Oregon and the first phase in the BMW Manufacturing  
21 agreement. These platforms and anything else on the Property is included in the stop  
22 work notice issued on September 12, 2016 and in the Final Orders and Final Judgment  
23 issued by The Honorable McNiece.  
24  
25  
26  
27

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 this Amended 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 this Amended 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 this Amended 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.



1 163.

2 The City's intentional conduct, by and through its officers, servants, agents,  
3 employees and assigns, is a substantial factor in causing Mr. Matheson and TAG to  
4 suffer damages in an amount that exceeds this Court's jurisdictional threshold under the  
5 OTCA, in amount to be proven at trial.  
6

7  
8 **ELEVENTH CLAIM FOR RELIEF BY PLAINTIFFS MR. MATHESON, TAG AND OC**  
9 **CERT AGAINST THE DEFENDANT THE CITY FOR INTENTIONAL INTERFERENCE**  
10 **WITH PROSPECTIVE ECONOMIC RELATIONS**

11 164.

12 Mr. Matheson, TAG and the OC CERT reallege and incorporate paragraphs 1.  
13 through 74. as though fully set forth herein.  
14

15 165.

16 At all times material to this Amended Petition and Amended Complaint, the OC  
17 CERT is a nonprofit company tasked with developing the League of Oregon CERT's  
18 initiative. CERT's are federal programs and have the ability to dispatch resources  
19 whenever needed. Mr. Matheson is the Registered Agent, Incorporator and Vice  
20 President of OC ERT, the author of its implementation plans, subsequent intellectual  
21 property being used to promote the League of Oregon CERT's pilot initiate and state-  
22 wide Oregon League of CERT's initiatives.  
23

24 166.

25 At all times material to this Amended Petition and Amended Complaint, Mr.  
26 Matheson holds exclusive rights over a disaster response initiative for the United States  
27

1 and Australia. On an interim basis its operating from a home office and using a  
2 prototype technology platform to remotely operate, train and educate people for OC  
3 CERT which are located on the Property. On information and belief, the City is aware  
4 that OC CERT is operated from the Property at all times material to this Amended  
5 Petition and Amended Complaint.  
6

7 167.

8 Prior to September 12, 2016, the date the stop work notice was issued,  
9 the OC CERT was in the process of implementing an economic relationship  
10 using the League of Oregon CERT as a pilot initiative to the statewide Oregon  
11 League of Oregon CERT's initiatives. On information and belief, the City knew  
12 of Mr. Matheson and the OC CERT's potential economic relationship with the  
13 League of Oregon CERT pilot program and the statewide Oregon League of  
14 CERT at all times material to this Amended Petition and Amended Complaint.  
15

16 168.

17 From and after September 12, 2016, and continuously as of the date  
18 this Amended Petition and Amended Complaint is filed, Mr. Matheson and  
19 the OC CERT is restricted from and is disrupted from entering into  
20 agreements or engage its local State Representatives to lead the League of  
21 Oregon's CERT or the Oregon League of CERT's.  
22

23 169.

24 From and after September 12, 2016, and continuously as of the date  
25 this Amended Petition and Amended Complaint is filed, the City, by and  
26

1 through its officers, servants, agents, employees and assigns, have  
2 intentionally disrupted TAG's and OC CERT's ability to enter into  
3 prospective economic relationships by enforcing the illegal stop work notice  
4 and the Final Orders.  
5

6 170.

7 The City is vicariously liable for all actions that intentionally interfere with Mr.  
8 Matheson's TAG's and OC CERT's ability to enter into prospective economic  
9 relationships, under the common-law doctrine of *respondeat superior* for the following  
10 reasons:  
11

- 12 • At all times material to this Amended Petition and Amended Complaint, the  
13 officers, servants, agents, employees and assigns of the City's Building  
14 Department and Police Department were employed by the City and were acting  
15 in the course and scope of their employment with City;  
16
- 17 • At all times material to this Amended Petition and Amended Complaint, the  
18 actions of the officers, servants, agents, employees and assigns of the City's  
19 Building Department and Police Department occurred substantially within the  
20 authorized limits of time and space of their employment with the City; and  
21
- 22 • At all times material to this Amended Petition and Amended Complaint, the  
23 actions of the officers, servants, agents, employees and assigns of the City's  
24 Building Department and Police Department were motivated, in whole, or at least  
25 in part, to serve their employer, the City.  
26

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;

- 1 7) Grant punitive damages against the Defendants for each federal statutory claim  
2 for relief in an amount to be determined at trial;
- 3 8) Grant Plaintiffs attorney fees, prevailing party fees, expenses, disbursements,  
4 expert witness fees, pursuant to any and all other statutes or rules that apply;
- 5 9) To the extent any amount awarded to Petitioner/Plaintiffs is for damages  
6 occurring prior to the entry of judgment, grant Petitioner/Plaintiffs an award of  
7 prejudgment interest at the legal rate from the date the damage occurred until the  
8 date of judgment;
- 9 10) Grant Plaintiffs post judgment interest on all damages, costs, expenses, and fees  
10 from the date of judgment until the date paid;
- 11 11) Issue an Order issuing a Writ of Review directed to the Respondent/Defendant  
12 the City, commanding the Respondent/Defendant to return the Writ with a  
13 certified copy of the entire record and proceedings in this matter for review by  
14 this Court in substantially the form attached hereto as Petitioner/Plaintiff's  
15 proposed Order for Writ of Review;
- 16 12) Issue an Order staying any and all further proceedings by the  
17 Respondent/Defendant against the Petitioner/Plaintiff, including, but not limited  
18 to, the charges and fees imposed by the Final Orders and the Final Judgment;
- 19 13) Upon review, for an Order reversing or annulling any and all proceedings by the  
20 Respondent/Defendant against the Petitioner/Plaintiff;
- 21 14) For a declaration that all of the Notices issued by the Respondent/Defendant are  
22 invalid and void;
- 23
- 24
- 25
- 26
- 27

1 15)For a declaration that the Final Orders and Final Judgment are invalid and void;  
2 and

3 16)For such other relief as may be found just and equitable.  
4

5 DATED this \_\_\_\_ day of July, 2017.

6 Respectfully submitted,  
7

8  
9 \_\_\_\_\_  
10 Mark J. Matheson, *Pro Se*

11 \_\_\_\_\_  
12 Anna Marie Matheson, *Pro Se*

13 **E. DEMAND FOR JURY TRIAL**

14 Plaintiffs demand a jury trial on their tort, statutory and Constitutional claims  
15 relief.

16 DATED this \_\_\_\_ day of \_\_\_\_\_, 2017.  
17

18 Respectfully submitted,  
19

20  
21 \_\_\_\_\_  
22 Mark J. Matheson, *Pro Se*

23 \_\_\_\_\_  
24 Anna Marie Matheson, *Pro Se*  
25  
26  
27

1 \_\_\_\_\_

2

3 **F. CERTIFICATION PUSUANT TO ORS 34.040**

4 I am an attorney licensed to practice law in the State of Oregon. I certify that I

5 have examined the underlying proceeding in this matter to the extent that it is now

6 available to me, and the Final Orders therein, and that it is erroneous as alleged in the

7 Amended Petition for Writ of Review set forth in the First Claim for Relief above.

8

9 DATED this \_\_\_\_ of July, 2017.

10

11 \_\_\_\_\_

12 Signature

13 \_\_\_\_\_

14 Printed Name

15 OSB #: \_\_\_\_\_

16

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1 FINAL ORDER

2  
3  
4  
5 IN THE MUNICIPAL COURT FOR OREGON CITY  
6 COUNTY OF CLACKAMAS, STATE OF OREGON  
7

8 CITY OF OREGON CITY, a municipality )  
9 formed under the laws of the State of ) NO. CE-19613-16  
10 Oregon )  
11 vs. Plaintiff, )  
12 )  
13 ) FINAL ORDER  
14 )  
15 ANNE MARIE MATHESON, )  
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12 This matter came before the Court on April 9, 2017. Plaintiff, through it's Code  
13 Enforcement Department, was present and represented by Rebecca Schaleger; Defendant was  
14 present and represented by Gary Kahn.

15 Defendant is charged with violating the Oregon City Municipal Code by failing to obtain a  
16 permit for roof repair and for violating a stop work order. Defendant claims she is exempt from  
17 the requirement for a permit and that she was denied due process.

18 The Court, having had an opportunity to review the records and files herein including  
19 photographic exhibits, to hear the testimony of each witness, observe their demeanor, and  
20 determine the weight to be given to the testimony of each witness, makes the following  
21

22 FINDINGS OF FACT

23 1. Anna Marie Matheson is the owner and occupant, along with her husband Mark J.  
24 Matheson, of property located at 855 Molalla Avenue, Oregon City, Clackamas County,  
25 Oregon.

26 2. This Court has jurisdiction over these proceedings.

Page -1- FINAL ORDER



1 3. Commencing September 9, 2016 it was observed that Defendant was in the process  
2 of making significant roof repair to her two story home, including removal of skip sheathing  
3 leaving a large hole in the roof.

4 4. On the same date, the city building department sent a letter to Defendant claiming it  
5 had been determined that Defendant needed a permit to perform work on the roof. Said letter  
6 erroneously cited the Oregon Structural Code.

7 5. Having no response from Defendant, a stop work order was placed on Defendant's  
8 residence on September 12, 2016, directing Defendant to communicate with the building  
9 officials. The building inspector was directed to leave the premises.

0 5. On September 14, 2016 City Code Enforcement officials mailed a notice of violation  
1 to Defendant and emailed a copy to Defendant's husband's email address directing Defendant  
2 to obtain a building permit no later than September 19, 2016. Defendant made no attempt to  
3 communicate with the building official.

4 6. The Notice of Violation correctly cited the Oregon Residential Specialty Code.

5 7. Defendant made no attempt to communicate with officials.

6 8. On September 20, 2016 Code Enforcement filed a complaint in the above court  
7 alleging that Defendant failed to obtain a permit as required by the Oregon Residential  
8 Specialty Code and Oregon City Municipal Code and for violating a stop work order issued by  
9 the City Building Official.

10 9. Defendant appeared in court and requested continuances of this matter on October  
11 8, 2016, November 16, 2016, December 22, 2016, January 12, 2017 and February 9, 2017.

12 10. Defendant's husband acknowledged he continued work on the roof after receipt of  
13 the stop work order because it "was an unlawful stop work order".

14 11. Plaintiff states that at least 15% of the skip sheathing on the roof has been  
15 removed; defendant's husband states 2%-5% removed; defendant's witness, a building  
16

1 inspector, stated approximately 12% had been removed. No actual calculations were made by  
2 any witness. The court finds, based upon testimony of the parties and photographic evidence,  
3 that 15% of skip sheathing was removed.

4 12. Work continued on the roof after issuance of the stop work order of September 12,  
5 2016 until November 8, 2016 . The roof was covered with tarp and no longer visible after  
6 November 29, 2016.

7 13. At no time has Defendant or her husband attempted to communicate with building  
8 officials or code enforcement officials.

### 9 ISSUES

10 1. Defendant claims she was denied due process because the initial notice issued to  
11 her on September 9, 2016 erroneously cited the Oregon Specialty Cod3e.

12 2. Defendant claims the roof repair is exempt from permit requirements because, under  
13 the Oregon Residential Specialty Code 105.2, less than 15% of the roof sheathing has been  
14 removed.

15 3. Plaintiff claims that more than 15% of the skip sheathing has been removed and has  
16 concerns regarding weight load and damage to the interior, including dry rot, necessitating an  
17 inspection and building permit.

18 4. Plaintiff claims that Defendant continued work on the roof after the issuance of the  
19 stop work order.

### 20 CONCLUSIONS OF LAW

21 1. Due Process: Defendant has not been denied due process in this matter. The issue  
22 before this court is a complaint filed by Code Enforcement citing failure to obtain a permit  
23 pursuant to the Oregon Residential Specialty Code and for disobeying a stop work order issued  
24 by the City. Defendant was appropriately cited to this court and granted all requested  
25 extensions of time. Defendant was fully aware that the issue before this court alleged a violation  
26

1 of the Oregon Residential Specialty Code.

2 2. Permit Requirement. A permit is not required under the Oregon Residential  
3 Specialty Code 105.2.18 so long as the roof repair does not involve removal of more than 15%  
4 of the skip sheathing. Although the city building official was not allowed access to the property  
5 he determined, from observation from the street and plain view of the project, that a permit was  
6 required because more than 15% of the skip sheathing was removed.

7 Oregon Residential Specialty Code 105.2 states:

8 "Exemptions from permit requirements of this code shall not be deemed  
9 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."

10 An exemption from the code does not allow Defendant to make that determination. Once a  
11 violation is alleged, it is Defendant's burden to demonstrate compliance or negate the need for  
12 a permit. Defendant has failed and refused to do so and this Court finds, based upon the  
13 evidence and testimony of the parties, that a permit is required.

14 3. Stop Work Order: ORSC 114.1 provides:

15 "Whenever the building official finds any work regulated by this code  
16 being performed in a manner either contrary to the provisions of this code  
17 or unsafe, the building official is authorized to issue a stop work order. . ."

18 The city building official determined that a permit was required and that an inspection was  
19 required to determine there is no structural damage such as dry rot. Defendant refused to  
20 communicate with building officials. While Defendant's husband claims it was "an unlawful stop  
21 work order", Defendant was, nonetheless, obliged to immediately stop work on the roof until  
22 compliance was determined. As stated above, Oregon Residential Specialty Code 105.2 does  
23 not give Defendant license to ignore a stop work order simply because Defendant believes it is  
24 "an unlawful stop work order". It is the determination of the building official, not the Defendant,  
25 to determine if a stop work order should be issued.

26 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..

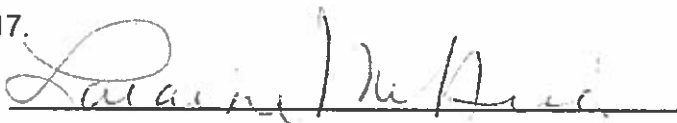
5. Plaintiff is granted judgment against Defendant in the sum of \$10,200.00 representing \$300 per day from September 14, 2016 (stop work order) until November 8, 2016.

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

1 later than May 1, 2017.

2 This Final Order may be appealed or judicially reviewed pursuant to OCMC 1.24.180,  
3 1.24.190.

4 DATED this 20 day of April, 2017.

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Laraine McNiece, Judge

1 FINAL ORDER

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5 IN THE MUNICIPAL COURT FOR OREGON CITY  
6 COUNTY OF CLACKAMAS, STATE OF OREGON

7 CITY OF OREGON CITY, a municipality )  
8 formed under the laws of the State of ) NO. CE-19613-16  
9 Oregon )  
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CITY OF OREGON CITY, a municipality )  
formed under the laws of the State of ) NO. CE-19613-16  
Oregon )  
Plaintiff, ) CORRECTED  
vs. ) FINAL ORDER/JUDGMENT  
ANNA MARIE MATHESON, )  
Defendant )

12 A typographical error occurred in the Order entered by this Court on April 20,  
13 2017 regarding the date of hearing, which consequently affected the amount of  
14 judgment imposed and numbering of findings. This order is entered to correct and  
15 replace the April 20, 2017 order of this court:

16 This matter came before the Court on April 6, 2017. Plaintiff, through it's Code  
17 Enforcement Department, was present and represented by Rebecca Schaleger;  
18 Defendant was present and represented by Gary Kahn.

19 Defendant is charged with violating the Oregon City Municipal Code by failing to  
20 obtain a permit for roof repair and for violating a stop work order. Defendant claims she  
21 is exempt from the requirement for a permit and that she was denied due process.

22 The Court, having had an opportunity to review the records and files herein  
23 including photographic exhibits, to hear the testimony of each witness, observe their  
24 demeanor, and determine the weight to be given to the testimony of each witness,  
25 makes the following

26 FINAL ORDER

## FINDINGS OF FACT

1           1. Anna Marie Matheson is the owner and occupant, along with her husband  
2 Mark J. Matheson, of property located at 855 Molalla Avenue, Oregon City, Clackamas  
3 County, Oregon.

4           2. This Court has jurisdiction over these proceedings.

5           3. Commencing September 9, 2016 it was observed that Defendant was in the  
6 process of making significant roof repair to her two story home, including removal of  
7 skip sheathing leaving a large hole in the roof.

8           4. On the same date, the city building department sent a letter to Defendant  
9 claiming it had been determined that Defendant needed a permit to perform work on the  
10 roof. Said letter erroneously cited the Oregon Structural Code.

11           5. Having no response from Defendant, a stop work order was placed on  
12 Defendant's residence on September 12, 2016, directing Defendant to communicate  
13 with the building officials. The building inspector was directed to leave the premises.

14           6. On September 14, 2016 City Code Enforcement officials mailed a notice of  
15 violation to Defendant and emailed a copy to Defendant's husband's email address  
16 directing Defendant to obtain a building permit no later than September 19, 2016.  
17 Defendant made no attempt to communicate with the building official.

18           7. The Notice of Violation correctly cited the Oregon Residential Specialty Code.

19           8. Defendant made no attempt to communicate with officials.

20           9. On September 20, 2016 Code Enforcement filed a complaint in the above  
21 court alleging that Defendant failed to obtain a permit as required by the Oregon  
22 Residential Specialty Code and Oregon City Municipal Code and for violating a stop  
23 work order issued by the City Building Official.

24           10. Defendant appeared in court and requested continuances of this matter on  
25

26 FINAL ORDER

1 October 8, 2016, November 16, 2016, December 22, 2016, January 12, 2017 and  
2 February 9, 2017.

3 11. Defendant's husband acknowledged he continued work on the roof after  
4 receipt of the stop work order because it "was an unlawful stop work order".

5 12. Plaintiff states that at least 15% of the skip sheathing on the roof has been  
6 removed; defendant's husband states 2%-5% removed; defendant's witness, a building  
7 inspector, stated approximately 12% had been removed. No actual calculations were  
8 made by any witness. The court finds, based upon testimony of the parties and  
9 photographic evidence, that 15% of skip sheathing was removed.

10 13. Work continued on the roof after issuance of the stop work order of  
11 September 12, 2016 until November 8, 2016. The roof was covered with tarp and no  
12 longer visible after November 29, 2016.

13 14. At no time has Defendant or her husband attempted to communicate with  
14 building officials or code enforcement officials.

#### 15 ISSUES

16 1. Defendant claims she was denied due process because the initial notice  
17 issued to her on September 9, 2016 erroneously cited the Oregon Specialty Code.

18 2. Defendant claims the roof repair is exempt from permit requirements  
19 because, under the Oregon Residential Specialty Code 105.2, less than 15% of the roof  
20 sheathing has been removed.

21 3. Plaintiff claims that more than 15% of the skip sheathing has been removed  
22 and has concerns regarding weight load and damage to the interior, including dry rot,  
23 necessitating an inspection and building permit.

24 4. Plaintiff claims that Defendant continued work on the roof after the issuance  
25 of the stop work order.

26 FINAL ORDER



## CONCLUSIONS OF LAW

1           1. Due Process: Defendant has not been denied due process in this matter.

2           The issue before this court is a complaint filed by Code Enforcement citing failure to  
3           obtain a permit pursuant to the Oregon Residential Specialty Code and for disobeying a  
4           stop work order issued by the City. Defendant was appropriately cited to this court and  
5           granted all requested extensions of time. Defendant was fully aware that the issue  
6           before this court alleged a violation of the Oregon Residential Specialty Code.

7           2. Permit Requirement. A permit is not required under the Oregon Residential  
8           Specialty Code 105.2.18 so long as the roof repair does not involve removal of more  
9           than 15% of the skip sheathing. Although the city building official was not allowed  
10          access to the property he determined, from observation from the street and plain view of  
11          the project, that a permit was required because more than 15% of the skip sheathing  
12          was removed.

13                   Oregon Residential Specialty Code 105.2 states:

14                   "Exemptions from permit requirements of this code shall not be deemed  
15                   to grant authority for any work to be done in any manner in violation of  
16                   this code or any other law or ordinance of this jurisdiction."

17           An exemption from the code does not allow Defendant to make that  
18          determination. Once a violation is alleged, it is Defendant's burden to demonstrate  
19          compliance or negate the need for a permit. Defendant has failed and refused to do so  
20          and this Court finds, based upon the evidence and testimony of the parties, that a permit  
21          is required.

22           3. Stop Work Order: ORSC 114.1 provides:

23                   "Whenever the building official finds any work regulated by this code  
24                   being performed in a manner either contrary to the provisions of this code  
25                   or unsafe, the building official is authorized to issue a stop work order. . ."

26          The city building official determined that a permit was required and that an inspection

FINAL ORDER

1 was required to determine there is no structural damage such as dry rot. Defendant  
2 refused to communicate with building officials. While Defendant's husband claims it was  
3 "an unlawful stop work order", Defendant was, nonetheless, obliged to immediately  
4 stop work on the roof until compliance was determined. As stated above, Oregon  
5 Residential Specialty Code 105.2 does not give Defendant license to ignore a stop work  
6 order simply because Defendant believes it is "an unlawful stop work order". It is the  
7 determination of the building official, not the Defendant, to determine if a stop work  
8 order should be issued.

9 4. At all times Defendant has failed and refused to communicate with the  
10 Building Official to resolve the issue to obtain any necessary permit and lift the stop  
11 work order.

12 5. Defendant continued to work on the property, including replacing tar paper  
13 and plywood sheeting from September 12, 2016 (date of Notice of Violation) until  
14 November 8, 2016.

15 6. The Oregon Residential Specialty Code, Oregon Revised Chapter 455,  
16 Oregon City Municipal Code, and the Operating Plan adopted by the City building  
17 department, is designed to ensure compliance with code requirements in the least  
18 litigious manner and obtain compliance in a timely manner. Defendant's refusal to  
19 communicate and cooperate, as well as repeated requests for continuances in this  
20 matter delayed resolution.

## 21 ORDER

22 1. The Court finds that Defendant is guilty of failing to obtain the proper permit  
23 for roofing repair as required by Oregon Residential Specialty Code 104.18(b) and said  
24 violation continues and constitutes a civil infraction as described in Oregon City  
25 Municipal Code 1.20.030 and 15.04.020.

26 FINAL ORDER

1           2. Defendant is guilty of violating the stop work order issued September 14, 2016  
2 until November 8, 2016 and constitutes a civil infraction as described in Oregon City  
3 Municipal Code 1.20.030 and 15.04.020.

4           3. Oregon City Municipal Code 16.020 provides that each day of violation carries  
5 a penalty of \$300 per day.

6           4. Plaintiff is granted judgment against Defendant in the sum of \$61,200.00  
7 representing \$300 per day (OCMC 16.020) from September 14, 2016 (Notice of  
8 Violation) until April 6, 2017 (date of hearing) for failing to obtain the necessary permit..

9           5. Plaintiff is granted judgment against Defendant in the sum of \$10,200.00  
10 representing \$300 per day from September 14, 2016 (stop work order) until November  
11 8, 2016.

12           6. This court will suspend \$51,700.00 of the above judgment ON THE CONDITION  
13 that Defendant and/or her agent allow inspection of the premises and obtain necessary  
14 permits no later than May 1, 2017.

15           This Final Order may be appealed or judicially reviewed pursuant to OCMC  
16 1.24.180, 1.24.190.

17           DATED this 25<sup>th</sup> day of April, 2017

18   
19 \_\_\_\_\_

20 Laraine McNiece, Judge  
21  
22  
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26

26 FINAL ORDER



# 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



COPY

) Case No.: CE-19613-16  
) TLID#: 32E05BB04400  
) Address: 855 Molalla Ave.  
) Oregon City, Oregon 97045

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1 IN THE MUNICIPAL COURT FOR THE CITY OF OREGON CITY  
2 COUNTY OF CLACKAMAS, STATE OF OREGON

COPY

3  
4 CITY OF OREGON CITY, ) Case No.: CE-19613-16  
5 Plaintiff, )  
6 vs. ) AFFIDAVIT OF NON-COMPLIANCE  
7 Anna Marie Matheson, ) AND JUDGMENT  
8 Respondent, )  
9 )  
10 )

11 I, David Mueller, Code Enforcement Officer for the City of Oregon City, being first duly  
12 sworn, depose and say:

13 On April 6, 2017, the parties appeared before Judge Laraine McNiece for a trial.

14 On April 25, 2017, Judge Laraine McNiece entered a Corrected Final Order/Judgment.  
15 The property owner was fined \$71,400.00 for violations of the Oregon City Municipal Code.  
16 \$51,700.00 will be suspended if necessary permits are obtained and inspections occur by May 1,  
17 2017.

18 On May 2, 2017, Chris Long, Oregon City Building Inspector, reported that no permits  
19 had been pulled, no inspection had occurred, and there had been no contact with the property  
20 owner.

21 As of July 10, 2017, the property owner has failed to obtain required permits, has not  
22 allowed inspection by the Building Official, and has failed to appeal the Final Order/Judgment as  
23 outlined in the Oregon City Municipal Code 1.24.180 & 1.24.190.  
24  
25

1 I make this affidavit in support of my motion for entry of judgment filed herein.

2  
3 Therefore, on behalf of the City, I request the entry of Judgment and Order as follows:

4 1) A \$71,400.00 fine be imposed.

5  
6 Dated this 11<sup>th</sup> day of July 2017.

7  
8  
9 Dan Muth  
10 Code Enforcement Officer  
11 City of Oregon City

12  
13 State of Oregon

14 County of Clackamas

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Subscribed and sworn to before me this 11<sup>th</sup> day of July 2017.



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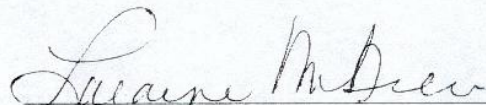
Based upon the above motion and affidavit, and Respondent's failure to comply with Oregon City Municipal Court Order,

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

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December 29, 2017

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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 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.<sup>1</sup>
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 19<sup>th</sup> 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

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<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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<sup>2</sup> 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.

<sup>3</sup> 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:

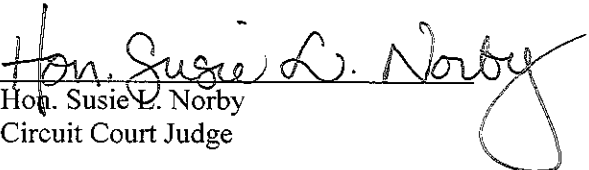
- 1) The statements of city witness Long, who expressed uncertainty about the scope of the roofing project based on his visual appraisal, and who emphasized that the initial letter and Stop Work Order were intended to get the petitioners' attention, and *start* a conversation about the scope.
- 2) The 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  
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  
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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.

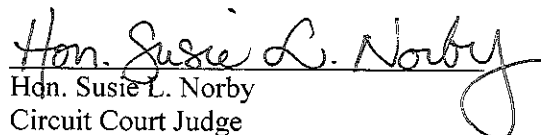
## Ruling

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  
Circuit Court Judge





Al Snell, Michael Simon, Mark J. Matheson

September 19, 2016

A Better Oregon City Coalition  
855 Molalla Ave  
Oregon City, Or. 97045

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 propriety 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 subsevient 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.



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



September 19, 2016

Al Snell, Michael Simon, Mark J. Matheson

A Better Oregon City Coalition

855 Molalla Ave

Oregon City, Or. 97045

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

POPULATION

34,480

1.91% GROWTH

MEDIAN AGE

37.7

MEDIAN HOUSEHOLD INCOME

\$62,858

5.77% GROWTH

POVERTY RATE

11.6%

NUMBER OF EMPLOYEES

16,244

5% GROWTH

MEDIAN PROPERTY VALUE

\$254,000

2.25% GROWTH

POPULATION

16,462

4.9% GROWTH

MEDIAN AGE

37.2

MEDIAN HOUSEHOLD INCOME

\$101,250

0.81% GROWTH

POVERTY RATE

4.55%

NUMBER OF EMPLOYEES

7,864

9.4% GROWTH

MEDIAN PROPERTY VALUE

\$411,300

5.3% GROWTH

1 Mark J. Matheson  
2 Anna Marie Matheson  
3 855 Molalla Avenue  
4 Oregon City, Oregon 97045  
5 (503) 953-0250  
6 [mark.matheson@drteamsint.com](mailto:mark.matheson@drteamsint.com)  
7 On behalf of Petitioner/Plaintiffs, *Pro Se*

8 **IN THE CIRCUIT COURT FOR THE STATE OF OREGON**  
9 **FOR THE COUNTY OF CLACKAMAS**

10 ANNA MARIE MATHESON,

Case No.: 17CV25621

11 Petitioner/Plaintiff,

**PETITIONER/PLAINTIFFS' RESPONSE  
IN OPPOSITION TO RESPONDENT'S  
MOTION FOR RECONSIDERATION**

12 MARK J. MATHESON, THE ADVANTAGE  
13 GROUP, LLC, NW, an Oregon limited  
14 liability company, OREGON CITY  
15 COMMUNITY EMERGENCY RESPONSE  
16 TEAM, an Oregon nonprofit corporation,  
17 and A BETTER OREGON CITY  
18 COALITION, an Oregon nonprofit  
19 corporation,

20 Plaintiffs,

21 vs.

22 CITY OF OREGON CITY, an Oregon  
23 municipal corporation formed under the  
24 laws of the State of Oregon,

25 Respondent/Defendant,

26 DAN HOLLADAY, the City of Oregon City  
27 Mayor, in his official and personal capacity,  
28 and ANTHONY J. KONKOL, III, the City of  
Oregon City Manager, in his official and  
personal capacity,

Defendants

## 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<sup>1</sup> 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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<sup>1</sup> 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.<sup>2</sup>

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*<sup>3</sup>:

In *Schmidling*, we admonished lawyers not to file "motions for reconsideration." However, as this case and *Carter v. U.S. National Bank*,

---

<sup>2</sup> *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).

<sup>3</sup> 90 Or. App. 280, 285, 753 P.2d 419 (1988)

1 supra, show, attorneys continue to do so. The result is confusion as to  
2 whether a motion is a request for a new trial so as to extend the time in  
3 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.<sup>4</sup>

4 The above dilemma is precisely why there is no such procedural remedy as a  
5 “motion for reconsideration” under Oregon law. It would seem that the City’s lawyers  
6 should already be aware of this; Petitioner/Plaintiffs cannot help but wonder out loud  
7 why the City is wasting taxpayer money by filing a motion that is not even authorized by  
8 Oregon law. For this reason alone, the City’s Motion for Reconsideration should be  
9 denied.  
10

11 **2. The City’s Motion for Reconsideration Should Be Denied Because the**  
12 **City Failed to Establish That It is Entitled to a New Trial**

13 As the Court held in *Schmidling*, parties seeking a “reconsideration” must do so  
14 by filing a motion for a new trial pursuant to ORCP 64. To the extent the Court  
15 chooses to treat the City’s Motion for Reconsideration as a motion for a new trial, the  
16 City’s argument that it should be entitled to a new hearing based on the lack of a full  
17 recording is nonsensical and vexing, given that the City argued *against* remanding to  
18 the Municipal Court in both its brief and at the December 11, 2017 hearing before Judge  
19 Norby. The City also asserted in its brief that the lack of a full recording did not violate  
20 Mrs. Matheson’s due process rights.<sup>5</sup>  
21  
22  
23  
24  
25

26 <sup>4</sup> *Id.*, 90 Or. App. at 284.

27 <sup>5</sup> See City’s Response Brief on Writ of Review at page 12:1-3.



1 Yet, now that Judge Norby has ruled in Petitioner/Plaintiffs' favor, the City is  
2 reversing its argument, even going so far as to say that "as a result of the incomplete  
3 court recording, the City is prejudiced in its ability to enforce its building codes and  
4 potentially protect its citizens."<sup>6</sup> The operative and key word in that sentence is  
5 *potentially*.  
6

7 "Potential" is defined as follows:

8 1: existing in possibility : capable of development into actuality  
9 potential benefits

10 2: expressing possibility; specifically : of, relating to, or constituting a verb  
11 phrase expressing possibility, liberty, or power by the use of an auxiliary  
12 with the infinitive of the verb (as in "it may rain")<sup>7</sup>

13 To argue that the City should be entitled to a new trial because the City *possibly*  
14 may need to protect its citizens from some unknown danger does not establish a valid  
15 reason for the Court to grant the City a new trial. Simply put, the City has not shown  
16 that it is entitled to a new trial. To quote the City from its own brief:

17 The Oregon Supreme Court has made clear in the appellate courts where  
18 the underlying trial court audio record was destroyed, that, to obtain a  
19 reverse on that ground, the appellant/petitioner must show (1) due  
20 diligence in attempting to find and supply a record; and (2) "must make at  
21 least a prima facie showing of error, or unfairness in the trial, or that there  
22 has been a miscarriage of justice." *Smith v. Custom Micro, Inc.*, 311 Or  
23 375, 379 811 P2d 1371 (1991).<sup>8</sup>

---

24  
25  
26 <sup>6</sup> City's Motion for Reconsideration at page 2:17-18.

27 <sup>7</sup> *Merriam Webster Dictionary*, 10<sup>th</sup> ed.

28 <sup>8</sup> See City's Response Brief on Writ of Review at page 12:20-25.

1 Again, the City's only argument is that its ability to protect the public may  
2 somehow, possibly, *may* be compromised if it is not allowed to have a new hearing.  
3 That argument is nonsensical, not only because we are talking only about the mere  
4 "potential" of having to protect the public, but also because the property at issue is a  
5 1916 residence that is private and not even open to the public. Additionally, the  
6 argument is nonsensical because the City did not know and will never know the extent  
7 and scope of the activities on the Matheson property. The City admitted under oath that  
8 it did not know what the extent or scope of the activities were before issuing the illegal  
9 Stop Work Order. This was on the part of the hearing that was recorded.<sup>9</sup> The City also  
10 admitted under oath on the recording that not all activities on private property require a  
11 permit.<sup>10</sup>

14 The City has failed to establish that it is entitled to what it is asking for.<sup>11</sup> For  
15 this second reason, the City's Motion for Reconsideration should be denied.

---

22 <sup>9</sup> See City's ER-3 at page 22, where Chris Long testified: "The house was opened up and we don't know  
23 what the scope is so we need to contact them." See also City's ER-3 at page 31, where Mike Roberts  
24 testified he had never been on the property and that his conclusions were based on the photographs and  
by driving by.

25 <sup>10</sup> See City's ER-3 at page 21.

26 <sup>11</sup> Even if the Court were to treat the City's Motion for Reconsideration as a motion for a new trial, we also  
27 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.

1                   **3.     The City’s Motion for Reconsideration Should Be Denied Because**  
2                   **Judge Norby Carefully Considered All of the Evidence in the Record**

3                   The City implies that Judge Norby would not have ruled in the manner that she  
4 did if there had been a full recording of the hearing. For that reason, the City argues  
5 that Judge Norby should exercise her power to remand this case to the Municipal Court  
6 for a new hearing.

7  
8                   While it is true that Her Honor has the power to remand this matter pursuant to  
9 ORS 34.100, as will be discussed in more detail below, Judge Norby considered that  
10 option but instead chose to rule in the manner that she did. More importantly, it is clear  
11 from her Letter Opinion that Judge Norby carefully considered all of the parties’  
12 arguments and “exhaustively”<sup>12</sup> reviewed the photographic evidence which the City  
13 argued established its case against Mrs. Matheson. In fact, in its brief, the City argued  
14 that the lack of a full recording was no big deal, because the photographs alone  
15 allegedly established that Mrs. Matheson needed to obtain a permit:  
16

17                   Even a cursory review of those pictures is sufficient to establish that a  
18 reasonable person could conclude that more than 15% of the roof had  
19 been removed.<sup>13</sup>

20                   Judge Norby obviously did not agree with the City’s analysis of the photographs.  
21 In particular, Judge Norby pointed out that, viewing the photographs in the light most  
22 favorable to Judge McNiece’s rulings, the pictures simply do not establish that more  
23

24  
25  
26                   <sup>12</sup> Letter Opinion at page 5.

27                   <sup>13</sup> City’s Response Brief at page 15:14-15.

1 than fifteen percent (15%) of the skip sheathing had been removed, necessitating a  
2 permit. Unlike Judge McNiece, who failed to articulate why she ruled in the manner  
3 that she did, Judge Norby set forth a well-reasoned Letter Opinion, outlining why she  
4 made her decision.

5  
6 Judge Norby concluded that it was not necessary to address the remainder of the  
7 arguments because her ruling that there is no substantial evidence in the record to  
8 support Judge McNiece's rulings on the scope of the construction project and the  
9 legality of the Stop Work Order is dispositive.

10  
11 Judge Norby clearly understood the ramifications of her decision. After  
12 judiciously considering all of the arguments, testimony and evidence, Judge Norby  
13 determined that the Corrected Final Order/Judgment should be reversed. The City  
14 should not be entitled to a do-over merely because it has sour grapes over Judge  
15 Norby's careful analysis of the evidence presented. For this third reason, the City's  
16 Motion for Reconsideration should be denied.

17  
18 **4. The City's Motion for Reconsideration Should be Denied Because Judge**  
19 **Norby Already Considered and Rejected the Argument for Remanding**  
20 **This Matter to the Municipal Court**

21 Based on her Letter Opinion, Judge Norby already considered whether to  
22 remand this matter for a new hearing. Specifically, Judge Norby listed all of  
23 Petitioner/Plaintiffs' assignments of error, including the error on the City's part in failing  
24  
25  
26  
27

1 to provide a full recording of the hearing below.<sup>14</sup> Obviously, Judge Norby read the  
2 briefs on this issue and listened to Petitioner/Plaintiffs' argument at the December 11,  
3 2017 hearing that if the Court refused to reverse the Corrected Final Order/Judgment  
4 than this matter should be remanded because of the recording issue.

5  
6 In her Letter Opinion, Judge Norby noted that the City conceded at the  
7 December 11, 2017 hearing that it was responsible for providing a full recording of the  
8 hearing, despite its argument to the contrary in its brief. Judge Norby also summarized  
9 the City's argument that Petitioner/Plaintiffs allegedly failed to establish a remedy for the  
10 failure to provide a full recording in her Letter Opinion.<sup>15</sup>

11  
12 On review, Judge Norby held that the Petitioner/Plaintiffs established that Mr.  
13 Matheson exercised due diligence in attempting to obtain a full record. Clearly, Judge  
14 Norby understood what each party's position was on the issue of remanding the matter  
15 to the Municipal Court. Thus, Judge Norby's decision to reverse the Corrected Final  
16 Order/Judgment took into account that she could have remanded the matter to the  
17 Municipal Court for a new hearing.

18  
19 Instead of accepting Judge Norby's Letter Opinion, the City now "flips the script"  
20 and argues for the first time that it is entitled to a new hearing based on the City's own  
21 failure to provide a full recording of the hearing. For the City to now claim that "if the  
22 City were prohibited from re-trying the issues in this case, it could jeopardize not just the  
23

24  
25  
26 <sup>14</sup> See Letter Opinion at page 2.

27 <sup>15</sup> *Id.* at page 3.

current residents of the home, but future residents and first responders”<sup>16</sup> 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

<sup>16</sup> City's Motion for Reconsideration at page 2:21-23.

1 Motion for Reconsideration and serve the Proposed Limited Judgment on  
2 Petitioner/Plaintiffs pursuant to UTCR 5.100(1)(c).

3 DATED this 29th day of January, 2018.

4 Respectfully submitted,

5  
6 /s/ Anna Marie Matheson  
7 Anna Marie Matheson, Petitioner/Plaintiff  
8 *Pro Se*

9  
10 /s/ Mark J. Matheson  
11 Mark J. Matheson, Plaintiff  
12 *Pro Se*

1 **CERTIFICATE OF SERVICE**

2 I, Mark J. Matheson, a Plaintiff herein, hereby certify that I have this day served a  
3 true and correct copy of the foregoing Petitioner/Plaintiffs' Response in Opposition to  
4 the Respondent's Motion for Reconsideration through the eFiling system pursuant to  
5 UTCR 21.100 to Respondent and Defendants' attorneys of record as follows:  
6

7 David C. Lewis, Attorney at Law  
8 Kraemer, Lopez & Lewis  
9 P.O. Box 1469  
10 Lake Oswego, Oregon 97035  
dlewis@cisoregon.org  
Of Attorneys for City of Oregon City and Anthony J. Konkol, III

11 Gerald L. Warren, Attorney at Law  
12 Aaron P. Hisel, Attorney at Law  
13 Law Office of Gerald L. Warren and Associates  
14 901 Capitol Street NE  
15 Salem, Oregon 97301  
gwarren@geraldwarrenlaw.com  
ahisel@geraldwarrenlaw.com  
Of Attorneys for Dan Holladay

16  
17 DATED this 29<sup>th</sup> day of January, 2018.

18 Respectfully submitted,

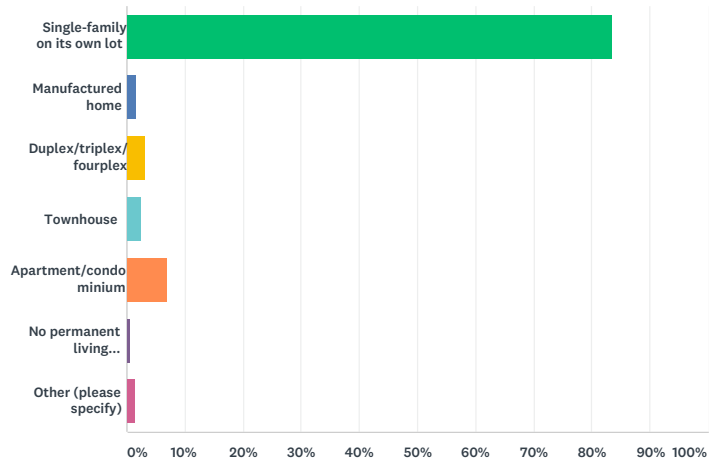
19  
20 /s/ Mark J. Matheson  
21 Mark J. Matheson, Plaintiff  
22 *Pro Se*  
23  
24  
25  
26  
27  
28



## Oregon City Equitable Housing Analysis - Housing Types

### Q1 What type of home do you currently live in?

Answered: 346 Skipped: 3



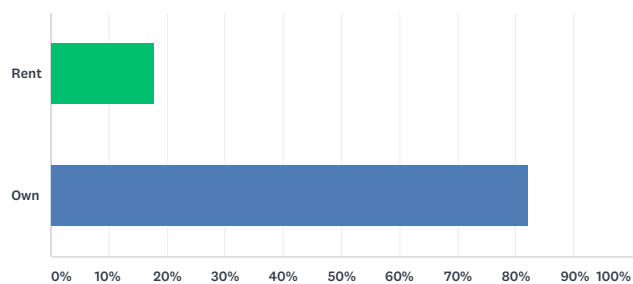
ANSWER CHOICES		RESPONSES	
Single-family on its own lot		83.53%	289
Manufactured home		1.73%	6
Duplex/triplex/fourplex		3.18%	11
Townhouse		2.60%	9
Apartment/condominium		6.94%	24
No permanent living arrangement		0.58%	2
Other (please specify)		1.45%	5
TOTAL			346

#	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

## Oregon City Equitable Housing Analysis - Housing Types

### Q2 Do you rent or own?

Answered: 345 Skipped: 4

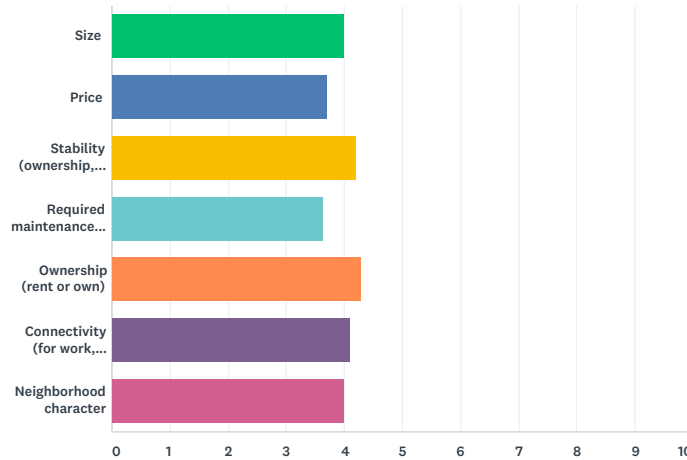


ANSWER CHOICES	RESPONSES	
Rent	17.68%	61
Own	82.32%	284
TOTAL		345

## Oregon City Equitable Housing Analysis - Housing Types

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

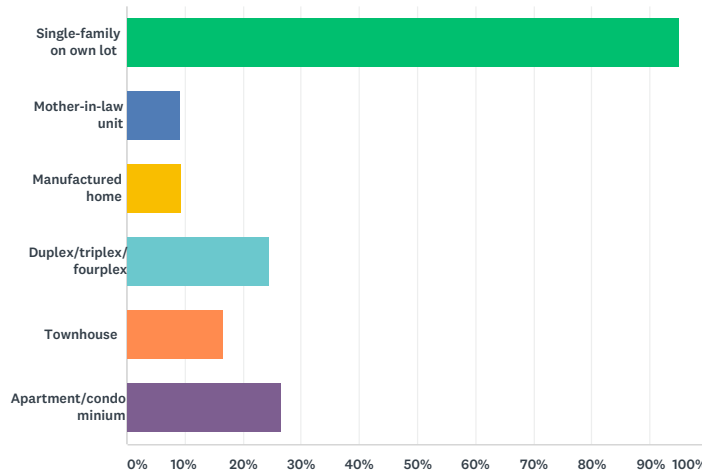
## Oregon City Equitable Housing Analysis - Housing Types

19	home ownership required responsibility 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

## Oregon City Equitable Housing Analysis - Housing Types

### Q4 What housing types are currently available in your neighborhood? Check all that apply.

Answered: 338 Skipped: 11



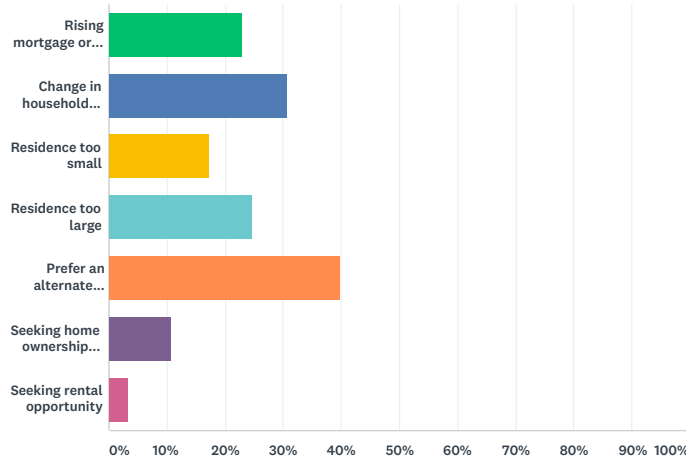
ANSWER CHOICES	RESPONSES
Single-family on own lot	94.97% 321
Mother-in-law unit	9.17% 31
Manufactured home	9.47% 32
Duplex/triplex/fourplex	24.56% 83
Townhouse	16.57% 56
Apartment/condominium	26.63% 90
Total Respondents: 338	

#	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

## Oregon City Equitable Housing Analysis - Housing Types

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

## Oregon City Equitable Housing Analysis - Housing Types

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	gettin h 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 disabiliu	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

## Oregon City Equitable Housing Analysis - Housing Types

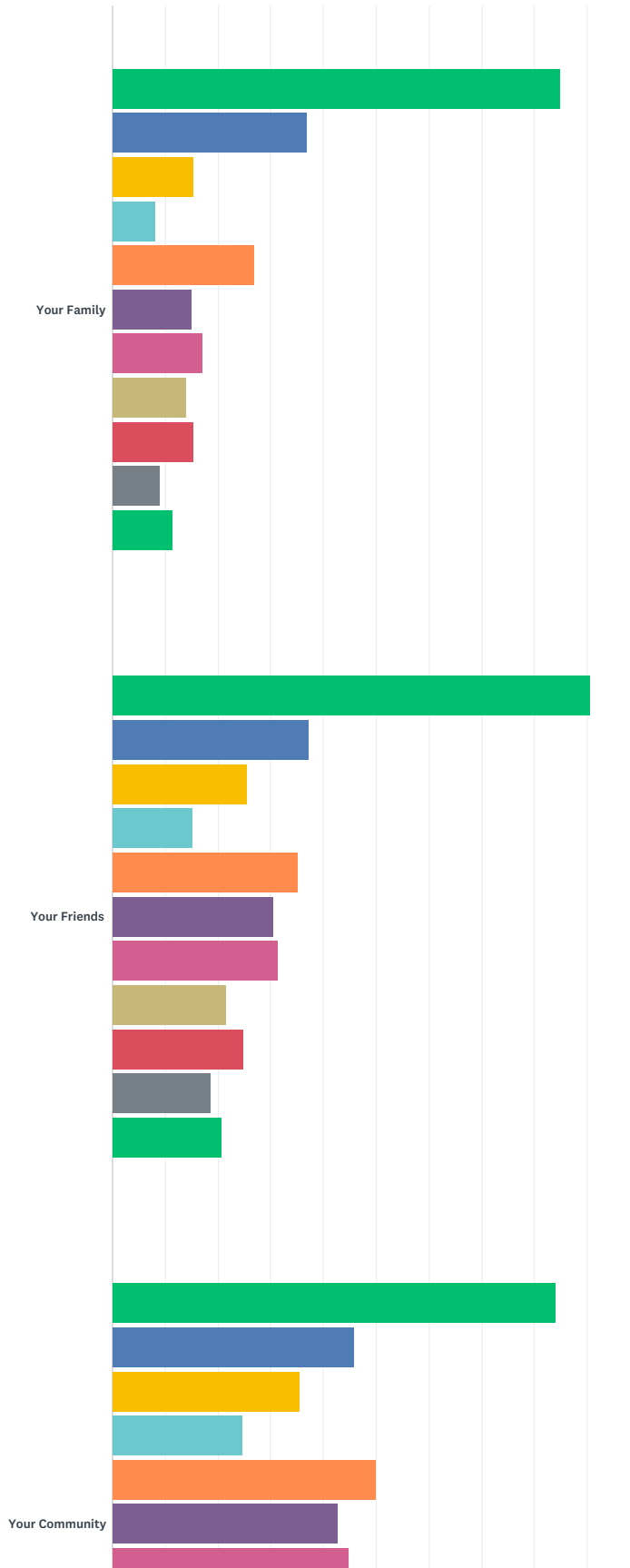
75	life change	2/22/2018 1:16 PM
76	Intruding homeless and county taxes rising	2/22/2018 1:14 PM
77	Rise in neighborhood crime due to low-income housing.	2/22/2018 1:13 PM
78	Retirement	2/22/2018 1:13 PM
79	Retirement.	2/22/2018 1:02 PM
80	High property taxes	2/22/2018 12:57 PM
81	Death.	2/13/2018 10:38 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



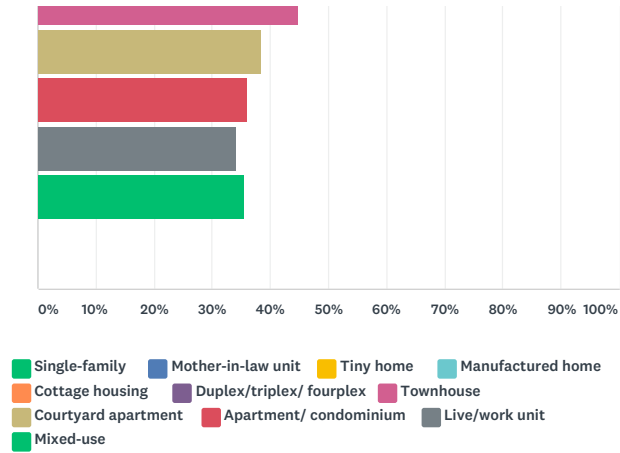
## Oregon City Equitable Housing Analysis - Housing Types

Q6 What housing types are needed to meet the needs of your family, friends and community? Check all that apply.

Answered: 246 Skipped: 103



## Oregon City Equitable Housing Analysis - Housing Types



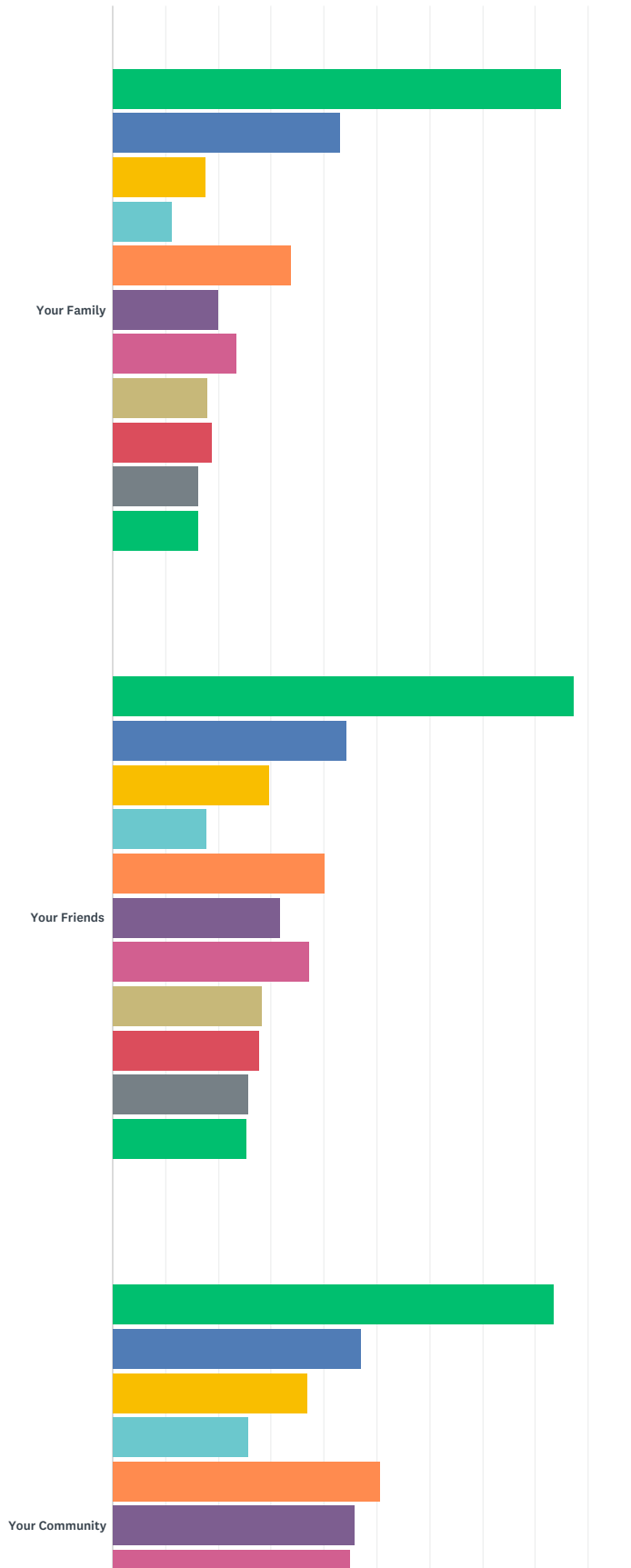
	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOME	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/WO UNIT
Your Family	84.84% 207	36.89% 90	15.57% 38	8.20% 20	27.05% 66	15.16% 37	17.21% 42	13.93% 34	15.57% 38	9.00% 22
Your Friends	90.68% 214	37.29% 88	25.42% 60	15.25% 36	35.17% 83	30.51% 72	31.36% 74	21.61% 51	25.00% 59	18.60% 44
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	34.10% 81

#	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

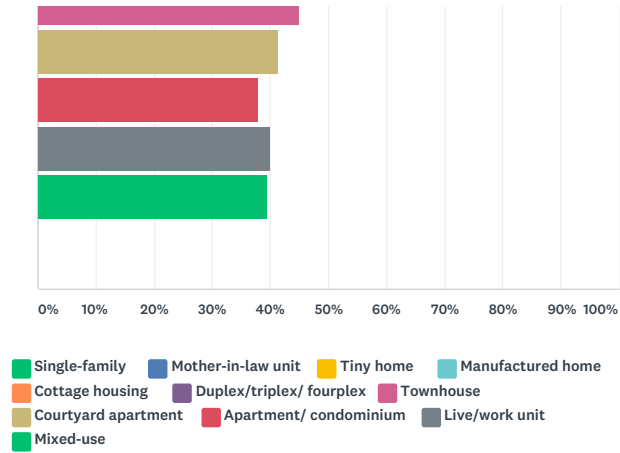
## Oregon City Equitable Housing Analysis - Housing Types

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

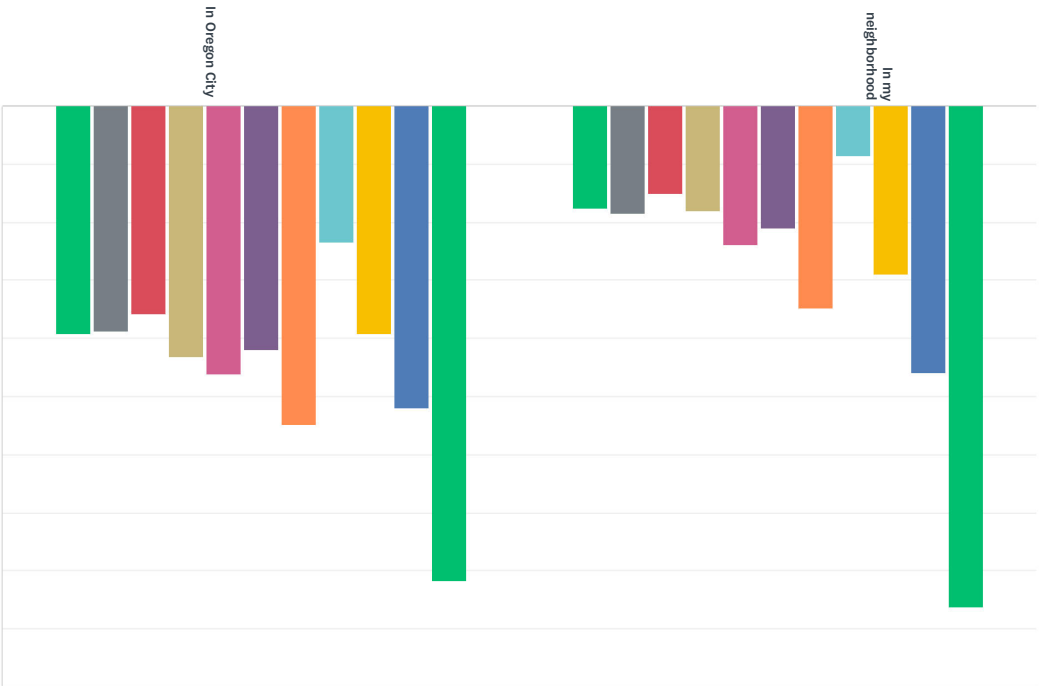


## Oregon City Equitable Housing Analysis - Housing Types



	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOME	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/WORK 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 Vetran's with Families will WANT tolive next to BOTH a dispensary and smoko 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



0%	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%	
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Single-family	Mother-in-law unit	Tiny house	Manufactured home
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Cottage housing	Duplex/triplex/fourplex	Townhouse	Live/work unit
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Courtyard apartment	Apartment/condominium		
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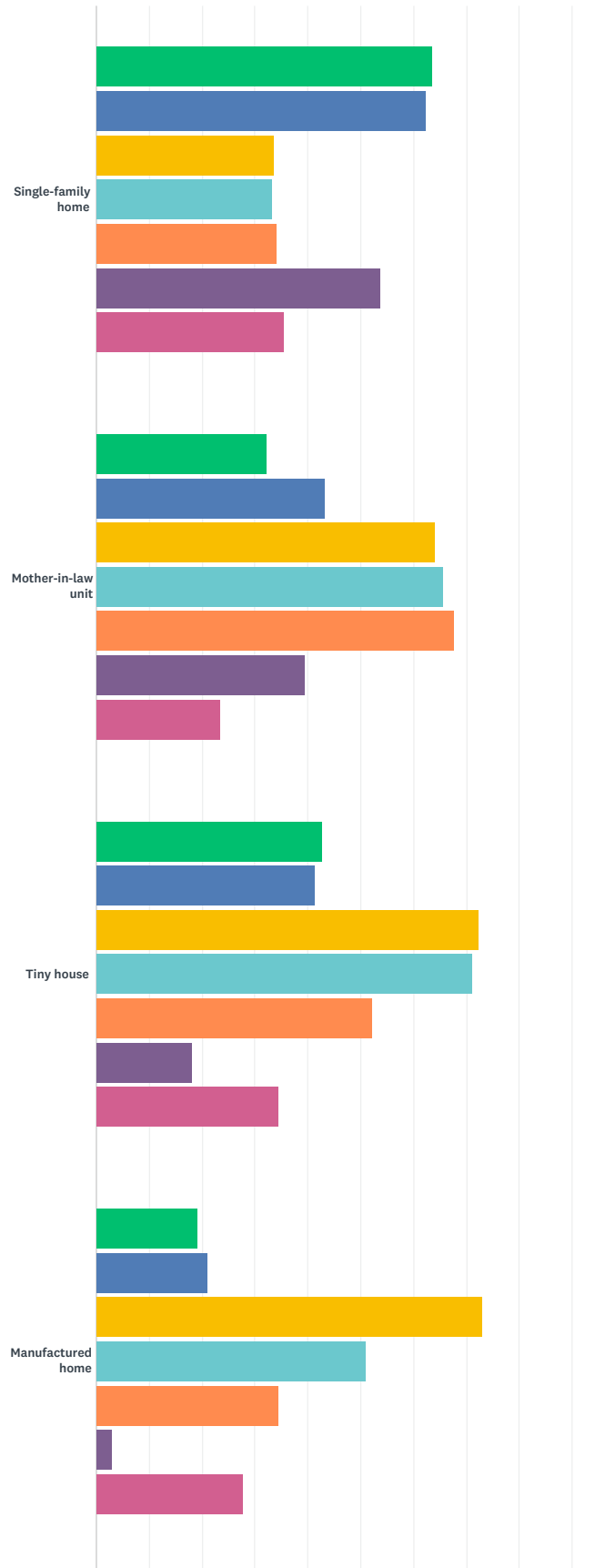
Mixed-use			
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SINGLE-FAMILY UNIT	MOTHER-IN-LAW UNIT	TINY HOUSE	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/CONDOMINIUM	LIVE/WORK UNIT
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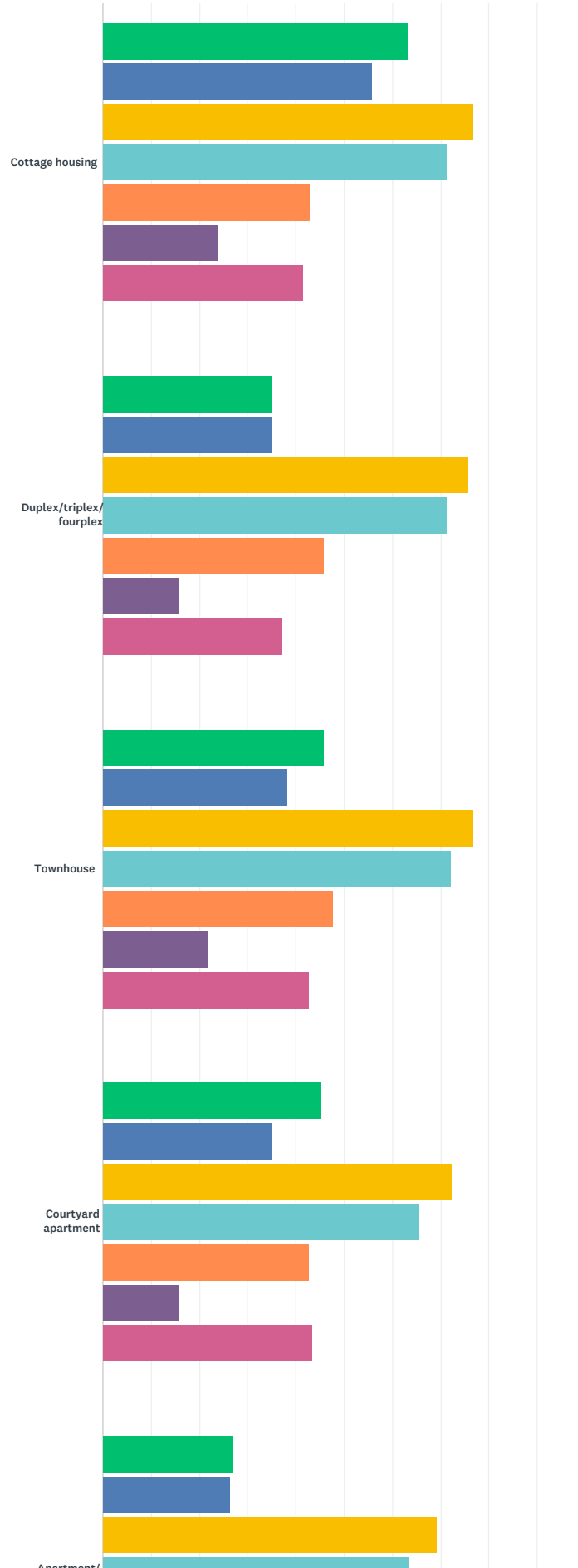
## Oregon City Equitable Housing Analysis - Housing Types

Q9 What benefits do you think the following housing types would provide?

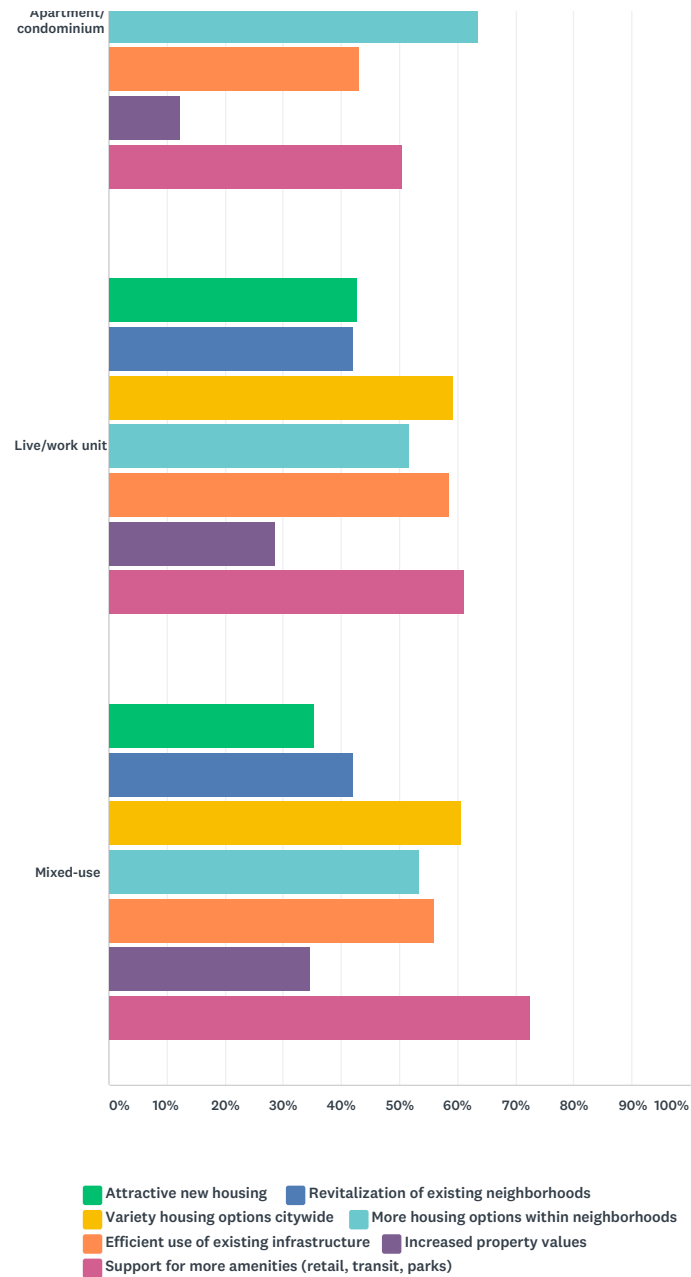
Answered: 242 Skipped: 107



## Oregon City Equitable Housing Analysis - Housing Types



## 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



## Oregon City Equitable Housing Analysis - Housing Types

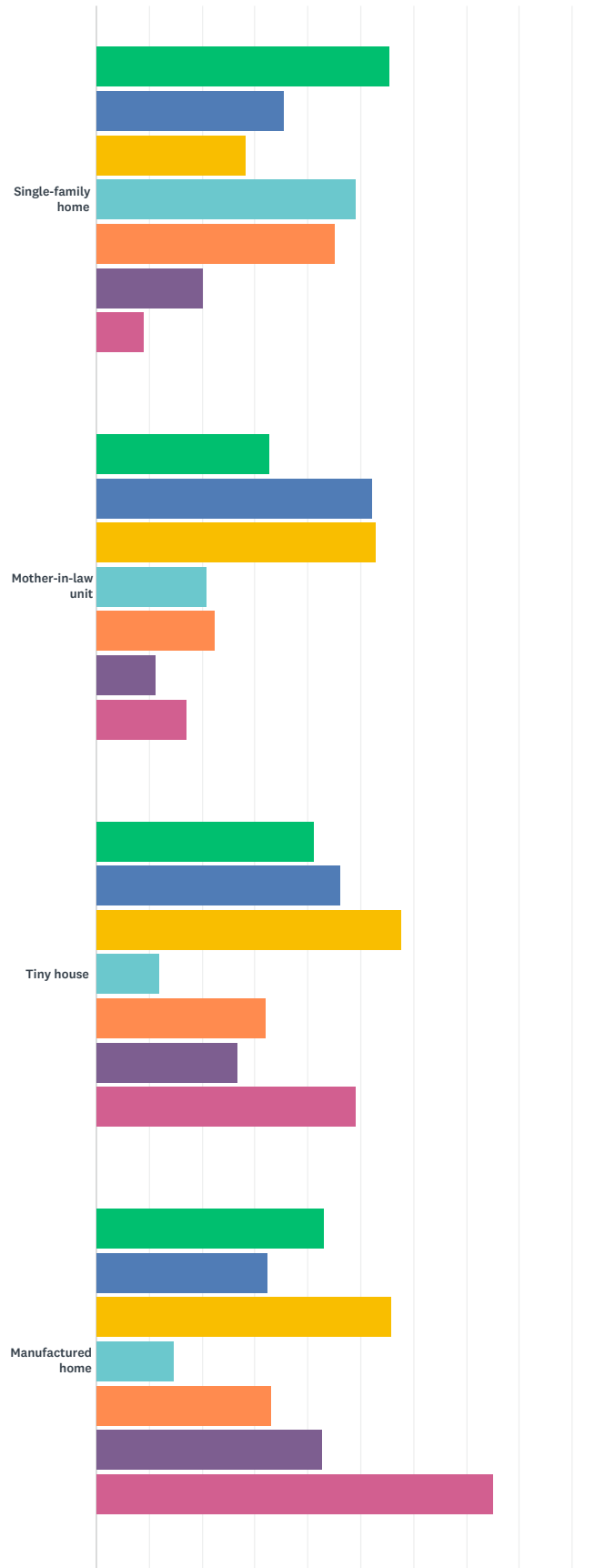
Live/work unit	42.68% 67	42.04% 66	59.24% 93	51.59% 81	58.60% 92	28.66% 45	61.15% 96	157
Mixed-use	35.33% 53	42.00% 63	60.67% 91	53.33% 80	56.00% 84	34.67% 52	72.67% 109	150

#	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 desirable	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

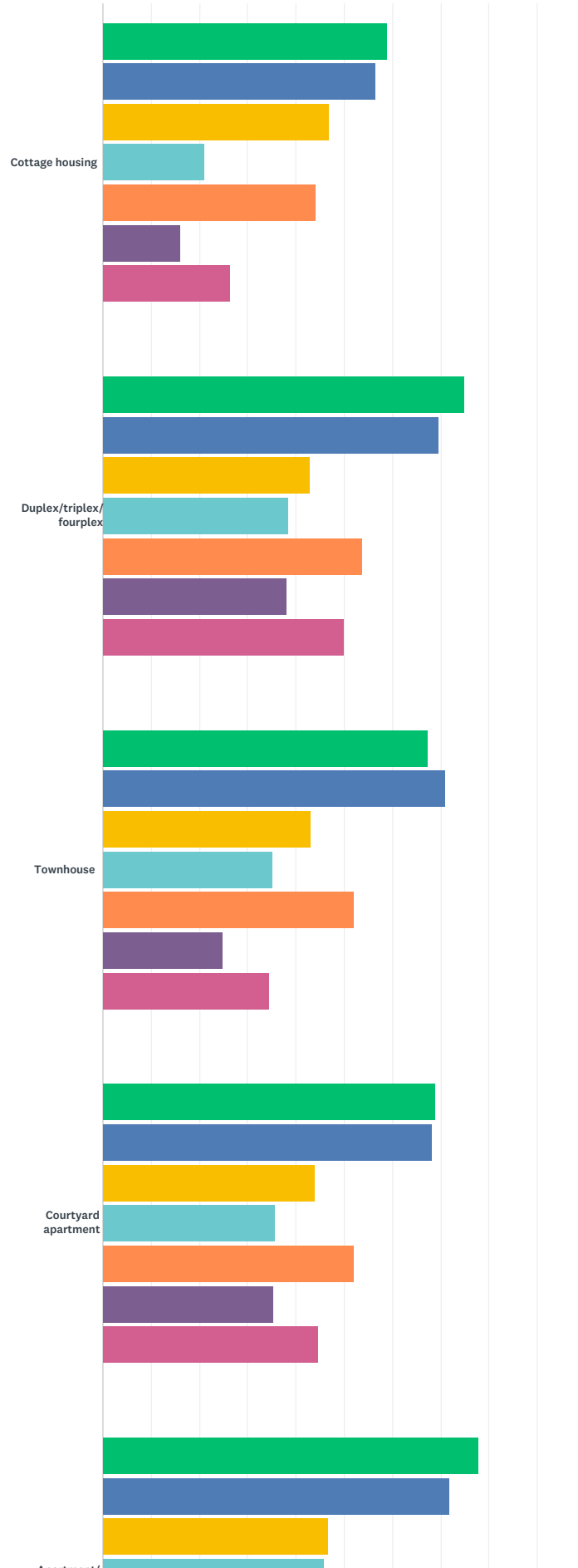
## Oregon City Equitable Housing Analysis - Housing Types

Q10 What concerns might you have about the following housing types in your neighborhood? Check all that apply.

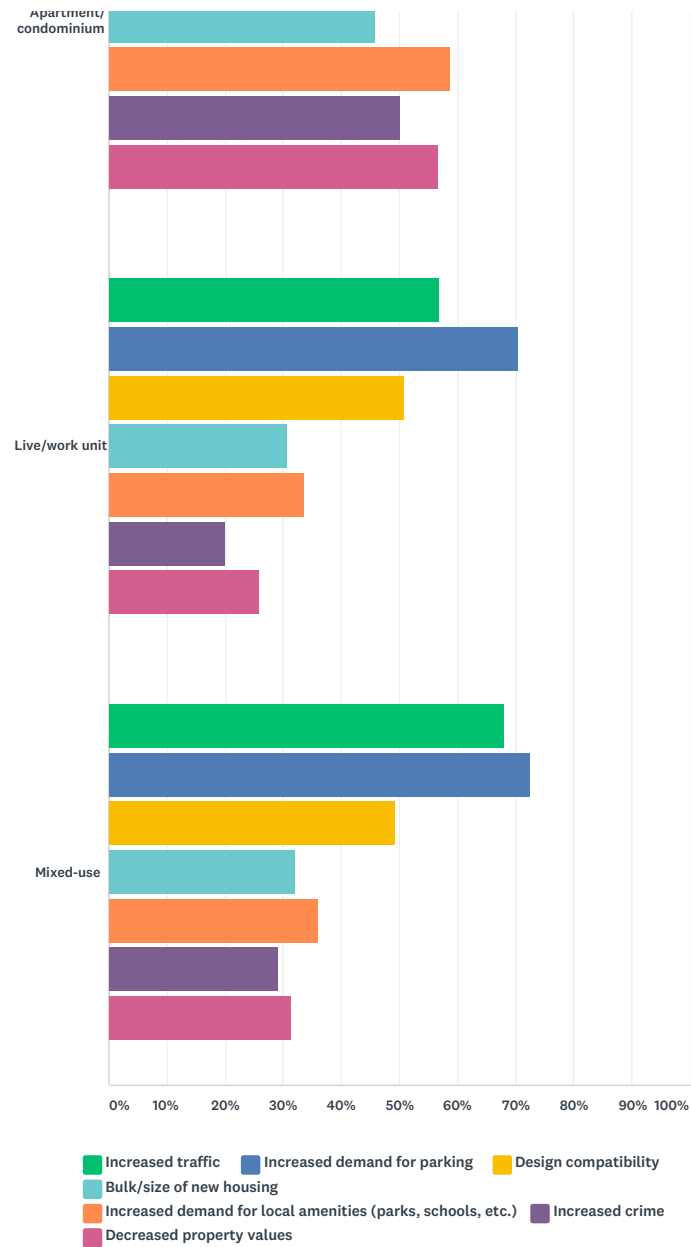
Answered: 231 Skipped: 118



## Oregon City Equitable Housing Analysis - Housing Types



## Oregon City Equitable Housing Analysis - Housing Types



	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

## Oregon City Equitable Housing Analysis - Housing Types

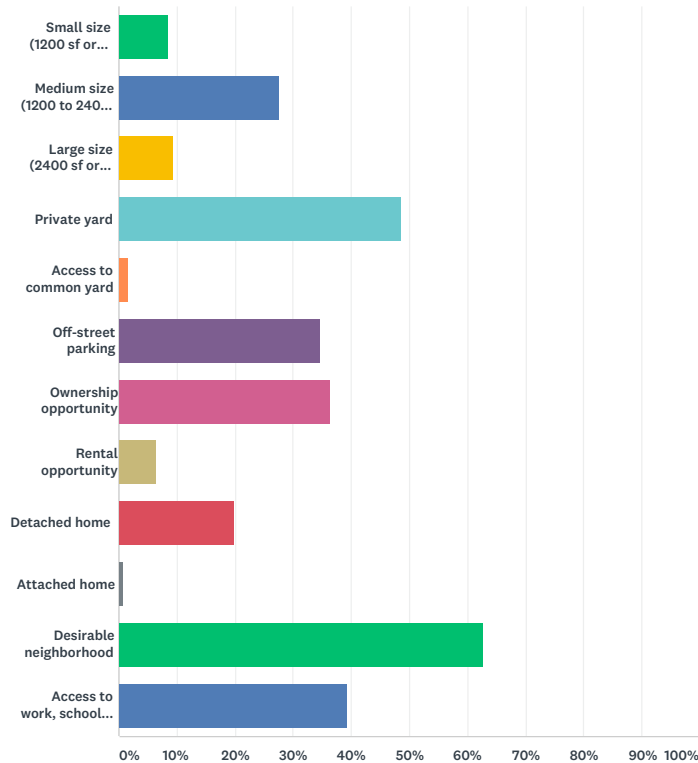
Live/work unit	56.80% 96	70.41% 119	50.89% 86	30.77% 52	33.73% 57	20.12% 34	26.04% 44	169
Mixed-use	68.02% 117	72.67% 125	49.42% 85	31.98% 55	36.05% 62	29.07% 50	31.40% 54	172

#	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

## Oregon City Equitable Housing Analysis - Housing Types

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 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

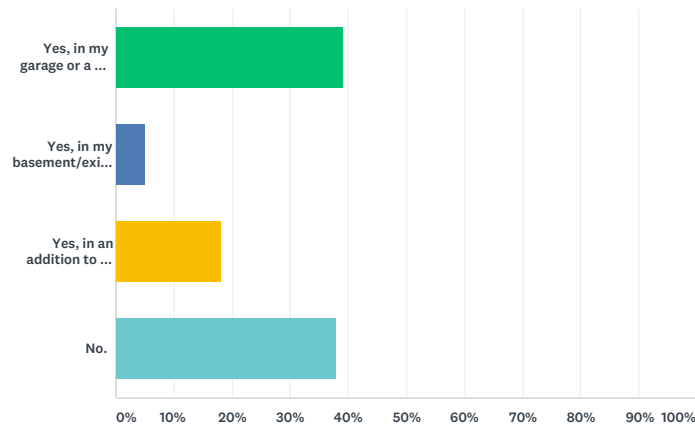
## Oregon City Equitable Housing Analysis - Housing Types

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

## Oregon City Equitable Housing Analysis - Housing Types

### 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 city 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



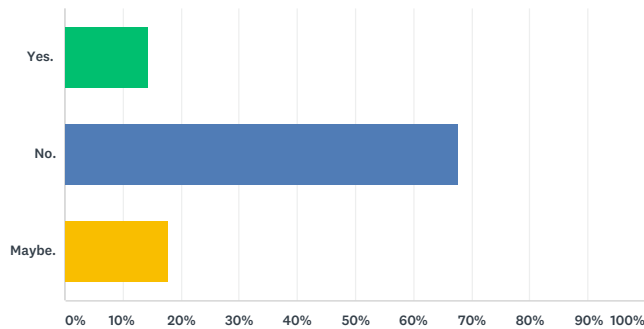
## Oregon City Equitable Housing Analysis - Housing Types

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

## Oregon City Equitable Housing Analysis - Housing Types

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 accessible 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

## Oregon City Equitable Housing Analysis - Housing Types

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

## Oregon City Equitable Housing Analysis - Housing Types

### 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 of 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

## Oregon City Equitable Housing Analysis - Housing Types

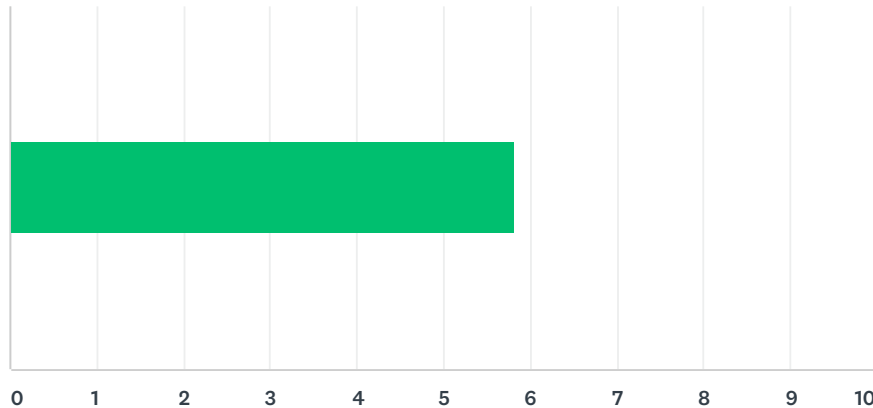
34	Don't over crowd OC PDX should be a guide of what not to do. Make sure there is enough parking and infrastructure	2/22/2018 7:01 PM
35	Stop trying to force affordable housing in a community that doesn't want it. We don't want the max line. We don't want more apartments. We in Oregon City don't want 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 <a href="https://www.strongtowns.org/">https://www.strongtowns.org/</a>	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

## Oregon City Equitable Housing Analysis - Housing Types

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 blessed 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
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Total Respondents: 92			

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## Oregon City Equitable Housing Code Concepts

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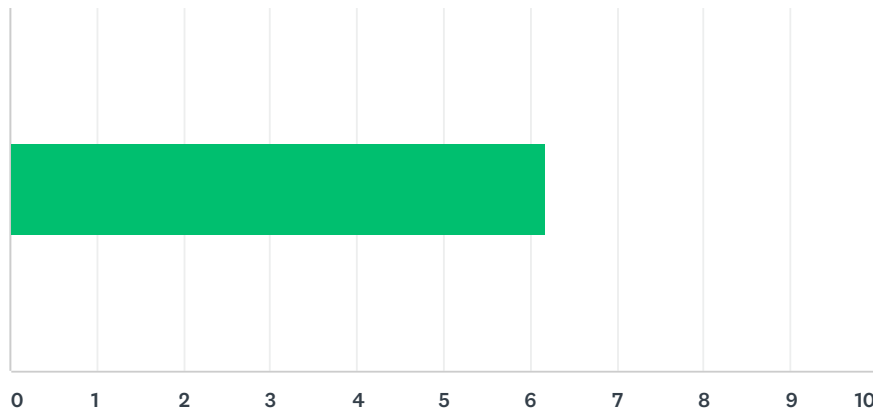


## Oregon City Equitable Housing Code Concepts

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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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## Oregon City Equitable Housing Code Concepts

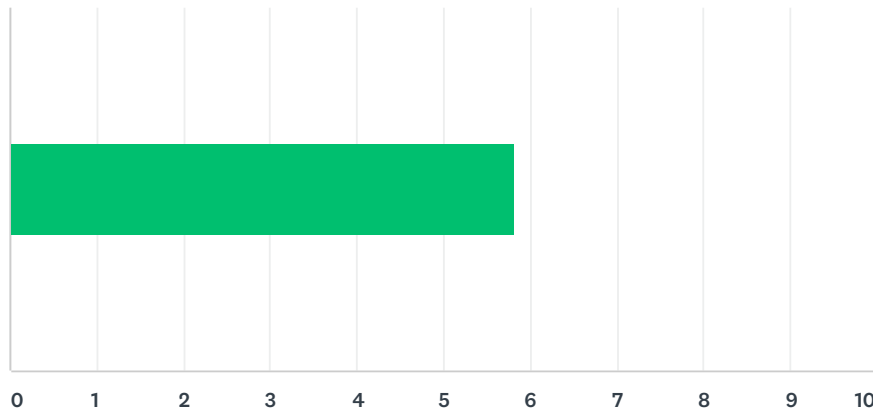
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## Oregon City Equitable Housing Code Concepts

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### 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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	536	92

Total Respondents: 92

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## Oregon City Equitable Housing Code Concepts

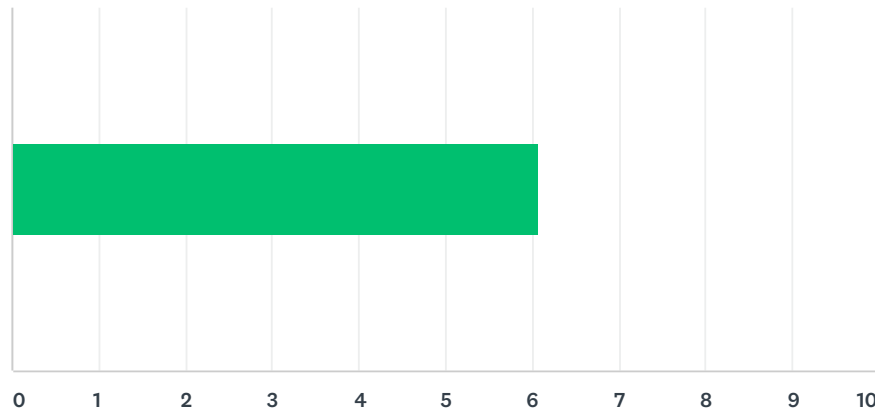
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## Oregon City Equitable Housing Code Concepts

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## 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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	565	93

Total Respondents: 93			
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## Oregon City Equitable Housing Code Concepts

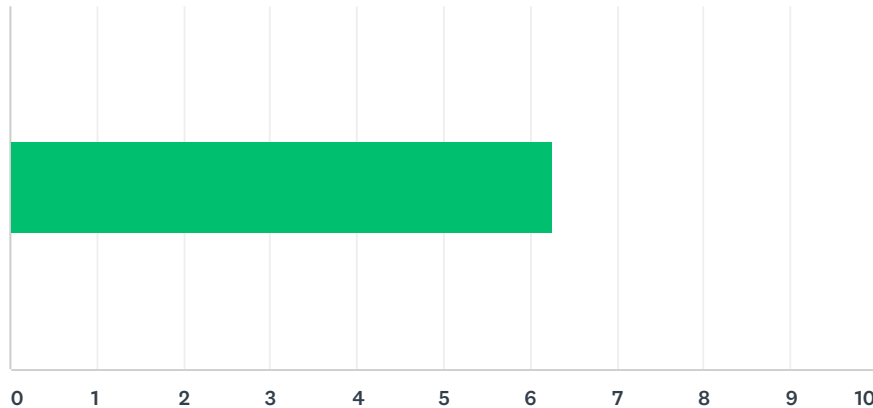
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32	2	6/12/2018 2:49 PM
33	10	6/12/2018 1:56 PM
34	6	6/12/2018 1:44 PM
35	1	6/12/2018 1:17 PM
36	10	6/12/2018 12:41 PM
37	8	6/12/2018 10:45 AM
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45	8	6/7/2018 10:11 AM
46	8	6/7/2018 8:06 AM
47	5	6/6/2018 6:26 PM
48	1	6/5/2018 7:51 PM
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51	5	6/3/2018 9:13 PM
52	7	6/2/2018 3:53 PM
53	4	6/2/2018 8:41 AM
54	0	6/2/2018 6:14 AM
55	0	6/1/2018 8:58 PM
56	2	6/1/2018 7:36 PM
57	5	6/1/2018 3:13 PM
58	10	6/1/2018 9:03 AM
59	10	6/1/2018 5:44 AM
60	4	5/31/2018 8:09 PM
61	10	5/31/2018 4:27 PM

## Oregon City Equitable Housing Code Concepts

62	10	5/31/2018 2:19 PM
63	10	5/31/2018 2:03 PM
64	0	5/31/2018 1:08 PM
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66	0	5/31/2018 11:55 AM
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71	10	5/31/2018 10:08 AM
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90	0	5/30/2018 5:51 PM
91	10	5/30/2018 5:27 PM
92	7	5/30/2018 4:15 PM
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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	582	93
Total Respondents: 93			

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14	10	6/14/2018 1:29 PM
15	6	6/14/2018 1:18 PM
16	0	6/14/2018 8:49 AM
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19	8	6/13/2018 1:23 PM

## Oregon City Equitable Housing Code Concepts

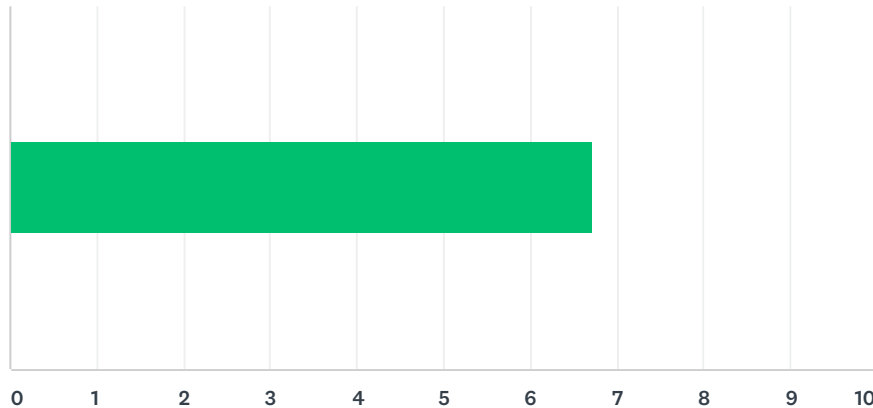
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60	4	5/31/2018 8:09 PM

## Oregon City Equitable Housing Code Concepts

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72	0	5/31/2018 9:59 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	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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	7	625	93
Total Respondents: 93			

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## Oregon City Equitable Housing Code Concepts

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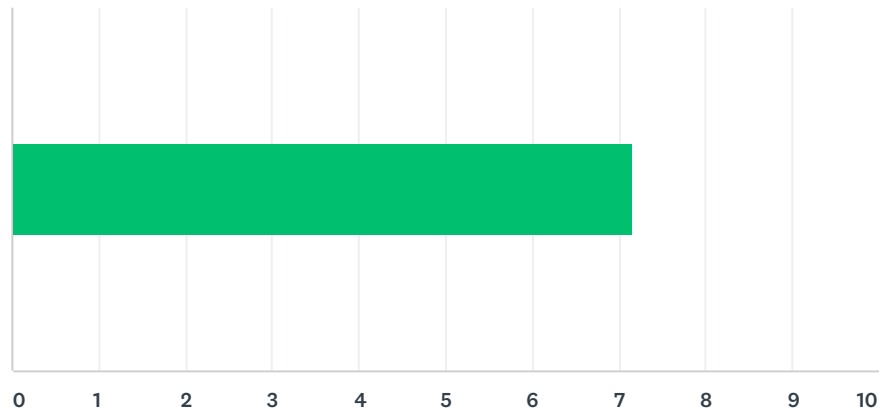
## Oregon City Equitable Housing Code Concepts

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92	10	5/30/2018 4:15 PM
93	10	5/30/2018 4:10 PM



## Q7 Allow existing manufactured home parks in their current medium-density residential locations, to facilitate ongoing upgrades and improvements.

Answered: 90 Skipped: 4



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	7	643	90

Total Respondents: 90			
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## Oregon City Equitable Housing Code Concepts

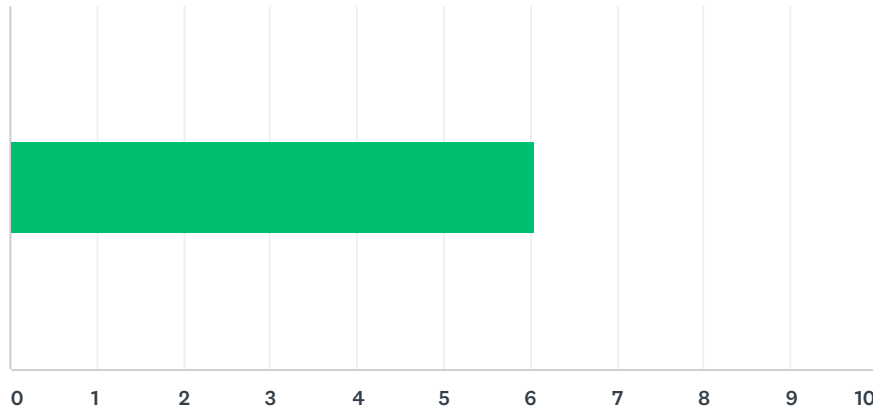
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56	5	6/1/2018 5:44 AM
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59	10	5/31/2018 2:19 PM
60	10	5/31/2018 2:03 PM
61	9	5/31/2018 1:08 PM

## Oregon City Equitable Housing Code Concepts

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67	10	5/31/2018 10:27 AM
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72	1	5/31/2018 9:45 AM
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75	5	5/31/2018 9:29 AM
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77	5	5/31/2018 9:28 AM
78	5	5/31/2018 9:26 AM
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80	10	5/31/2018 9:14 AM
81	10	5/31/2018 6:36 AM
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85	8	5/30/2018 8:37 PM
86	8	5/30/2018 7:01 PM
87	10	5/30/2018 5:51 PM
88	5	5/30/2018 5:27 PM
89	10	5/30/2018 4:15 PM
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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	544	90
Total Respondents: 90			

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11	10	6/14/2018 3:45 PM
12	4	6/14/2018 2:16 PM
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## Oregon City Equitable Housing Code Concepts

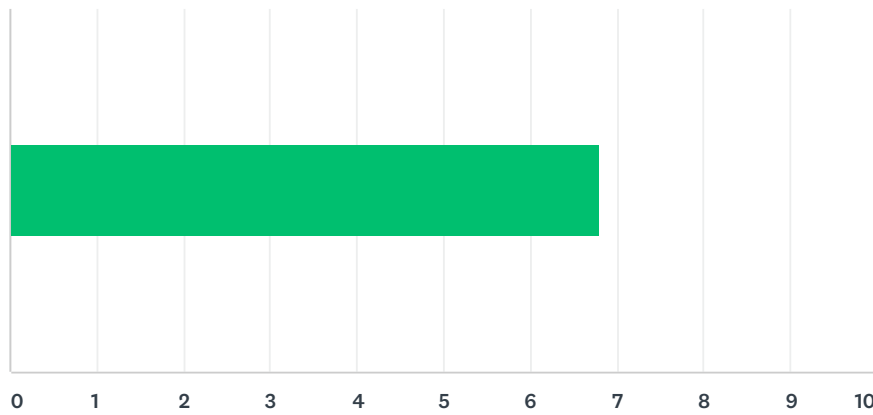
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## Oregon City Equitable Housing Code Concepts

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87	0	5/30/2018 5:51 PM
88	2	5/30/2018 5:27 PM
89	10	5/30/2018 4:15 PM
90	10	5/30/2018 4:10 PM

**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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	7	625	92
Total Respondents: 92			

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## Oregon City Equitable Housing Code Concepts

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50	10	6/4/2018 12:42 PM
51	10	6/3/2018 9:13 PM
52	10	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

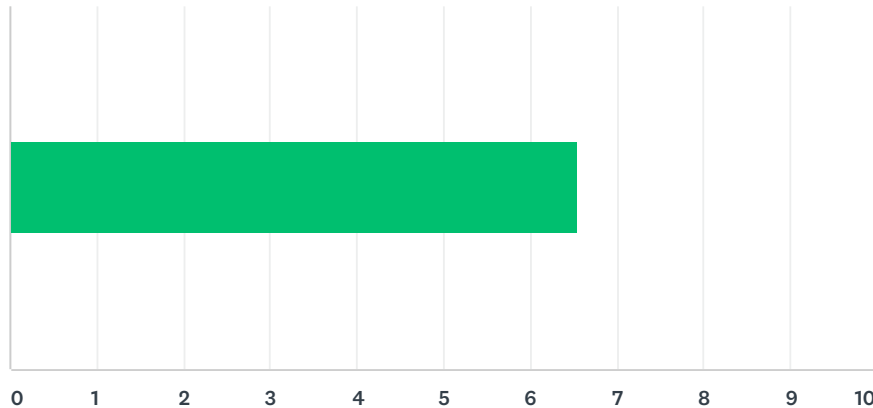


## Oregon City Equitable Housing Code Concepts

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60	8	5/31/2018 8:09 PM
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62	10	5/31/2018 2:19 PM
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69	10	5/31/2018 11:07 AM
70	10	5/31/2018 10:27 AM
71	7	5/31/2018 10:08 AM
72	0	5/31/2018 9:59 AM
73	10	5/31/2018 9:57 AM
74	0	5/31/2018 9:56 AM
75	1	5/31/2018 9:45 AM
76	7	5/31/2018 9:45 AM
77	10	5/31/2018 9:35 AM
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80	5	5/31/2018 9:28 AM
81	10	5/31/2018 9:26 AM
82	0	5/31/2018 9:21 AM
83	10	5/31/2018 9:14 AM
84	10	5/31/2018 6:36 AM
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86	10	5/30/2018 9:46 PM
87	3	5/30/2018 9:18 PM
88	9	5/30/2018 8:37 PM
89	5	5/30/2018 5:51 PM
90	10	5/30/2018 5:27 PM
91	10	5/30/2018 4:15 PM
92	10	5/30/2018 4:10 PM

**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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	7	590	90
Total Respondents: 90			

#		DATE
1	10	6/20/2018 1:43 PM
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5	7	6/19/2018 12:52 PM
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7	10	6/18/2018 9:37 PM
8	6	6/15/2018 11:54 PM
9	3	6/15/2018 12:24 PM
10	1	6/14/2018 8:59 PM
11	7	6/14/2018 3:46 PM
12	10	6/14/2018 2:17 PM
13	10	6/14/2018 2:00 PM
14	10	6/14/2018 1:30 PM
15	6	6/14/2018 1:19 PM
16	0	6/14/2018 8:50 AM
17	10	6/14/2018 8:01 AM
18	9	6/13/2018 2:18 PM
19	6	6/13/2018 1:24 PM

## Oregon City Equitable Housing Code Concepts

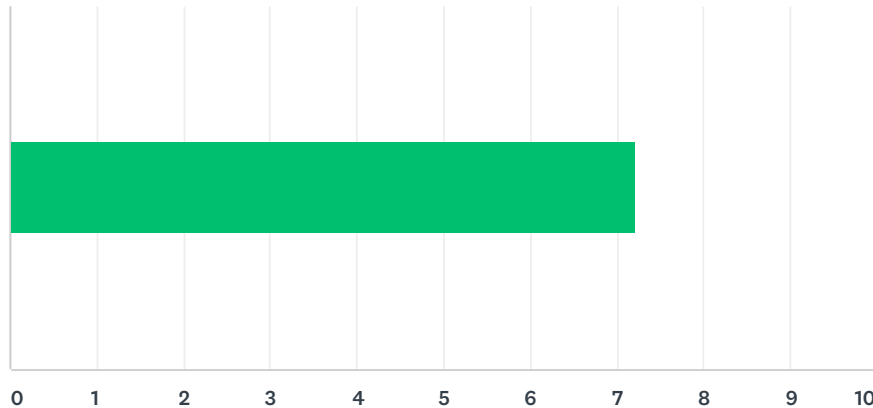
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22	9	6/13/2018 11:11 AM
23	8	6/13/2018 10:02 AM
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25	4	6/13/2018 7:34 AM
26	1	6/13/2018 1:11 AM
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38	10	6/11/2018 5:23 PM
39	10	6/11/2018 4:19 PM
40	5	6/11/2018 11:43 AM
41	10	6/11/2018 11:08 AM
42	1	6/9/2018 9:31 AM
43	10	6/7/2018 4:57 PM
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45	3	6/7/2018 8:12 AM
46	9	6/6/2018 6:26 PM
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53	5	6/1/2018 9:00 PM
54	0	6/1/2018 7:37 PM
55	10	6/1/2018 9:03 AM
56	5	6/1/2018 5:45 AM
57	6	5/31/2018 8:09 PM
58	10	5/31/2018 4:27 PM
59	10	5/31/2018 2:19 PM
60	10	5/31/2018 2:04 PM

## Oregon City Equitable Housing Code Concepts

61	8	5/31/2018 1:09 PM
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63	0	5/31/2018 11:55 AM
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65	10	5/31/2018 11:11 AM
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68	10	5/31/2018 10:09 AM
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85	7	5/30/2018 8:39 PM
86	5	5/30/2018 7:03 PM
87	0	5/30/2018 5:52 PM
88	2	5/30/2018 5:27 PM
89	10	5/30/2018 4:16 PM
90	10	5/30/2018 4:10 PM

**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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	7	649	90
Total Respondents: 90			

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12	9	6/14/2018 2:17 PM
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14	10	6/14/2018 1:30 PM
15	6	6/14/2018 1:19 PM
16	0	6/14/2018 8:50 AM
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19	9	6/13/2018 1:24 PM

## Oregon City Equitable Housing Code Concepts

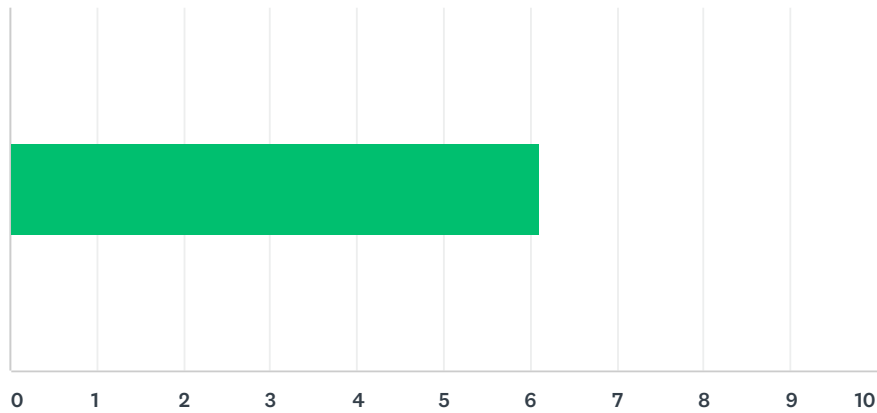
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29	1	6/12/2018 6:04 PM
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35	9	6/12/2018 12:42 PM
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56	9	6/1/2018 5:45 AM
57	8	5/31/2018 8:09 PM
58	10	5/31/2018 4:27 PM
59	10	5/31/2018 2:19 PM
60	10	5/31/2018 2:04 PM

## Oregon City Equitable Housing Code Concepts

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63	0	5/31/2018 11:55 AM
64	10	5/31/2018 11:17 AM
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68	10	5/31/2018 10:09 AM
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72	5	5/31/2018 9:46 AM
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74	5	5/31/2018 9:36 AM
75	8	5/31/2018 9:30 AM
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77	10	5/31/2018 9:26 AM
78	0	5/31/2018 9:22 AM
79	10	5/31/2018 9:15 AM
80	10	5/31/2018 6:38 AM
81	0	5/31/2018 1:06 AM
82	10	5/30/2018 9:46 PM
83	8	5/30/2018 9:18 PM
84	9	5/30/2018 8:39 PM
85	6	5/30/2018 7:03 PM
86	0	5/30/2018 5:52 PM
87	10	5/30/2018 5:27 PM
88	1	5/30/2018 4:52 PM
89	10	5/30/2018 4:16 PM
90	10	5/30/2018 4:10 PM

**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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	538	88
Total Respondents: 88			

#		DATE
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7	10	6/18/2018 9:37 PM
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16	0	6/14/2018 8:50 AM
17	10	6/14/2018 8:01 AM
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## Oregon City Equitable Housing Code Concepts

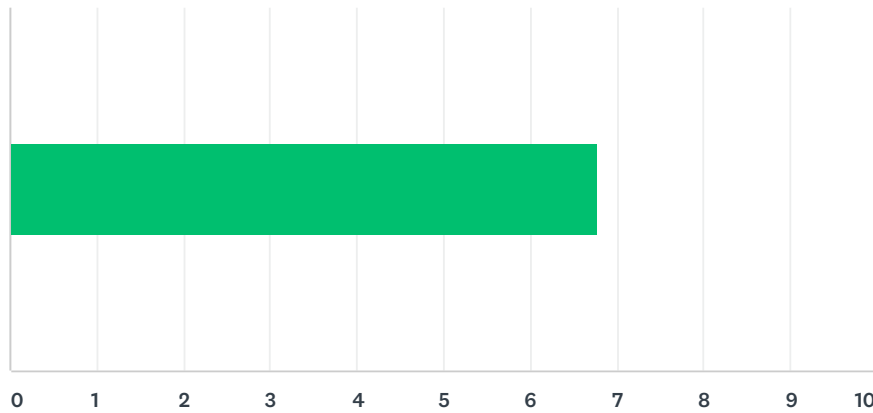
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29	1	6/12/2018 6:04 PM
30	3	6/12/2018 4:07 PM
31	3	6/12/2018 2:49 PM
32	10	6/12/2018 1:57 PM
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39	10	6/11/2018 4:19 PM
40	7	6/11/2018 11:43 AM
41	8	6/11/2018 11:08 AM
42	5	6/9/2018 9:31 AM
43	10	6/7/2018 4:57 PM
44	10	6/7/2018 10:12 AM
45	8	6/7/2018 8:12 AM
46	5	6/6/2018 6:26 PM
47	1	6/5/2018 7:52 PM
48	10	6/5/2018 10:33 AM
49	10	6/4/2018 12:43 PM
50	0	6/3/2018 9:15 PM
51	10	6/2/2018 3:53 PM
52	0	6/2/2018 8:42 AM
53	4	6/1/2018 9:00 PM
54	0	6/1/2018 7:37 PM
55	0	6/1/2018 9:03 AM
56	4	6/1/2018 5:45 AM
57	8	5/31/2018 8:09 PM
58	10	5/31/2018 4:27 PM
59	10	5/31/2018 2:19 PM
60	0	5/31/2018 1:09 PM
61	0	5/31/2018 12:47 PM

## Oregon City Equitable Housing Code Concepts

62	0	5/31/2018 11:55 AM
63	8	5/31/2018 11:17 AM
64	10	5/31/2018 11:11 AM
65	10	5/31/2018 11:07 AM
66	5	5/31/2018 10:28 AM
67	10	5/31/2018 10:09 AM
68	0	5/31/2018 10:01 AM
69	10	5/31/2018 9:57 AM
70	0	5/31/2018 9:56 AM
71	1	5/31/2018 9:46 AM
72	5	5/31/2018 9:46 AM
73	10	5/31/2018 9:36 AM
74	7	5/31/2018 9:30 AM
75	8	5/31/2018 9:28 AM
76	10	5/31/2018 9:26 AM
77	0	5/31/2018 9:22 AM
78	10	5/31/2018 9:15 AM
79	10	5/31/2018 6:38 AM
80	5	5/31/2018 1:06 AM
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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	7	596	88

Total Respondents: 88

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16	9	6/14/2018 8:51 AM
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## Oregon City Equitable Housing Code Concepts

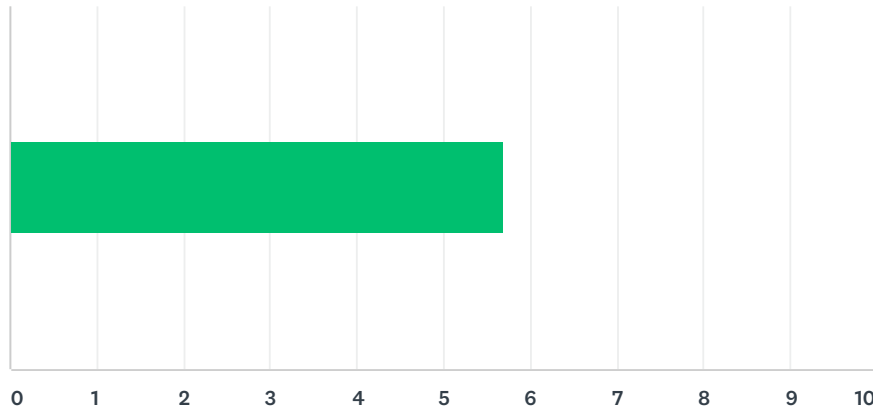
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## Oregon City Equitable Housing Code Concepts

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85	8	5/30/2018 5:53 PM
86	7	5/30/2018 5:28 PM
87	5	5/30/2018 4:16 PM
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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 82			

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17	7	6/13/2018 1:26 PM
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## Oregon City Equitable Housing Code Concepts

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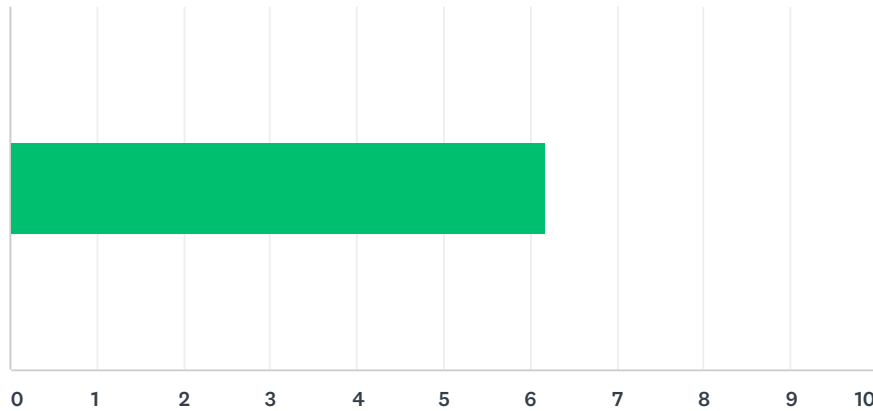
## Oregon City Equitable Housing Code Concepts

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70	8	5/31/2018 9:32 AM
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79	0	5/30/2018 5:56 PM
80	5	5/30/2018 5:29 PM
81	6	5/30/2018 4:24 PM
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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	513	83
Total Respondents: 83			

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12	10	6/14/2018 1:30 PM
13	6	6/14/2018 1:20 PM
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16	6	6/13/2018 2:20 PM

## Oregon City Equitable Housing Code Concepts

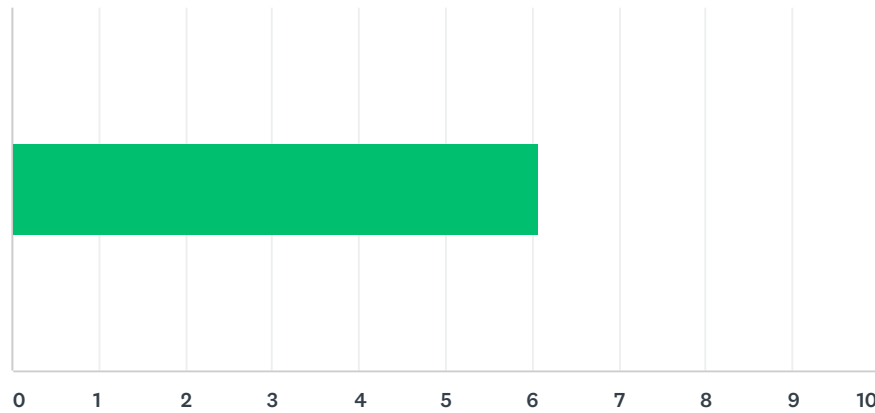
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## Oregon City Equitable Housing Code Concepts

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83	10	5/30/2018 4:11 PM

## 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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	497	82

Total Respondents: 82			
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## Oregon City Equitable Housing Code Concepts

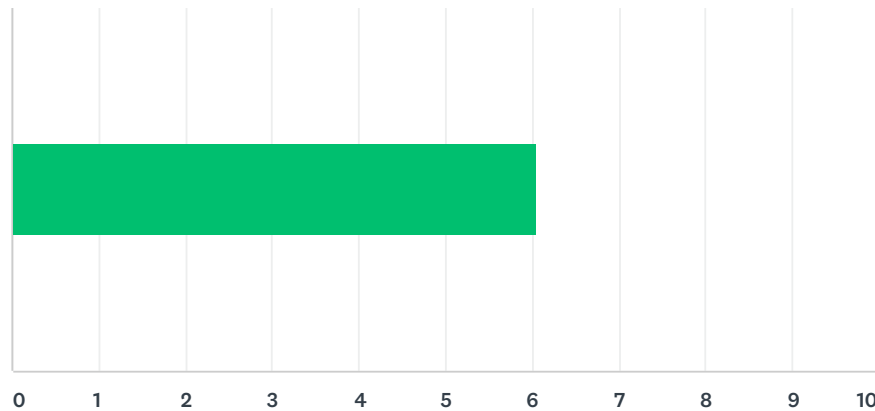
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## Oregon City Equitable Housing Code Concepts

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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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	484	80
Total Respondents: 80			

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## Oregon City Equitable Housing Code Concepts

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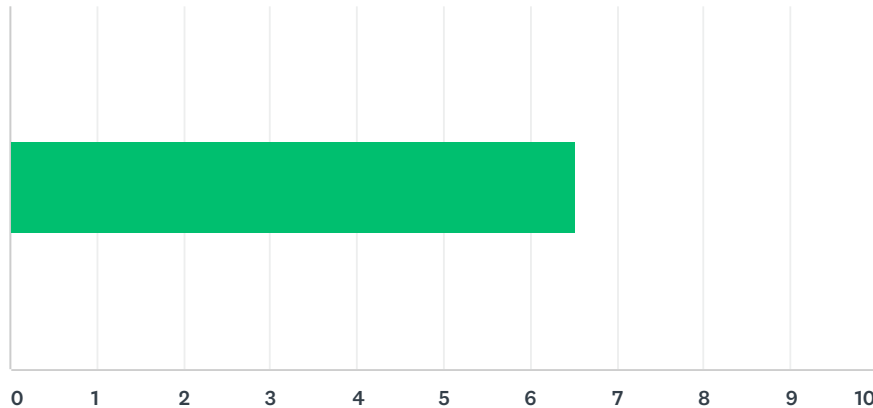


## Oregon City Equitable Housing Code Concepts

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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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	7	536	82
Total Respondents: 82			

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## Oregon City Equitable Housing Code Concepts

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## Oregon City Equitable Housing Code Concepts

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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 high 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 commercial 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

## Oregon City Equitable Housing Code Concepts

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

## Oregon City Equitable Housing Code Concepts

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



## **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.

<b>Housing Type</b>	<b>Units</b>
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 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.

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.