



City of Oregon City

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

Meeting Agenda Planning Commission

Monday, May 22, 2017

7:00 PM

Commission Chambers

1. Call to Order

2. Public Comments

3. Public Hearing

- 3a.** Proposed amendments to the Oregon City Municipal Code.
Supplemental Zoning Regulations and Exceptions in Chapter 17.54.010,
Definitions in Chapter 17.04.743, Site Plan and Design Review in
Chapter 17.62, and Hooved Animals in Chapter 6.07.

Sponsors: Planner Trevor Martin

Attachments: [Commission Report](#)

[L 17-01 Staff Report](#)

[Exhibit 1 - Proposed Code Amendments](#)

4. Work Session with Natural Resources Committee

- 4a.** Joint Work Session with Planning Commission and Natural Resources
Committee (NRC)

Sponsors: Pete Walter

Attachments: [Staff Report](#)

[NRC Workplan 04.12.2017](#)

5. Approval of the Minutes

- 5a.** Approval of Planning Commission Minutes for November 14, 2016 and
December 12, 2016.

Sponsors: Community Development Director Laura Terway

Attachments: [Draft November 14, 2016 Minutes](#)

[Draft December 12, 2016 Minutes](#)

6. Communications

7. Adjournment

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

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

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

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

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



City of Oregon City

625 Center Street
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Staff Report

File Number: PC 17-061

Agenda Date:

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Planner Trevor Martin

File Type: Planning Item

SUBJECT:

Proposed amendments to the Oregon City Municipal Code. Supplemental Zoning Regulations and Exceptions in Chapter 17.54.010, Definitions in Chapter 17.04.743, Site Plan and Design Review in Chapter 17.62, and Hooved Animals in Chapter 6.07.

RECOMMENDED ACTION (Motion): Approval of Application

BACKGROUND: The Oregon City Municipal Code currently prohibits most fabric and metal accessory buildings, known as membrane structures, when visible from the adjacent sidewalk or right-of-way. In 2016, the City received a significant number of Code Enforcement complaints about membrane structures, which led to a conversation by the City Commission to determine if the regulations should be amended. The applicable standards and associated violations were discussed at a series of City Commission meetings. With primary direction from the City Commission at a work session on December 13, 2016, staff assembled the proposed amendments to the Oregon City Municipal Code in Exhibit A, which generally include the following:

1. Currently, metal sided accessory buildings in residential zones are not allowed when visible from the adjacent right-of-way and all accessory buildings 200 square feet or greater must be constructed with the same exterior building materials as the onsite dwelling(s), or an acceptable substitute. The proposed code language will allow any exterior building material, including metal, for residential accessory structures except for membrane or fabric covered storage areas or cargo containers.
2. Currently, accessory structures must comply with the setbacks of the zoning designation, though structures with a footprint less than 200 square feet in size as well as one structure with a footprint up to 600 square feet may be placed closer to the property line if the building complies with restrictions, such as a maximum height of 14 feet. The proposed code language would:
 - a. Increase the height for the reduced setback from 14 feet to 17 feet
 - b. Remove any building separation requirements for the reduction
 - c. Apply the reduced setback to the corner setback
3. The proposed code would allow accessory structures constructed prior to January 1, 2017 to remain which are located behind the front building line of a home but do not comply with the setback and height requirements, except as otherwise limited through an applicable overlay district. Building code regulations would apply.
4. Relocate code language for hooved animals to the animal chapter of the Code.
5. Allow temporary structures within the right-of-way.
6. Allow temporary structures for commercial, industrial, mixed use, multi-family, and institutional properties which include allowing:
 - a. Temporary structures up to 200 square feet for up to 3 consecutive days, 6 times per year
 - b. Temporary structures larger than 200 square feet would be allowed up to twice a year for the following timeframe:

i. 201-800 square feet: up to 30 consecutive days

ii. More than 800 square feet: up to 7 consecutive days

7. Clarify standards prohibiting tarps and allowing membrane or fabric covered storage areas as temporary structures.

8. Remove code language for firework and Christmas tree sales, and instead regulate temporary structures.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



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BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



FILE NO.: L-17-0001

APPLICATION TYPE: Legislative

HEARING DATES: Planning Commission
7:00 p.m., May 22, 2017
Commission Chambers, 625 Center St, Oregon City, OR 97045

APPLICANT: Oregon City Community Development Department

REQUEST: Proposed amendments to the Oregon City Municipal Code. Supplemental Zoning Regulations and Exceptions in Chapter 17.54.010, Definitions in Chapter 17.04.743, Site Plan and Design Review in Chapter 17.62, and Hooved Animals in Chapter 6.07.

LOCATION: City-Wide

REVIEWER: Trevor Martin, AICP, Planner

RECOMMENDATION: Staff recommends approval of this application based on the satisfaction of all required criteria for a Legislative action.

PROCESS: OCMC 17.50.170.

- A. *Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.*
- B. *Planning Commission Review.*
 1. *Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.*
 2. *The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.*

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

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT TREVOR MARTIN IN THE PLANNING DIVISION OFFICE AT 722-3789.

I. PROPOSAL

The Oregon City Municipal Code currently prohibits most fabric and metal accessory buildings, known as membrane structures, when visible from the adjacent sidewalk or right-of-way. In 2016, the City received a significant number of Code Enforcement complaints about membrane structures, which led to a conversation by the City Commission to determine if the regulations should be amended. The applicable standards and associated violations were discussed at a series of City Commission meetings. With primary direction from the City Commission at a work session on December 13, 2016, staff assembled the proposed amendments to the Oregon City Municipal Code in Exhibit A, which generally include the following:

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- 4. Relocate code language for hooved animals to the animal chapter of the Code.
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- 6. Allow temporary structures for commercial, industrial, mixed use, multi-family, and institutional properties which include allowing:
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- 7. Clarify standards prohibiting tarps and allowing membrane or fabric covered storage areas as temporary structures.
- 8. Remove code language for firework and Christmas tree sales, and instead regulate temporary structures.

Note the propose language is likely to be amended as public comments are received and through the review process. An associated fee resolution will be presented before the City commission for the review of temporary structures.

II. FACTS

A. AREA AFFECTED: CITY WIDE

The proposed code changes will impact all properties within Oregon City.

B. PUBLIC NOTICE

Public Notice was provided more than 20 days prior to the first evidentiary hearing via email to affected agencies, neighborhood associations and Oregon City boards and committees, and published in the Oregon City News / Clackamas Review. Notice of the proposed amendment was provided to property owners in Code Enforcement for issues related to the proposed code amendment, a variety of groups and government agencies including, Metro and the Department of the Land Conservation and Development. A Measure 56 Notice was not required since the proposal does not further restrict existing allowable uses of land or rezone land. The Planning Division held a meeting with the Citizen Involvement Committee on April 3, 2017, a meeting with the Development Stakeholders Group on May 4, 2017, and a Work Session with the Planning Commission on April 10, 2017 to discuss the proposal and how the proposed changes would affect properties. No written comments were received regarding this proposal.

C. PUBLIC OUTREACH PROCESS

Staff has employed a variety of methods to engage and educate the public about the process, including:

- Presentation to the Citizen Involvement Committee,
- Work sessions with the Planning Commission, and
- Public Notices

III. DECISION-MAKING CRITERIA:

OREGON CITY MUNICIPAL CODE (OCMC)

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: Complies as Proposed. The text amendments to the Oregon City Municipal Code and was initiated by the City Commission. Staff finds that the proposal is consistent with 17.68.010.

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.

Statewide Planning Goals are also shown to indicate how the Oregon City Comprehensive Plan (OCCP) Goals and Policies implement the applicable Statewide Planning Goal.

STATEWIDE PLANNING GOAL 1 – CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of 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 Policy 1.2.1

Encourage development and refinement of CIC and neighborhood association bylaws that will govern the groups' formation and operations.

OCCP Goal 1.3 Community Education

Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.

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.

Finding: Complies as Proposed. The proposed code amendments were first identified by citizens who came before the City Commission. The City Commission met to discuss this topic multiple times before providing direction to staff regarding these changes. The proposed amendments has been presented to the Citizen Involvement Committee, Development Stakeholders Group, as well as in a work session with the Planning Commission prior to the first public hearing. In addition, the proposed code amendment has been posted on the City website at <http://www.orcity.org/planning/project/1-17-01>, emailed to various entities including neighborhood associations and the Citizen Involvement Committee, and posted in a general circulation newspaper.

The following meetings, work sessions and open houses were held to provide information about the impact of the proposed code amendments and gather input from the public about the proposed regulations.

Month	Meeting	Date
April		
	Citizen Involvement Committee	April 3, 2017

	Planning Commission	April 10, 2017
May		
	Development Stakeholders Group	May 4, 2017

Staff finds that the proposal is consistent with OCCP Goals 1.1, 1.2, 1.3 and 1.4.

STATEWIDE PLANNING GOAL 2 – LAND USE PLANNING

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

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: Complies as Proposed. The proposed code amendments include opportunities to utilize property to a much greater extent including:

- Residential. Reductions for the interior corner setback for residential accessory structures in certain cases, increased building height for accessory structures with a reduced setback, allowing metal accessory structures, allowing temporary structures in the right-of-way, and general amendments to provide clarity to the Oregon City Municipal Code. The changes will provide an opportunity for some properties to construct accessory structures onsite that would not have otherwise.
- Institutional, Commercial, Industrial, Mixed Use, and Multi-Family Property: The proposed amendments will allow temporary structures within the right-of-way, temporary structures on institutional, commercial, industrial, mixed use, and multi-family property, and general amendments to provide clarity to the Oregon City Municipal Code. The result will allow land to be used more efficiently and business to operate with special events in Oregon City. Staff finds that the proposal is consistent with OCCP Goal 2.1.

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: Complies as Proposed. The proposed code amendments identified within this report will allow greater flexibility for property owners. Property owners will be able to retain existing structures which do not comply with height or setback requirements and will furthermore be provided the opportunity to construct a shed in locations where they cannot today. The changes will provide an opportunity for some properties to construct accessory structures onsite. Staff finds that the proposal is consistent with OCCP Goal 2.4.

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: Complies as Proposed. The proposed code amendments identified within this report will allow greater flexibility for property owners. Property owners will be able to retain existing structures which do not comply with height or setback requirements and will furthermore be provided the opportunity to construct a shed in locations where they cannot today. The changes will provide an opportunity for some properties to construct accessory structures onsite. Staff finds that the proposal is consistent with OCCP Policy 2.4.2.

STATEWIDE PLANNING GOAL 3: AGRICULTURAL LANDS

Finding: Complies as Proposed. The proposed amendments would not preclude the use of agricultural lands.

STATEWIDE PLANNING GOAL 4: FOREST LANDS

Finding: Complies as Proposed. The proposed amendments would not preclude the use of forest lands.

STATEWIDE PLANNING GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES
Statewide Planning Goal 5 requires that open spaces and natural, scenic, and historic resources be protected.

OCCP Goal 5.3 Historic Resources

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

Finding: Complies as Proposed. The proposed amendments would not preclude the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City. All development within a historic district or on an individually designated property is subject to review for compliance with Chapter 17.40 of the Oregon City Municipal code and the allowance of metal residential accessory structures is prohibited, unless otherwise authorized by OCMC 17.40. Staff finds that the proposal is consistent with OCCP Goal 5.3.

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: Complies as Proposed. The proposed amendments would not preclude the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City. All development within a historic district or on an individually designated property is subject to review for compliance with Chapter 17.40 of the Oregon City Municipal code and the allowance of metal residential accessory structures is prohibited, unless otherwise authorized by OCMC 17.40. Staff finds that the proposal is consistent with OCCP policy 5.3.1.

STATEWIDE PLANNING GOAL 6: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Complies as Proposed. The proposed amendments will not affect natural hazards overlay districts. All development within the overlay districts is subject to a more restrictive review. The overlay districts,

such as the Natural Resource Overlay District, Flood Management Overlay, and Geologic Hazards Overlay will apply regardless of the proposed changes. Staff finds that the proposal is consistent with OCCP Goal 6.

STATEWIDE PLANNING GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

OCCP Goal 7.1 Natural Hazards

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

Finding: Complies as Proposed. The proposed amendments will not affect natural hazards overlay districts. All development within the overlay districts is subject to a more restrictive review. The overlay districts, such as the Natural Resource Overlay District, Flood Management Overlay, and Geologic Hazards Overlay will apply regardless of the proposed changes. Staff finds that the proposal is consistent with OCCP Goal 7.1.

STATEWIDE PLANNING GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Complies as Proposed. The proposed amendments will allow facilities to more easily host temporary events, such as those for recreation. Staff finds that the proposal is consistent with OCCP Goal 8.

STATEWIDE GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

OCCP Policy 9.2.1

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

Finding: Complies as Proposed. The proposal has been sent to the Chamber of Commerce, as well as the Development Stakeholder Group, which consists of the public and members of the development community, for comments. Staff finds that the proposal is consistent with OCCP Policy 9.2.1.

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: Complies as Proposed. The proposed amendments will codify the allowance of temporary structures within the right-of-way as well as on institutional, commercial, industrial, mixed use, and multi-family property, which will allow business as well as special event providers the opportunity for additional venues to operate their business in Oregon City. Staff finds that the proposal is consistent with OCCP Policy 9.2.2.

OCCP Policy 9.2.3

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

Finding: Complies as Proposed. The proposed amendments will codify the allowance of temporary structures within the right-of-way as well as on institutional, commercial, industrial, mixed use, and multi-family property. Staff finds that the proposal is consistent with OCCP Policy 9.2.3.

STATEWIDE PLANNING GOAL 10: HOUSING

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

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: Complies as Proposed. The allowance of metal structures on residential properties as well as allowing existing structures (located behind the front line of the home), and reducing the corner side setback for accessory structures in certain cases, will provide residences a greater opportunity for homeowners to use their property as they see fit. This could result in additional investment into the housing stock. Staff finds that the proposal is consistent with OCCP Policy 10.1.2

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: Complies as Proposed. The proposed code amendments include reductions to the interior corner setback as well as allowing for increased height for single and two-family residential structures 3 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. Staff finds that the proposal is consistent with OCCP Policy 10.1.4

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: Complies as Proposed. The proposed code amendments include reductions to the interior corner setback as well as allowing for increased height for single and two-family residential structures 3 feet from the property line, in certain cases. 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.

In addition, the allowance of metal structures on these properties as well as allowing existing structures (located behind the front line of the home) will provide residences a greater opportunity to use their property as they see fit. Staff finds that the proposal is consistent with OCCP Policy 10.1.7.

OCCP Goal 10.1 Diverse Housing Opportunities

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

Finding: Complies as Proposed. The proposed code amendments include reductions to the interior corner setback as well as allowing for increased height for residential structures 3 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.

STATEWIDE PLANNING GOAL 11: PUBLIC FACILITIES AND SERVICES

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

OCCP Goal 11.4 Stormwater Management

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

Finding: Complies as Proposed. The proposal would allow metal accessory structures for residential properties, temporary structures in the right-of-way, and temporary structures on institutional, commercial, industrial, mixed use, and multi-family property. Because the zoning designation currently allows structures, the impact of the structures on public facilities is already accounted for in the public facilities forecast models. Staff finds that the proposal is consistent with OCCP Goal 11.4.

STATEWIDE PLANNING GOAL 12: TRANSPORTATION

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

Finding: Complies as Proposed. The proposal would allow metal accessory structures for residential properties, temporary structures in the right-of-way, and temporary structures on commercial, industrial, mixed use, and multi-family property. Because the zoning designation currently allows structures, the transportation impact of the structures associated with the code amendments is already accounted for in the transportation forecast models and thus does not alter the long term planned function or capacity of the transportation system. Staff finds that the proposal is consistent with OCCP Goal 12.

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: Complies as Proposed. The proposal would allow metal accessory structures for residential properties, temporary structures in the right-of-way, and temporary structures on commercial, industrial, mixed use, and multi-family property. Because the zoning designation currently allows structures, the impact of the structures on public facilities is already accounted for in the public facilities forecast models. Staff finds that the proposal is consistent with OCCP Goal 12.B.

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: Complies as Proposed. The proposal would allow metal accessory structures for residential properties, temporary structures in the right-of-way, and temporary structures on commercial, industrial, mixed use, and multi-family property. Because the zoning designation currently allows structures, the transportation impact of the structures associated with the code amendments is already accounted for in the transportation forecast models and thus does not alter the long term planned function or capacity of the transportation system. Staff finds that the proposal is consistent with OCCP Goal 12.C.

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

Finding: The Oregon City Comprehensive Plan addresses the Statewide Planning Goals, as shown above under the findings for Criterion A.

IV. RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Municipal Code text amendments, to the City Commission as included in the Exhibits for their consideration.

V. EXHIBITS

- A. Proposed Marijuana Business Regulations

DRAFT

AMENDMENTS TO THE OREGON CITY MUNICIPAL CODE (OCMC)

May 15, 2017

Each proposed amendment below identifies if the proposed changes include modifying existing portions of the code, a replacement of a section, or a new section. Removal of language is ~~struck out~~ and new language is underlined.

The Following Amendments Apply to Definitions in OCMC Chapter 17.04.

17.04.743 - Membrane or fabric covered storage area. [Amend Existing Definition]

A metal sided cargo container or an area covered by a tarp ~~or tensioned metal~~ 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.

17.04.177 - Cargo Container [New Definition]

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 or capable of 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.

17.04.1271 – Temporary Structure [New Definition]

A temporary structure permitted in Chapter 17.62 of the Oregon City Municipal Code, excluding mobile vendors.

17.04.766 – Mobile Vendor [New Definition]

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.

The Following Amendments Apply to Accessory Structures and Uses in OCMC Chapter 17.54.

17.54.010 - Accessory Structures and Uses. [Replace Existing Section]

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 or Dwellings. 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 (200) 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 (c); and
 - c. Side and rear setbacks may be reduced to not less than three (3) feet for the accessory structure and its projections if the height does not exceed seventeen (17) 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 (c); and
 - c. Side and rear setbacks may be reduced to not less than three (3) feet for one accessory structure and its projections if the height does not exceed seventeen (17) 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 (600) square feet per parcel; and
 - b. The parcel shall be in excess of twenty thousand (20,000) square feet; and
 - c. The footprint shall not exceed the footprint of the primary structure; and
 - d. Shall not exceed eight hundred square feet (800); 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 (25) 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 for Events 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 Chapter 12.04, 12.08, 17.52 and 17.62.

~~17.54.010 - Accessory buildings and uses. [Existing Section Being Removed]~~

~~Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:~~

- ~~A. Signs. Signs shall be permitted as provided in Chapter 15.28.~~
- ~~B. Accessory Buildings Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory buildings and uses:~~
 - ~~1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet (measured from the average grade on the front of the structure to the midpoint of the roof). No portion of any such structure shall project across a lot line and the accessory structure shall be located behind the front building line of the primary structure. A building permit is required for accessory buildings over ten feet in height (measured from the interior floor to the midpoint of the roof) or over two hundred square feet in size.~~
 - ~~2. Building Footprint from Two Hundred to Six Hundred Square Feet. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category provided the structure and its projections:~~
 - ~~a. Are detached and separated from other structures by at least three feet;~~
 - ~~b. Do not exceed a height of fourteen feet;~~
 - ~~3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:~~
 - ~~a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.~~
 - ~~b. The lot must be in excess of twenty thousand square feet.~~

- ~~c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.~~
- ~~d. The accessory structure shall not exceed the height of the primary structure and shall be located behind the front building line of the primary structure.~~
- ~~4. Membrane or Fabric Covered Storage Area. All membrane and fabric structures:~~
 - ~~a. Shall be located behind the front building line of the primary structure.~~
 - ~~b. Shall not be visible from the abutting right-of-way when viewed at pedestrian level.~~
 - ~~c. Exceptions to these standards may be made by the community development director for temporary storage of materials as long as the membrane or fabric covered storage area is removed within ten days, is not erected for more than twenty days in one calendar year and is not seen as a nuisance to the city.~~
 - ~~d. This section shall be effective on January 1, 2011. This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.~~
 - ~~e. This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses.~~
- ~~C. Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.~~
- ~~D. 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 requirement for the principal building. 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.~~

17.54.060 – Seasonal sales. [Delete Existing Section]

The following standards shall apply to seasonal outdoor sales which are limited to:

- ~~A. Fireworks Sales. The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5. A business license shall be required pursuant to Title 5 of this code.~~
- ~~B. Christmas Tree and Wreath Sales. The annual season for Christmas tree and wreath sales shall commence no sooner than the day after Thanksgiving and shall continue no later than December 26.~~
- ~~A business license shall be required pursuant to Title 5 of this code.~~

The Following Amendment Applies to Hooved Animals

6.07 Hooved Animals [Relocated from OCMC Chapter 17.54.010.C]

One horse or other domestic hoofed animal is permitted for each twenty thousand square feet of lot area.

The Following Amendments Apply to Temporary Structures in Commercial, Industrial, Mixed Use, Multi-Family, and Institutional Districts

17.62.035 - Minor site plan and design review. [Amend Existing Section]

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

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II-IV review.
 - b. Any use which is not permitted outright, unless otherwise noted.
 - c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.
 - d. Any proposal in which modifications are proposed under Section 17.62.015.
2. The following projects may be processed as a Type I application.
 - a. Addition or removal 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 or removal 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.

- qn. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Chapter 13.12.
 - re. New or changes to existing pedestrian accessways, walkways or plazas.
 - sq. Installation of or alterations to ADA accessibility site elements.
 - tf. 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.
 - us. Addition of or alterations to outdoor lighting.
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 17.62.035(A):
- a. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
 - b. Modification to parking lot layout and landscaping, or the addition of up to 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. 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 17.62.035(C) below.
 - c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - e. Additional submittal material may be required by the community development director on a case-by-case basis.
3. Development Standards for Type II Minor Site Plan and Design Review.
- a. All development shall comply with Section 17.62.050(1—7 and 8—15 and 20—22) when deemed applicable by the community development director. Other sections may apply, as directed by the community development director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of Section 17.62.055.

17.62.050.A.23 Temporary Structures [New Section]

Temporary structures are permitted pursuant to the following standards:

- A. For Structures up to 200 Square Feet:
 - a. Shall not be on a property for more than three (3) consecutive days; and
 - b. Shall not be on a property more than six (6) times per year; and
 - c. Shall comply with the dimensional standards of the zoning designation; and
 - d. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - e. Shall not disturb ingress or egress to the site; and
 - f. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.
- B. Temporary structures larger than 200 square feet may be permitted up to two (2) times per year; and
 - a. Structure larger than 200 square feet up to 800 Square Feet
 - i. Shall not be on a property for more than thirty (30) consecutive days;
 - ii. Shall comply with the dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.
 - b. Structures Larger Than 800 Square Feet
 - i. Shall not be on a property for more than seven (7) consecutive days;
 - ii. Shall comply with the dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.
- C. Government owned properties are exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23.D, 17.62.050.A.21 and the dimensional standards of the zoning designation.

17.62.050.A.21 Building Materials [Amend Existing Section]

- 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 baton siding.
 - a. 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.

- b. Prohibited materials. The following materials shall be prohibited in visible locations 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 or as a gate for a refuse enclosure).
 - v. Crushed colored rock/crushed tumbled glass.
 - vi. Non-corrugated and highly reflective sheet metal.
 - vii. Tarps, except for the protection of outside storage.
- c. Special material standards: The following materials are allowed if they comply with the requirements found below:
1. 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 3 feet above the finished grade level adjacent to the foundation wall.
 2. 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.
 3. 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.
 4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
 5. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.



City of Oregon City

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

Staff Report

File Number: 17-314

Agenda Date: 5/22/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 4a.

From: Pete Walter

File Type: Report

SUBJECT:

Joint Work Session with Planning Commission and Natural Resources Committee (NRC)

RECOMMENDED ACTION (Motion):

Discussion Only

BACKGROUND:

The purpose of this joint work session is to discuss issues of mutual interest between the Planning Commission and Natural Resources Committee (NRC), share details of the NRC's current work plan and priorities, and maintain good communication between the groups. City staff will facilitate the discussion.

In particular we will be discussing the following items:

- The process for addition of wetlands to the Natural Resources Overlay District; and
- The process required to update the City's Local Wetland Inventory (LWI)

Currently Oregon City is in substantial compliance with Metro Title 3 and Title 13 and Statewide Goal 5, however, the City's last wetland inventory was updated in 1999. The City's code provides a process for on-site verification and delineation of wetlands at the time of development review. The majority of inventoried wetlands, Title 3 streams and Title 13 habitat areas in the city fall under the regulations of the City's Natural Resources Overlay District which is codified under OCMC 17.49. In rare situations, such as in the case of wetland that was delineated in Canemah, wetlands may be discovered during the course of investigation or development which fall wholly outside of the overlay district. Such situations require compliance with state and federal wetland codes, but do not currently require review pursuant to OCMC 17.49.



City of Oregon City

625 Center Street
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NRC Mission Statement: In concert with the City, the committee shall advise, evaluate, and advance an agenda that empowers citizen, business and governmental stakeholders to become natural resource stewards who achieve a beneficial balance among people and natural systems now and in the future.

NRC Bylaws Article IV: Responsibilities:

- 1. Promote community involvement in conservation of natural resources within the City and its Urban Growth Boundary (UGB) in partnership with the City, neighborhood associations, and community organizations.
- 2. Initiate recommendations and review updates to the City’s comprehensive plan, codes and policy as they relate to statewide Planning Goals that are integral to our mission.
- 3. Receive notice of and comment on land use applications and City activities that have the potential to impact natural resources in the City and its Urban Growth Boundary.
- 4. Conduct orderly meetings that result in good communication to city staff, policy makers, city departments and community to achieve our mission.
- 5. Coordinate with the Parks and Recreation Advisory Committee (PRAC) and Planning and City Commissions on at least an annual basis that results in good communication and mutually beneficial results.

City Commission Vision: Embrace and advance Oregon City’s historic role as a regional leader.
City Commission Mission: Build a healthy community that leads the state in safety, economic opportunity, livability, and historic significance.

City Commission Goals:

- 1. Maintain an Environment for Successful Economic Development
- 2. Address Critical Facility Needs
- 3. Enhance the Livability of the Community
- 4. Seek Opportunities to Maintain Communications with Citizens and Facilitate Citizen Participation
- 5. Maintain Fiscal Health and Long Term Stability

City Commission Goal	Applicable NRC Responsibility (From NRC Bylaws)	Activities	City Lead / NRC Lead	Timeline	What needs to happen to accomplish this activity?
Goal 1. Maintain an Environment for Successful Economic Development <i>Cove Project and Former Landfill</i> Willamette Falls Legacy Project <i>Railroad Quiet Zone</i> <i>Beavercreek Industrial Lands</i> <i>Incentive Programs</i> Enhance Tourism	NRC Responsibility #1: Promote Community Involvement in Natural Resources Conservation	Stream and Trail Interpretive Signage could enhance tourism: Develop signage for improved public awareness of natural resources (e.g. streams and trees, development sites, heritage sites, Park sites (e.g. Beavercreek Rd to Hillendale), walking trails). Approach artists, 3 Rivers Art Guild, Collaborate w/ PRAC, Metro Interpretative Grant project Possibly NRC interface with other tourism agencies for enhanced interpretive activities. E.g. Metro Citizen Naturalists, Clackamas Tourism Council. Emphasize canopy preservation over and near these creeks. Priority <ul style="list-style-type: none">1. Abernethy Creek2. Coffee Creek3. Singer Creek4. Newell Creek5. Caufield Creek6. Mud Creek7. Tour Creek8. Livesay Creek9. Thimble Creek10. Unnamed Creeks	City Lead: Parks / PW / NRC Lead: Neeley		Need NRC member lead Need coordination with PRAC, Parks and Pubic Works Determine Budget Identify Stream Reach Develop signage content, graphics, map Prioritize Creeks for Pilot project – Well Known – Major ones: Abernethy , Coffee, Newell, develop sign content
		Pursue and advance habitat projects under Lower Harbor Trust Fund – NRDA, Clackamette Cove restoration.			



City Commission Goal	Applicable NRC Responsibility (From NRC Bylaws)	Activities	City Lead / NRC Lead	Timeline	What needs to happen to accomplish this activity?
		Continue to collaborate with Willamette Falls Legacy Project			
Goal 2. Address Critical Facility Needs <i>Public Works Center</i> <i>Deferred Maintenance Issues</i>	NRC Responsibility #1: Promote Community Involvement in Natural Resources Conservation NRC Responsibility #3: Receive Notice and Comment on Land Use Applications and Projects within City Limits and the Urban Growth Boundary	Ongoing activity as City addresses all projects listed under City Goal 3. Support / Involvement with Public Works Center Master Plan Tour / On-Site Discussion on Stewardship of the resources on Public Works and City Sites	NRC: Staff: Lewis, Montalvo, Walter		
Goal 3. Enhance the Liveability of the Community <i>Tri-City Service District Governance</i> <i>Transit Service</i> <i>Sewer Moratorium</i> <i>Waterfront Master Plan</i>	NRC Responsibility #1: Promote Community Involvement in Natural Resources Conservation	Assist with connectivity between Rossmann landfill site / interpretive center, Cove and Willamette River	NRC: Staff:		
		Advocate for enhancement and maintenance of Metro South Wetland as north gateway to Oregon City	NRC: Herrmann Staff		
		Continue work with Cove Development on Habitat Restoration	NRC: Staff		
		Pursue and advance projects under Lower Harbor Trust Fund – NRDA process (with John Runyon)	NRC: Staff		
Goal 4. Seek Opportunities to Maintain Communications with Citizens and Facilitate Citizen Participation <i>Ermatinger House</i> <i>Economic Development Forums</i> <i>Electronic Records Mgmt.</i>	NRC Responsibility #1: Promote Community Involvement in Natural Resources Conservation Goal: WFLP Goal 3: Advance Waterfront Master Plan	Communicate with Neighborhood Associations, Citizen Involvement Commission and the Business Community	City Staff: NRC: Neeley		NRC members present at other groups / boards.
		Conduct Natural Resources Tour (annual event)	NRC: Herrmann		
		Prepare Education Materials about Street Trees for Distribution to the Public.	City Staff: Walter NRC:	On-Going	
		Participate in Natural Resources-focused events associated with Arbor Day / Earth Day at City or Urban Renewal Agency Owned Lands in partnership with Greater Oregon City Watershed Council (GOCWC) and Friends of Trees.	City Staff: NRC: PRAC: ?	On-Going	Coordinate prior to April
		Strengthen and Encourage Participation in the Heritage Tree Program	Walter Dahlsrud	On-Going	Brochures \$\$\$ for incentives Further Outreach



City Commission Goal	Applicable NRC Responsibility (From NRC Bylaws)	Activities	City Lead / NRC Lead	Timeline	What needs to happen to accomplish this activity?
Goal 4. Seek Opportunities to Maintain Communications with Citizens and Facilitate Citizen Participation Goal 3. Enhance the Livability of the Community	NRC Responsibility #2: Initiate Recommendations to Comprehensive Plan, Codes and Policies.	Ongoing activity as City addresses all projects listed under City Goal 3 Need to update the City’s water resources, stream and wetland inventory (1999). Local Wetland Inventory and Statewide Goal 5 process. Metro Title 3 and Title 13 enhancement and education for habitat improvement. Consider Natural Resources Annexation Policy Consider Tree Protection and Upland Habitat Code Amendment Review NRC meeting agendas with Staff prior to Meetings with time frames	City Staff: NRC: Chair/ Staff	On-Going	
Goal 4. Seek Opportunities to Maintain Communications with Citizens and Facilitate Citizen Participation	NRC Responsibility #4: Conduct Orderly Meetings that Result in Communications.	Maintain and Update a list of Natural Resources Committee priorities to share with Planning Commission and City Commission.	NRC: Warness Staff: Walter	On-Going	
		Provide updates and annual reports about NRC accomplishments and recommendations to City Commission.	NRC: Neeley / Warness	October in advance of City Commission Retreat	
		Schedule joint meeting with PRAC to develop working relationship and develop budget support for joint projects	City Staff: Phil Lewis Pete Walter NRC: Neeley	On-Going	
Commission Goal 4. Seek Opportunities to Maintain Communications with Citizens and Facilitate Citizen Participation	NRC Responsibility #5: Coordinate Activities with Parks and Recreation Advisory Committee (PRAC) and Planning Commission on an annual basis.	Schedule joint meetings with Planning Commission when needed to continue working relationship. Discussion of NRC Responsibility #2 items above.	City Staff: Laura Terway Pete Walter NRC: Neeley	On-Going	
Commission Goal 5. Maintain Fiscal Health and Long Term Stability IT Service and Permitting Annexation Strategy		Economic Development Strategies involving Cove, Lower Harbor Trust Fund			



City of Oregon City

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

Staff Report

File Number: 17-315

Agenda Date: 5/22/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 5a.

From: Community Development Director Laura Terway

File Type: Minutes

Approval of Planning Commission Minutes for November 14, 2016 and December 12, 2016.

RECOMMENDED ACTION (Motion):

Review, comment if needed and approve.

BACKGROUND:

Please see attached draft minutes for November 14 and December 12, 2017.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, November 14, 2016

7:00 PM

Commission Chambers

1. Call to Order

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

Present: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Damon Mabee

Absent: 1 - Denyse McGriff

Staffers: 2 - Laura Terway and Carrie Richter

2. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items.

3. Public Hearings

3a. AN-16-0003: Annexation of Oregon City Golf Course (Request for Continuance)

Chair Kidwell opened the public hearing and read the quasi-judicial hearing statement. He asked if any Commissioner had conflicts of interest, ex parte contacts, bias, or statements to declare since the last meeting including a visit to the site.

Commissioner Espe said his children worked for the Oregon City Golf Course and recused himself from the hearing.

Laura Terway, Community Development Director, said the applicant had requested to continue the hearing to January.

There was no public testimony.

A motion was made by Commissioner Mabee, seconded by Commissioner Geil, to continue AN-16-0003: annexation of Oregon City Golf Course to January 9, 2017. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin and Damon Mabee

Recused: 1 - Paul Espe

3b. AN-16-0004: Annexation of 35.65 Acres (Request for Continuance)

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

site.

Commissioner Geil drove by the site every day. Commissioner Mabee had not been that far on Holcomb in years. Commissioner Espe said his wife worked at Holcomb Elementary. Commissioners Henkin and Mahoney were familiar with the site. Chair Kidwell was also familiar with the site.

Ms. Terway said the property was located north of Holcomb Boulevard near the intersection of Winston Drive and was adjacent to school property. A letter had been received from the applicant requesting a continuance of the hearing to January.

Rick Givens, representing the applicant, said they recently found out that City Code required a zone change with this annexation from County zoning to City zoning instead of leaving the County zoning in place until the development application. They had not applied for a zone change, and they needed to add it to the annexation application. They would be requesting to go to R-10 zoning.

Charlie Muteed??, resident of Oregon City, wanted to know what would be done with the property once it was annexed. Commissioner Mabee said the applicant was not required to say what they would do with the property for an annexation application. There would be another application when the property was proposed to be developed. If the zone was changed, they would be able to build R-10 housing.

Ms. Terway explained the process for the annexation and zone change request. Chair Kidwell said this was only the first step, and there would be several more before the property could be developed. He encouraged him to come back to the hearing in January.

Mr. Givens said the applicant would hold a meeting with the neighborhood association as well.

A motion was made by Commissioner Geil, seconded by Commissioner Mabee, to continue AN-16-0004: annexation of 35.65 acres to January 9, 2017. The motion carried by the following vote:

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Damon Mabee

4. General Business

4a. Nominating a Representative to the Alternate Mobility Standards Community Advisory Group

Ms. Terway said the intersection of Beavercreek and Highway 213 had many issues, and the solution in the previous Transportation System Plan (TSP) was not feasible due to cost. Beavercreek Road was in County jurisdiction and Highway 213 was in ODOT's jurisdiction. Those entities did not have the financial resources, and when the TSP was updated they decided to put the intersection on hold and come back with a refinement plan for the intersection. An alternate mobility standards study would be done to come up with a feasible solution. A technical advisory group and a community advisory group would be formed for the process. Each group would meet three times. She was asking for a Planning Commissioner to be a member of the community advisory group. The first meeting would be held on December 15. The other two meetings would be February 2 and April 12.

There was discussion regarding what had led the City to this process.

A motion was made by Commissioner Mahoney, seconded by Commissioner Geil, to nominate Commissioner Mabee to the Alternate Mobility Standards Community Advisory Group. The motion carried by the following vote:

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Damon Mabee

5. Approval of the Minutes

5a. Approval of Draft Minutes for May 9 and May 23, 2016.

Chair Kidwell wanted to make sure there were titles on the agenda items, not just numbers.

A motion was made by Commissioner Geil, seconded by Commissioner Espe, to approve the Minutes for May 9, 2016 as amended. The motion carried by the following vote:

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Damon Mabee

A motion was made by Commissioner Mabee, seconded by Commissioner Henkin, to approve the Minutes for May 23, 2016 as written. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Robert Mahoney, Zachary Henkin, Paul Espe and Damon Mabee

Abstain: 1 - Tom Geil

6. Communications

Ms. Terway announced there would be a Riverwalk community meeting on November 17 to look at the design alternatives for the project. She explained the partnerships that were working on this project and how the design alternatives were being narrowed down and refined. The November 28 Planning Commission meeting would be canceled. She discussed what was on the agenda for the December 12 meeting.

7. Adjournment

Chair Kidwell adjourned the meeting at 8:01 PM.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, December 12, 2016

7:00 PM

Commission Chambers

1. Call to Order

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

Present: 5 - Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

Absent: 2 - Charles Kidwell and Damon Mabee

Staffers: 2 - Laura Terway and Kelly Reid

2. Planning Commission Interviews

2a. Julie Reed
Tom Geil

Laura Terway, Community Development Director, explained the process for conducting the interviews.

The Planning Commission interviewed Julie Reed and Tom Geil. The questions asked were as follows:

Why is the Planning Commission important to Oregon City? What relevant experiences, skills, and interests have prepared you for the Planning Commission? What is the most important goal or purpose of the Planning Commission? How would you balance code requirements with public comment?

The Commission recommended Ms. Reed get more involved in the community before taking on this position.

A motion was made by Commissioner Henkin, seconded by Commissioner Espe, to recommend the Mayor reappoint Tom Geil to the Planning Commission for a four year term. The motion carried by the following vote:

Aye: 4 - Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

Recused: 1 - Tom Geil

A motion was made by Commissioner Espe, seconded by Commissioner Henkin, to keep the second Planning Commission position open at this time. The motion carried by the following vote:

Aye: 4 - Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

Recused: 1 - Tom Geil

3. Public Comments

There were no public comments on non-agenda items.

4. Work Session

4a. Willamette Falls Legacy Project Riverwalk Design Concepts

Kelly Reid, Planner, gave an update on the Willamette Falls Legacy Project. She discussed the community conversations and public forums that had been happening and highlighted the feedback that had been received. The preferred concept for the Riverwalk would be done in March and would be sent to the City Commission for approval by resolution. The land use application would come before the Planning Commission after that. The Transportation Demand Management Plan would also be submitted along with the land use application.

Vice Chair McGriff asked if they could review the preferred concept and give a recommendation to the City Commission before it went to the City Commission.

Commissioner Mahoney wanted to make sure they did not have unintended consequences with this project.

Ms. Reid discussed the four core values, public input that had been received, Tribal Advisory Board input, nine key uses for the Riverwalk, and a calendar of what was happening on the site during the different times of year.

Alex Gilbertson, Metro, discussed the hydraulic modeling, potential habitat types, areas of platform, public access, and key buildings for reuse. She then presented the design alternatives. The site was divided into four different areas, the north riverfront, south riverfront, PGE dam and Mill E, and potential Canemah connection to the neighborhood. She explained the design study areas, locations that required more input from the public, and the participants in the survey and recent workshop. She gave scenarios that showed how the riverwalk was more than just a sidewalk. She then reviewed the design alternatives for three areas. The first was the north riverfront. Some of the designs included non-motorized water craft access with a tiered gathering spot, no water access but restoration of the existing habitat along the river's edge, looking at the potential for a dock, or explorer trails. For the south riverfront, some of the designs included deconstructing a portion of the walls of the pipe chase to create a porch-like environment, deconstructing a portion to create a bridge environment, or a hybrid of having both a smaller porch and bridge down to the river's edge.

James Nicita, resident of Oregon City, asked where the pipe chase terminated. Ms. Reid said it started north of Mill O and extended further south to the boiler plant area.

Ms. Gilbertson said other scenarios for the south riverfront included removing fragmented habitat from the water's edge to the upland area and retaining a small portion of the pipe chase for a covered viewing area and opening it up for habitat enhancement and protection.

There was discussion regarding access to the river, the cost of the projects, and how the decisions would be made on the projects.

Ms. Gilbertson said the design for the public yard was a potential event and/or gathering space.

Commissioner Mahoney thought it should be a peace plaza, dedicated to first responders. The Commission liked the more open options for this area.

Ms. Gilbertson described the design alternatives for the PGE dam and Mill E. This was a potential secondary route to view the falls. For the clarifier, options were: removal of the clarifier for habitat creation, keeping the clarifier in tact and retrofitting it to create a theater or event gathering space, building an elevated deck on top of the clarifier to create an attraction, keeping the clarifier in tact and filling it with soil to create a planter, or creating an earthen landform as a relaxing spot to view the river. She then discussed the project calendar. The next community event would be in March and the schematic design Phase 1 would be in the spring. The land use application for Phase 1 would be submitted in June and construction was to begin in 2018.

Mr. Nicita said the report stated the flour mill's foundation was underneath paper machine #3, but when he was doing his research he found it was underneath paper machine #2. For the north riverfront, there was a triangle area near the pipe chase that would need to be addressed. There was a conflict between the natural area and historic resources there. He suggested design charettes with a designer who could translate the ideas onto paper to help resolve the issues.

Ms. Reid said staff could look at the maps to get more clarification on the flour mill's foundation.

5. Communications

Ms. Terway said there would be a City Commission Work Session tomorrow where membrane structures would be discussed. The City received a \$100,000 grant for an equitable housing opportunities study. She reported on the Friends of Trees planting event from a few weeks ago. LUBA reaffirmed the City's decision to approve the Beaver Creek Road Concept Plan. The December 26 meeting was cancelled. She discussed what would be on the agenda for January 9. The first alternate mobility study meeting would be held on Thursday.

6. Adjournment

Vice Chair McGriff adjourned the meeting at 9:16 PM.

Laura Terway

From: Paul Edgar <pauloedgar@q.com>
Sent: Thursday, May 18, 2017 9:11 AM
To: Laura Terway
Subject: Re: From Oregon Revised Statutes-358

Yes, I would like for it to be distributed.

Many of us think that it is important to quantify and clarify what the full extent of ORS 358 Policies and Definitions mean in relationship to the Canemah National Register Historic District, with its Land Mark Status as defined in ORS 358.480 (2) "Historic property" to all real property within the boundary established at the time of the acceptance of Land Mark Status.

So the question is: to what extent is "Real Property", what does that include?

We are on the Registered with Historic Places Status, with both the State and Federal Government. We have ruled that the Historic Wagon Roads in Canemah National Register Historic District are important part of reflecting our history and must be preserved as part of the story that they represent.

So to what extent does the physical geography play in ORS 358? We have said in the past that putting curbs on our roads or changing the roads was not appropriate!

When we alter or change a geologic feature that are identified in our Canemah National Register Historic District nomination document and there is little or no justifiable criteria and "Maintenance, Preservation and Rehabilitation" definitions do not apply within the context of ORS 358, what should be the response be of Oregon City?

Your might also distribute a copy of the Canemah National Register Historic District nomination document and a map of the district boundary.

Thank you, Paul

On 5/18/2017 7:55 AM, Laura Terway wrote:

> Good Morning,
> Please confirm if you are intending this email and attachment to be
> distributed at the meeting or if it is intended for staff assistance?
> Thank you
>
> Laura Terway
> Community Development Director
>
>
>
> ---Original Message-----
> From: Paul Edgar [mailto:pauloedgar@q.com]
> Sent: Tuesday, May 16, 2017 12:17 PM
> To: Laura Terway <lterway@orccity.org>; Trevor Martin
> <tmartin@orccity.org>; Pete Walter <pwalter@orccity.org>
> Cc: Denyse McGriff <guttmcg@msn.com>; Doug Neeley
> <intstats@sbcglobal.net>; Howard Post - Canemah <howardpost@msn.com>

> Subject: From Oregon Revised Statutes-358

>

> As you go into next Mondays 5/22/2017 joint meeting with the Planning Commission and Natural Resources Committee, please review the applicability of applying ORS, Chapter 358 on Historic Property.

>

> Look at 358.475 - Policy, 358.480 - Definitions and see if you agree, that they apply to all of the lands, and natural features & resources, identified in the nomination document that gave Canemah - Land Mark Status.

>

> Paul Edgar

>

>

>

Laura Terway

From: Paul Edgar <pauloedgar@q.com>
Sent: Monday, May 22, 2017 11:33 AM
To: Laura Terway; John M. Lewis; Wendy Marshall; Denyse McGriff; Doug Neeley
Cc: BURNS Bill * DGMI; Dr. Scott Burns - PSU Geology; Pete Walter; Raymond Rendleman - Oregon City News; Christine Kosinski; Howard Post - Canemah; Patti Webb; Angela Trimble - Canemah; Barbara Renken - Park Place Friends; Bob La Salle; Trevor Martin
Subject: Re: Homeowners Guide to Landslides Conditions

Good morning, I would like to have the ability to talk before the joint Oregon City Planning Commission & Oregon City Natural Resources Work Session tonight.

If there is no ability to make that happen, I will come before this session/meeting within Citizens Comments, representing Friends of Canemah, a 501(c)(3) on the subject of known Landslide Conditions and Topology that exist and are mapped by DOGAMI with LIDAR in Oregon City and specifically within the Canemah National Register Historic District.

www.oregongeology.org/pubs/ofr/p-0-13-08.htm

If possible I would like to have the DOGAMI Maps (Oregon City 7.5 Minute Quadrangle) created and given to the Oregon City - Planning Commission members and Natural Resources Committee members, that reflect known geologic conditions that exist in Oregon City and specifically within the Canemah National Register Historic District and associated Neighborhood.

I would like to be able to talk to these maps and what they show/expose to us all, in regards to contingencies of proposed development applications for new infill that are in process and are within circle areas of High Susceptibility to both Deep and Shallow Landslides.

I would like to be able to also reference, this initial email dated 4/25/2017 and its contents for the record, to all parties and commissions and committees members.

I would also like to thank Dr. William (Bill) Burns of DOGAMI for providing this updated link today to the latest Landslide Mapping for Clackamas County.

We the citizens of Oregon City, need independent review and formal open meeting process, where any Type II Geologic Conditions approval process that could lead to a building permit and development, within any DOGAMI identified (circled) area that has High Susceptibility to both Deep and Shallow Landslides, to be required.

We (the citizenry) currently have little or NO checks and balances to the process and approvals that are getting getting granted, where there are known High Susceptibility to Landslides Conditions. present.

We believe that there is a State of Oregon Goal One - obligation, to create greater Citizen Comments Opportunities and Check and Balances on all aspects of the approval process of development in known areas that are mapped and identified with having High Susceptibility to Landslides Conditions.

We believed that methods and conditions need to exist, where independent Geo-Tech entities and consultants, separate from those of the developer and the City, can do and secondary independent audits of the Geo-Tech conclusions. We also need assurances that the Geo-Tech companies/entities have at least 20-years of bonding,

to ensure that ongoing insurance is maintained in out years by all parties.

If DOGAMI - LIDAR Maps tell us building/development sites have conditions of High Susceptibility to Both Deep and Shallow Landslides and Geo-Tech entities recommend and have conclusions that they present to the City of Oregon City and that leads to an approval of development, we (the citizenry) need greater protection and indemnifications for all damages, loss of property and life.

Thank you,

Paul Edgar, Friends of Canemah

On 5/22/2017 9:25 AM, BURNS Bill * DOGAMI wrote:

<http://www.oregongeology.org/pubs/ofr/p-0-13-08.htm>

-----Original Message-----

From: Paul Edgar [<mailto:pauloedgar@q.com>]

Sent: Tuesday, April 25, 2017 5:25 PM

To: Laura Terway lterway@orccity.org; Trevor Martin - OC Planning tmartin@orccity.org; Laura Terway lterway@ci.oregon-city.or.us; John M. Lewis, P.E. - Public Works Dir. jmlewis@ci.oregon-city.or.us; Wendy Marshall wmarshall@orccity.org; Robert (Dave) Green rdgreencontractor@yahoo.com; Todd Iselin todd@iselinarch.com; Dr. Scott Burns - PSU Geology burnss@pdx.edu; BURNS Bill * DGMI Bill.BURNS@oregon.gov; Patti Webb pdqboxerrescue@yahoo.com; Angela Trimble - Canemah trimble@nwhousing.org; Jim Nicita - Home/office james.nicita@gmail.com; Jesse A. Buss jessebuss@gmail.com; Tony Konkol tkonkol@orccity.org; Raymond Rendleman RRendleman@clackamasreview.com; Denyse McGriff guttmcg@msn.com; Christine Kosinski britenshin@aol.com; Howard Post - Canemah howardpost@msn.com
Subject: Homeowners Guide to Landslides

http://www.oregongeology.org/sub/Landslide/ger_homeowners_guide_landslides.pdf

Within any approval process, to build/construct new housing where there are known conditions of high susceptibility to Landslides and there is equally NO access to Landslide Insurance to protect all parties, there may well be a need for Separate Liability Bonding to protect all innocent parties.

The Geo Tech entities and all who advance studies and opinions to the; Developers, Contractors, Banks/Lending institutions, Private Parties, Government Approval Entities must all step up to ensure the financial cost of a Landslide to protects the innocent is in place.

Example: Who would be held at fault and who would pay damages and incalculable the possible tragic loss of life, if through the actions of developing within any property/location with new construction of any building and/or housing in an area that has been identified as having "High Susceptibility to both Shallow and Deep Landslides" a Landslide Event happen, after the fact.

We have DOGAMI - LIDAR and it can now reflect quantifiable conditions of Susceptibility to Landslides. If in spite of these studies and reports, all approval entities and engineering firms advance and approve building permits, where there is NO Availability to gain Land Slide Insurance without conditions that effectively render any possible Land Slide Insurance Policies totally in-effective, how do we protect people?

Angela Trimble has a house at 410 3rd Avenue and when the house was redeveloped the previous owner at that time I was told, dug out dirt that had slide up against the back of the house. The hillside above this house is at approximately 35% - degree of slope. So Mr Dave Green wants to build a house directly above Angela Trimble accessing his lots from 4th Avenue and the City approves his application and issues a building permit. How does Angela Trimble protect herself, if Mr Dave Green cannot get any Landslide Insurance. Homeowners Insurance does not protect anyone if there is a Landslide. Who does Angela go back on, or her heirs go back on - when and if a Landslide were to happen. DOGAMI shows this area as having high Susceptibility to Landslides!

I have a house at 211 5th Avenue and the front of my house points at 4th and Ganong Street and the Willamette River and the back to 5th Avenue. There is a 35% - degree slope up to my house from the 4th Avenue and Ganong Street pavement. We have history as we bought our house from my wife's grandmother (Crystal Linn - Smith). She was born in this house, bought it from her mother and lived here most of her life to 103-years of age. She told me that in her life time, that there was a Landslide and it piled up in the 4th Avenue and Ganong Street Right-of-Way (ROW), where there are now trees growing on it, in this unimproved ROW. She admonished me to never cut into or do anything that would disturb this hillside. Just below the crest of the hillside and our front porch is a Large Rock or maybe two (2) or three (3) tons, with a significant amount of it exposed as a result of that Landslide that occurred of which grandma referenced.

So now a developer/builder wants to build a house and cut a driveway into this 4th Avenue and Ganong Street ROW (City of Oregon City Property) which is in-fact the toe of the slope of this Landslide that occurred within the last 100-years. This cut/improvement to enable a much lower 14% grade of this proposed driveway is significant. This is another of those areas identified by DOGAMI - LIDAR as having High Susceptibility to Landslides. So, if the Geo-Tech Firm/entity, the builder/contractor and the property owner get approval, but this subsequently results in creating new conditions, where this Big Rock now breaks loose for whatever reason and goes through many houses and kills many people on it way to the Willamette River, who is held at fault in regards to liability and who provides the needed deep pockets created, to protect all of the innocent. This is City Property, this is their ROW!!!, the Rock is on our property.

Please all parties help all of us get the necessary clarifications.

Thank you, Paul Edgar, Friends of Canemah

Accessory Building / Structure Code Amendments

Planning Commission Presentation

May 22, 2017

Background

- ◆ Concerns from the public
- ◆ City Commission
- ◆ Public outreach and work sessions
 - ◆ CIC
 - ◆ Community Development Stakeholders Group
 - ◆ Planning Commission

Proposed Changes

- ◆ Adding new definitions
- ◆ Removing tensioned metal from membrane structures definitions
- ◆ Adding a section for temporary structures
- ◆ Placing of cargo containers





Thank you

Definitions

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.

17.04.743 - Membrane or fabric covered storage area. [Amend Existing Definition]

A metal sided cargo container or an area covered by a tarp or ~~tensioned metal~~ 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.

17.04.177 - Cargo Container [New Definition]

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.

17.04.1271 – Temporary Structure [New Definition]

A temporary structure permitted in Chapter 17.62 or 17.54.010 of the Oregon City Municipal Code, excluding mobile vendors.

17.04.766 – Mobile Vendor [New Definition]

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.

The Following Amendments Apply to Accessory Structures and Uses in OCMC 17.54.

17.54.010 - Accessory Structures and Uses. [Replace Existing Section]

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:

Signs. Signs shall be permitted as provided in Chapter 15.28.

Residential Accessory Structures 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.

Accessory Structures with a Footprint Less than Two Hundred (200) Square Feet:

Shall be located behind the front line of the primary structure; and

Shall comply with the dimensional standards of the zoning designation including height and setbacks unless modified pursuant to (c); and

Side and rear setbacks may be reduced to not less than three (3) feet for the accessory structure and its projections if the height does not exceed seventeen (17) feet as defined in section 17.04.550.

Accessory Structures with a Footprint from Two Hundred to Six Hundred Square Feet:

Shall be located behind the front line of the primary structure; and

Shall comply with the dimensional standards of the zoning designation, including height, setbacks, and lot coverage unless modified pursuant to (c); and

Side and rear setbacks may be reduced to not less than three (3) feet for one accessory structure and its projections if the height does not exceed seventeen (17) feet as defined in section 17.04.550.

Accessory Structures with a Footprint Over Six Hundred Square Feet.

Shall not exceed more than one accessory structure with a footprint in excess of six hundred (600) square feet per parcel; and

The parcel shall be in excess of twenty thousand (20,000) square feet; and

The footprint shall not exceed the footprint of the primary structure; and

Shall not exceed eight hundred square feet (800); and

Shall not exceed the height of the primary structure; and

Shall be located behind the front line of the primary structure; and

Shall comply with the dimensional standards of the zoning designation including height, setbacks, and lot coverage.

17.54 – Continued

Prohibited

Cargo containers

Membrane and fabric covered storage areas visible from the adjacent right-of-way.

Metal structures within a historic district, or on an individually designated historic property, unless otherwise authorized by OCMC Chapter 17.40.

An accessory structure housing a hooved animal shall be located a minimum of twenty-five (25) feet from any property line.

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.

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.

Temporary Structures in the Right-of-Way

This section applies to temporary structures associated with permitted events in the right-of-way. Temporary structures:

May be constructed of any building material; and

Shall comply with all provisions of the Americans with Disabilities Act; and

Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62.

Hooved Animals

- ◆ Relocate from Chapter 17.54 to Chapter 6.07

OCMC 17.62

◊ Adding –

c. Temporary Structures, excluding mobile vendors.

17.62.050.A.23 Temporary Structures [New Section]

Temporary structures are permitted pursuant to the following standards:

For Structures up to 200 Square Feet:

Shall not be on a property for more than three (3) consecutive days; and

Shall not be on a property more than six (6) times per year; and

Shall comply with the dimensional standards of the zoning designation; and

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;

Shall not disturb ingress or egress to the site; and

Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.

Temporary structures larger than 200 square feet may be permitted up to two (2) times per year; and

Structure larger than 200 square feet up to 800 Square Feet

Shall not be on a property for more than thirty (30) consecutive days;

Shall comply with the dimensional standards of the zoning designation;

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;

Shall not disturb ingress or egress to the site; and

Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.

Structures Larger Than 800 Square Feet

Shall not be on a property for more than seven (7) consecutive days;

Shall comply with the dimensional standards of the zoning designation;

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;

Shall not disturb ingress or egress to the site; and

Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.

Government owned properties are exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23.D, 17.62.050.A.21 and the dimensional standards of the zoning designation.

17.62 Continued

Temporary structures larger than 200 square feet may be permitted up to two (2) times per year; and

Structure larger than 200 square feet up to 800 Square Feet

Shall not be on a property for more than thirty (30) consecutive days;

Shall comply with the dimensional standards of the zoning designation;

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;

Shall not disturb ingress or egress to the site; and

Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.

Structures Larger Than 800 Square Feet

Shall not be on a property for more than seven (7) consecutive days;

Shall comply with the dimensional standards of the zoning designation;

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;

Shall not disturb ingress or egress to the site; and

Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.

Government owned properties are exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23.D, 17.62.050.A.21 and the dimensional standards of the zoning designation.

17.62 – Amend Building Materials

- ◆ Prohibited Materials.
 - ◆ vii. Tarps, except for the protection of outside storage.
- ◆ Special Material Standards
 - ◆ 5. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.



Natural Resources Committee Requests

SUBMITTED TO THE CITY COMMISSION FOR CONSIDERATION AS FUTURE GOALS

Request #1: Stream Signage at Major Roadways

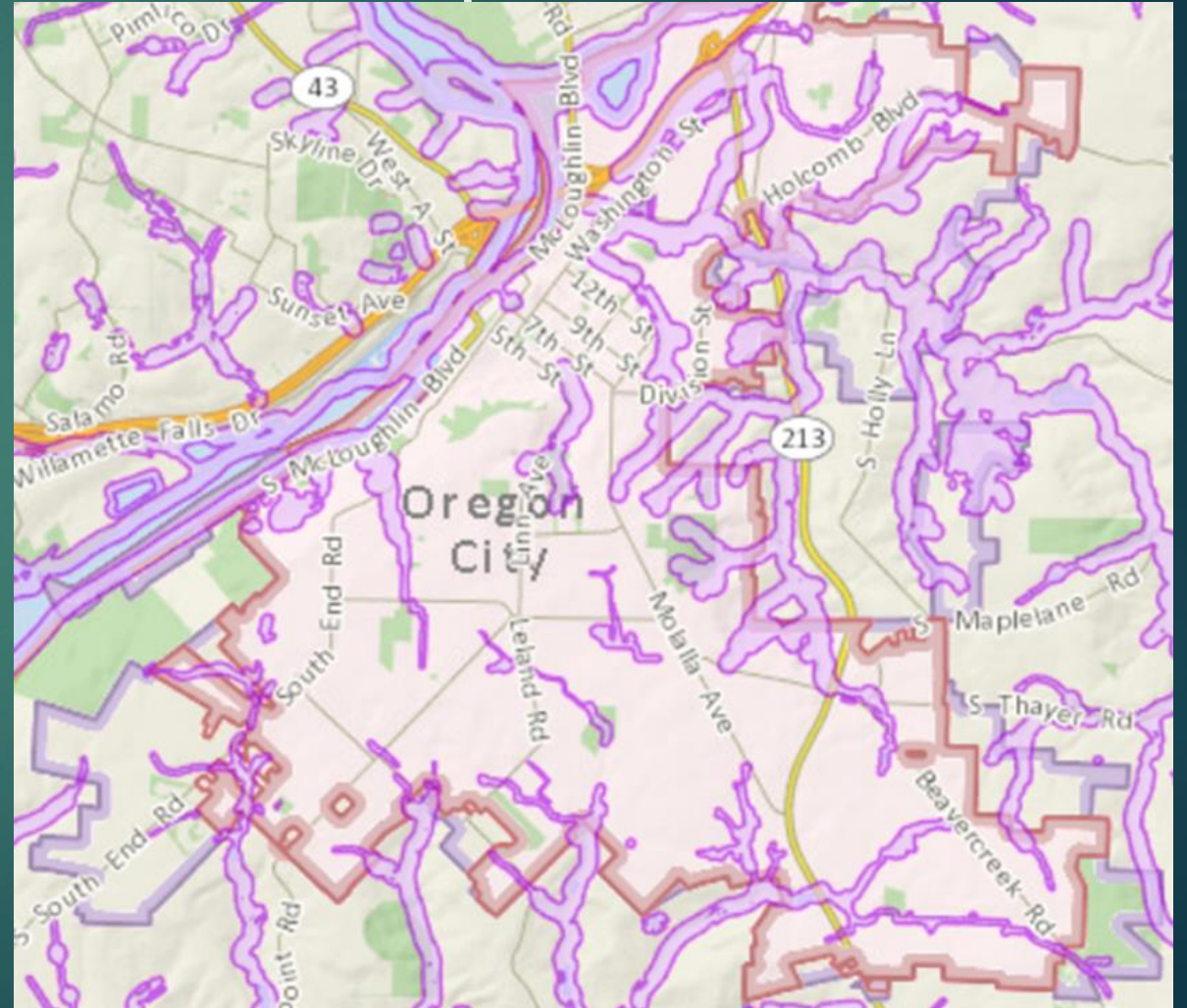


Request #2: Re-Evaluate Natural Resource Overlay District Map

Natural Resource Overlay District
Inside City = 1,144 acres (18%)

Protection
Adjacent to Stream
and Wetland

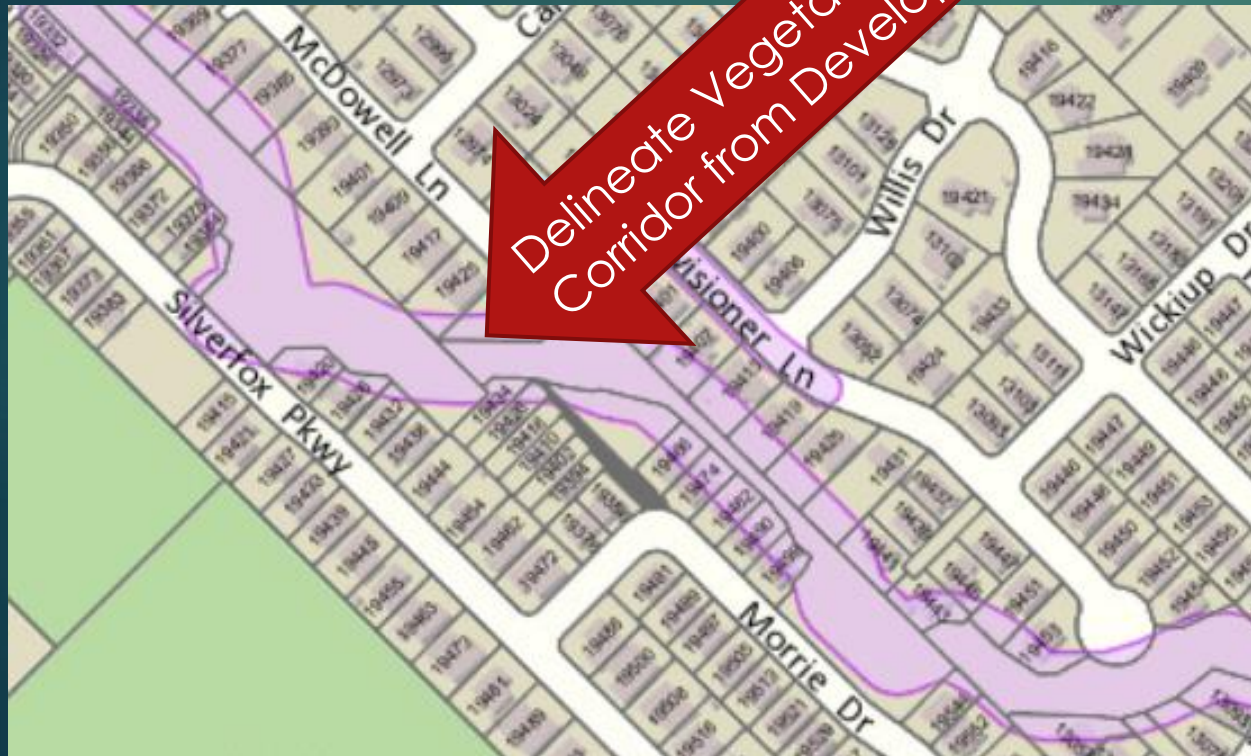
Does not
Apply to the
Feature Itself



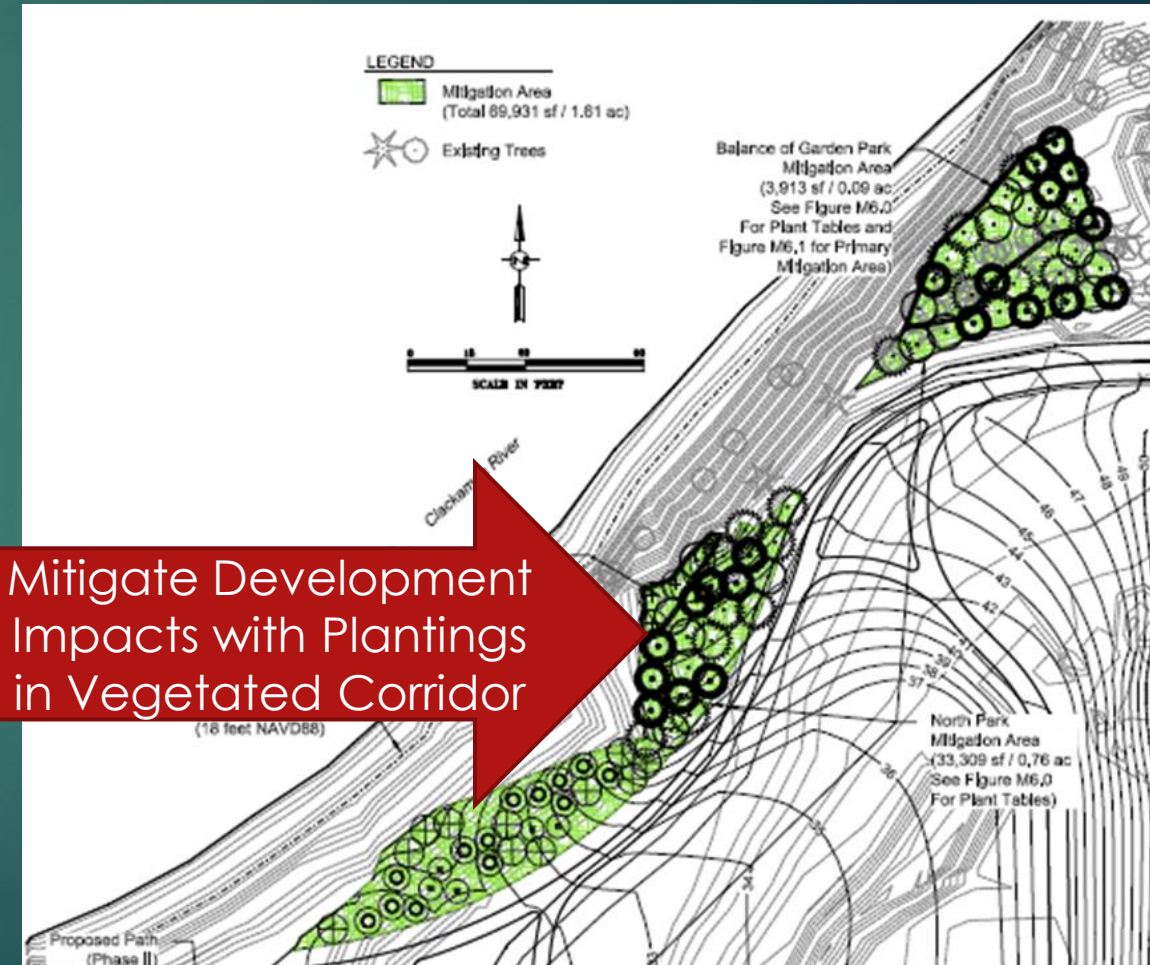
What is the Natural Resource Overlay District (NROD)?



What is the Natural Resource Overlay District (NROD)?



Delineate Vegetated Corridor from Development



Mitigate Development Impacts with Plantings in Vegetated Corridor

Why Do We Do This?

Restore and enhance stream corridors, wetlands, and forests while balancing existing development.

Chapter 17.49 - NATURAL RESOURCE OVERLAY DISTRICT⁽²⁵⁾

17.49.[0]10 - Purpose.

The Natural Resource Overlay District designation provides a framework for protection of



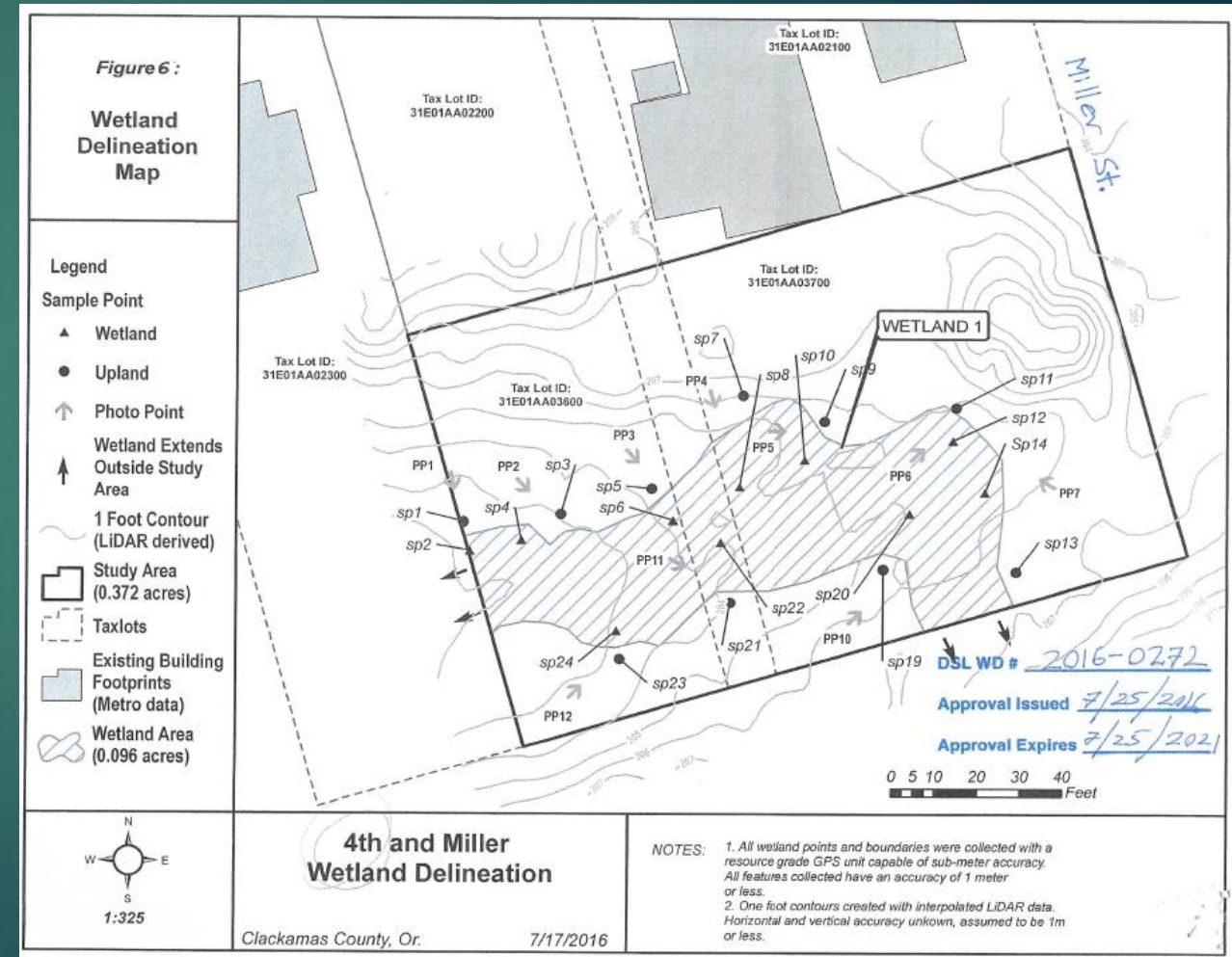
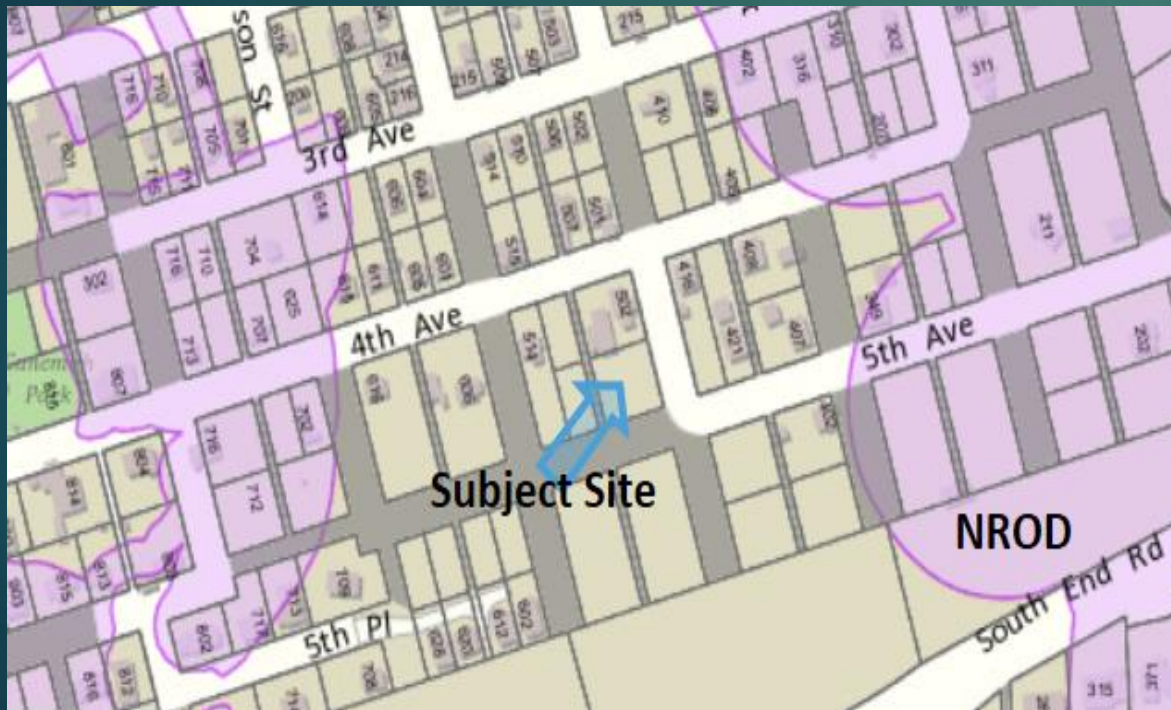
Implementation of:

- ▶ Metro Titles 3 and 13
- ▶ Statewide Planning Goal 5
- ▶ Comprehensive Plan Goals and Policies
- ▶ Federal Clean Water Act requirements
- ▶ Metro Economic, Social, Environmental and Energy Analysis

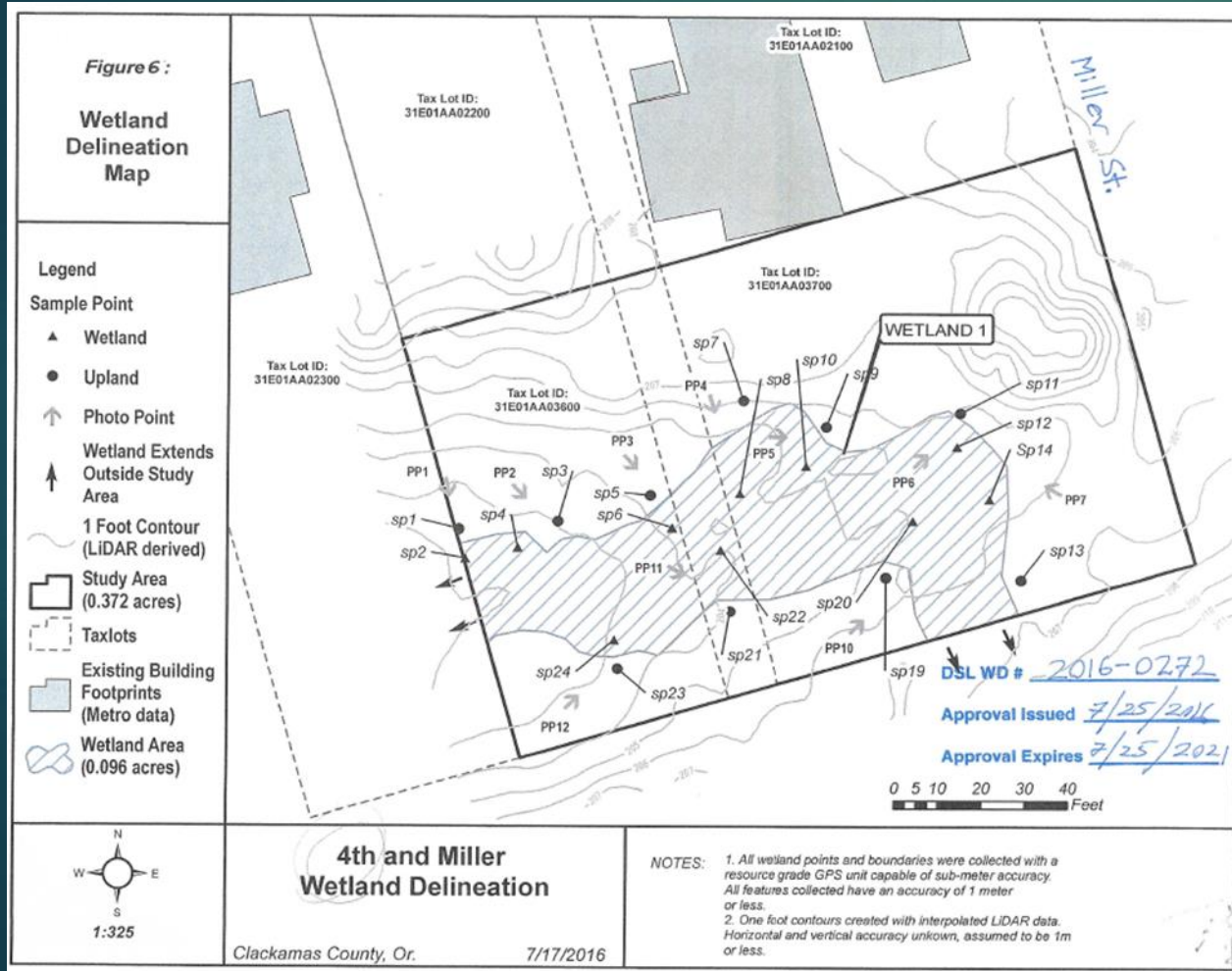
Benefits:

- ▶ Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- ▶ Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- ▶ Protect upland habitats, and enhance connections between upland and riparian habitat.
- ▶ Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.
- ▶ Conserve scenic, recreational, and educational values of significant natural resources.

Request #2 (Part 1): Amend the Map to Include a Feature Recently Found

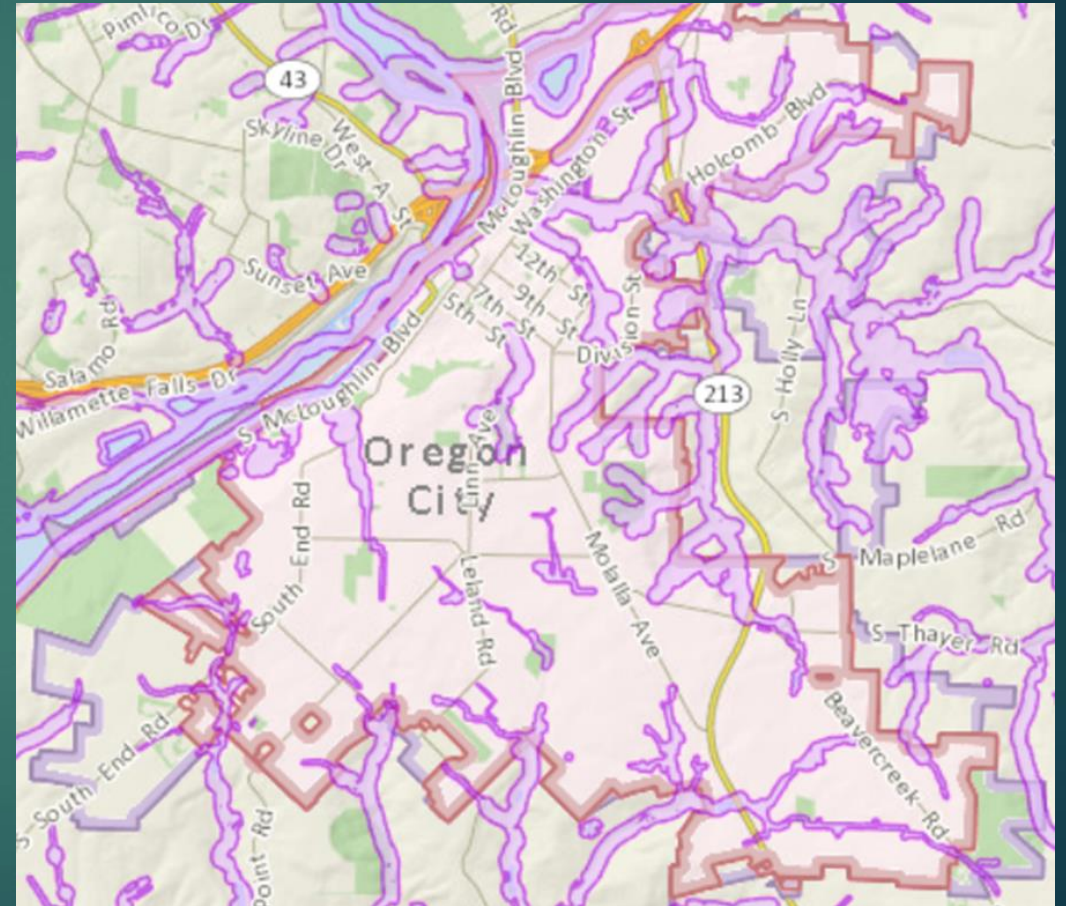
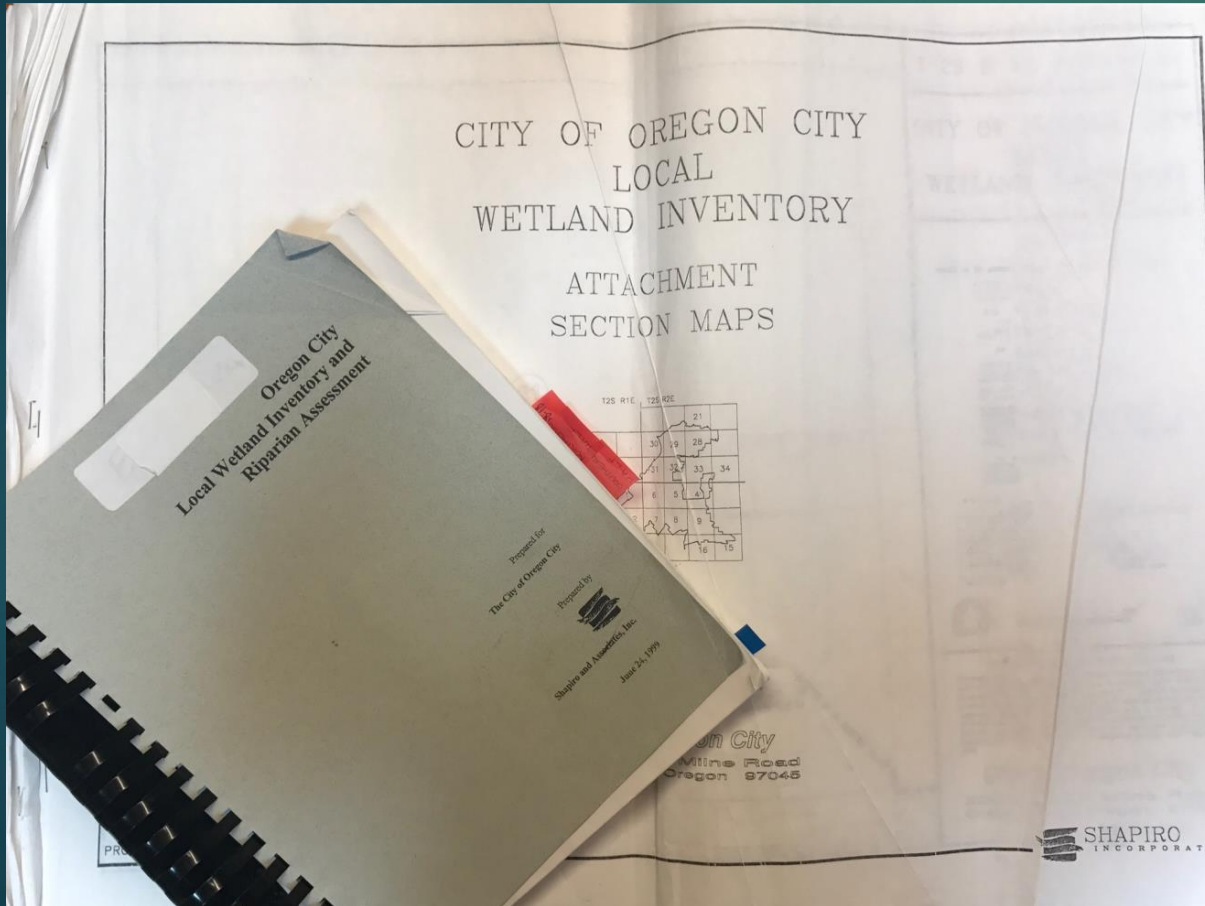


Request #2 (Part 1): Amend the Map to Include a Feature Recently Found



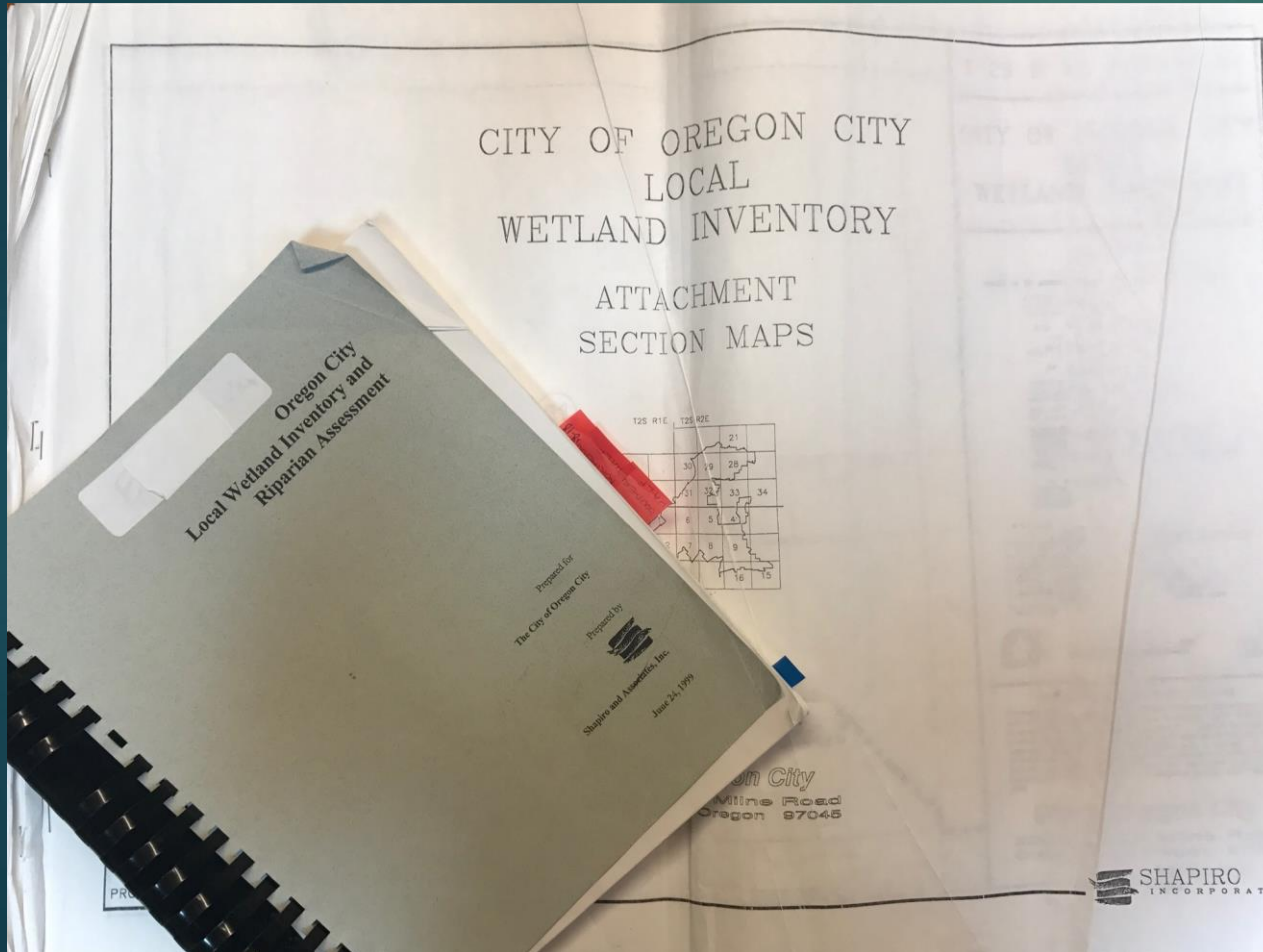
- ▶ Currently in Compliance with Metro Title 3 and 13
- ▶ We are committed to amending the NROD to include this complete feature in the near future as staff time permits.

Request #2 (Part 2): Re-Evaluate Natural Resources Overlay District Map Citywide



Map and code updated in 2009 with LIDAR data, input from Metro biologists, Title 3 and 13 Maps.

Request #2 (Part 2): Re-Evaluate Natural Resources Overlay District Map Citywide



- ▶ We believe the overlay district is relatively sound data. The Canemah instance is the only known feature outside of the overlay in the past 14 years.
- ▶ We do not believe there is a need to revise the overlay at this time, but it is necessary to update the overlay over time.
- ▶ We added an update of the inventory to our list of long term projects as funding and staff capacity become available, though this is not expected to occur in the near term.