



# CITY OF OREGON CITY PLANNING COMMISSION AGENDA

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Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City  
Monday, September 11, 2023 at 7:00 PM

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## **REGULAR MEETING OF THE PLANNING COMMISSION**

*Ways to participate in this public meeting:*

- *Attend in person, location listed above*
- *Register to provide electronic testimony (email [ocplanning@orccity.org](mailto:ocplanning@orccity.org) or call 503-722-3789 by 3:00 PM on the day of the meeting to register)*
- *Email [ocplanning@orccity.org](mailto:ocplanning@orccity.org) (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

## **CALL TO ORDER**

## **PUBLIC COMMENT**

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

## **PUBLIC HEARING**

1. GLUA-23-00022 (General Land Use Application) and VAR-23-00005 (Variance) located at 1404 Jackson Street for a garage siting and setback variance request.

## **COMMUNICATIONS**

2. Planning Commission Minutes Approval

## **COMMUNICATIONS**

## **ADJOURNMENT**

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## **PUBLIC COMMENT GUIDELINES**

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

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

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### **ADA NOTICE**

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

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

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





## CITY OF OREGON CITY

### Staff Report

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

**To:** Planning Commission **Agenda Date:** 09/11/2023  
**From:** Molly Gaughran, Assistant Planner

#### **SUBJECT:**

GLUA-23-00022 (General Land Use Application) and VAR-23-00005 (Variance) located at 1404 Jackson Street for a garage siting and setback variance request.

#### **STAFF RECOMMENDATION:**

Staff recommends the Planning Commission approve planning files GLUA-23-00022, VAR-23-00005, a variance from garage setback and siting requirements, with a condition of approval.

#### **EXECUTIVE SUMMARY:**

The applicant is seeking approval of a Variance from OCMC 17.54.010.B.2.(a) and OCMC 17.08.040—garage setback and siting requirements—to allow a detached garage to be placed in the front and side yard of a residential property. The garage is proposed to be five (5) feet from the front property line, which abuts a street, and one (1) foot from the side property line, which abuts an unimproved right-of-way.

#### **BACKGROUND:**

This applicant requests a variance from the garage setbacks and siting requirements for the placement of a new detached parking garage to be five feet from the front property line and one foot from the side property line, with a three-and-a-half foot awning projecting from the front elevation. The applicant states that there are several existing hardships that have led to this variance request, including established trees and an existing PGE power pole that the applicant would like to retain in their current location.

The subject site is zoned R-6, Low-Density Residential District, and has an area of 6,603 square feet. The existing garage in the northwest corner of the property is a non-conforming structure with regard to required setbacks and is currently sited a couple of inches from the front and side property lines. The property fronts Jackson Street and abuts a 26-foot-wide unimproved right-of-way along the north side of the property.



The property is mapped to be within the Natural Resources Overlay District (NROD). The applicant applied for a Type I NROD verification, NROD-23-00034, which was approved August 25, 2023.

The full staff report with analysis and findings are attached to this agenda item for your review.

**OPTIONS:**

1. Approval of GLUA-23-00022 and VAR-23-00005.
2. Denial of GLUA-23-00022 and VAR-23-00005 and provide staff supplemental findings.
3. Continue GLUA-23-00022 and VAR-23-00005 to a date certain and obtain the needed 120-day waiver from the applicant.





### TYPE III STAFF RECOMMENDATION

September 1, 2023

*A preliminary analysis of the approval criteria is enclosed within the following staff report. All applicable criteria shall be met or met with conditions in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.*

**FILE NUMBER:** GLUA-23-00022, VAR-23-00005,  
(NROD-23-00034 previously approved by staff)

**Application Submitted:** 7/17/2023

**Application Complete:** 8/14/2023

**120-Day Deadline:** 12/12/2023

**APPLICANT/OWNER:** Jane Littlefield  
1404 Jackson St., Oregon City, OR 97045

**REQUEST:** Planning Commission Variance of OCMC 17.54.010.B.2.(a) and OCMC 17.08.040 —garage setback and siting requirements—to allow a detached garage to be placed in the front and side yard of a residential property. The garage is proposed to be five (5) feet from the front property line and one (1) foot from the side property line, which abuts an unimproved right-of-way.

**LOCATION:** 1404 Jackson Street, Oregon City, OR 97045  
Clackamas County Map 2-2E-32BA, Tax Lot 0640

**REVIEWER:** Molly Gaughran, Assistant Planner, Planning Division

**ZONING:** R-6 Low-Density Residential

**RECOMMENDATION:** Approval with Conditions.

**PROCESS:** Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the Applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the



planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

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**RECOMMENDED CONDITIONS OF APPROVAL**  
**Planning File GLUA-23-00022 / VAR-23-00005 / NROD-23-00034**

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. The Applicant is required to obtain all required Building Permits for the accessory building (B).



## I. BACKGROUND:

### 1. Existing Conditions

The subject site is zoned R-6, Low Density Residential District, and the lot is 0.1516 acres, or 6,603 square feet, measuring 62' X 106.5'. The subject property contains an existing single-family residence and detached garage. The landscaping on the property is predominantly grass ground cover and shrubs, with several trees, including an established star magnolia tree approximately 20 feet to the rear of the existing garage. The existing garage in the northwest corner of the property is a non-conforming structure with regard to required setbacks and is sited a couple of inches from the front and side property lines.

Nearby properties to the east, south, and west are also within the R-6 Low Density Residential zoning district. Properties to the north are within the R-3.5 Medium-Density Residential zoning district. Other property uses within the vicinity are predominantly single-family residential, with some medium-density residential. The property fronts Jackson Street and abuts a 26-foot-wide unimproved right-of-way along the north side of the property.

The property is mapped within the Natural Resources Overlay District (NROD). The property's front lot line is approximately 200 feet from the top of the ravine of the nearest water resource, a tributary of John Adams Creek. The applicant applied for a Type I NROD verification, NROD-23-00034, which was approved August 25, 2023.

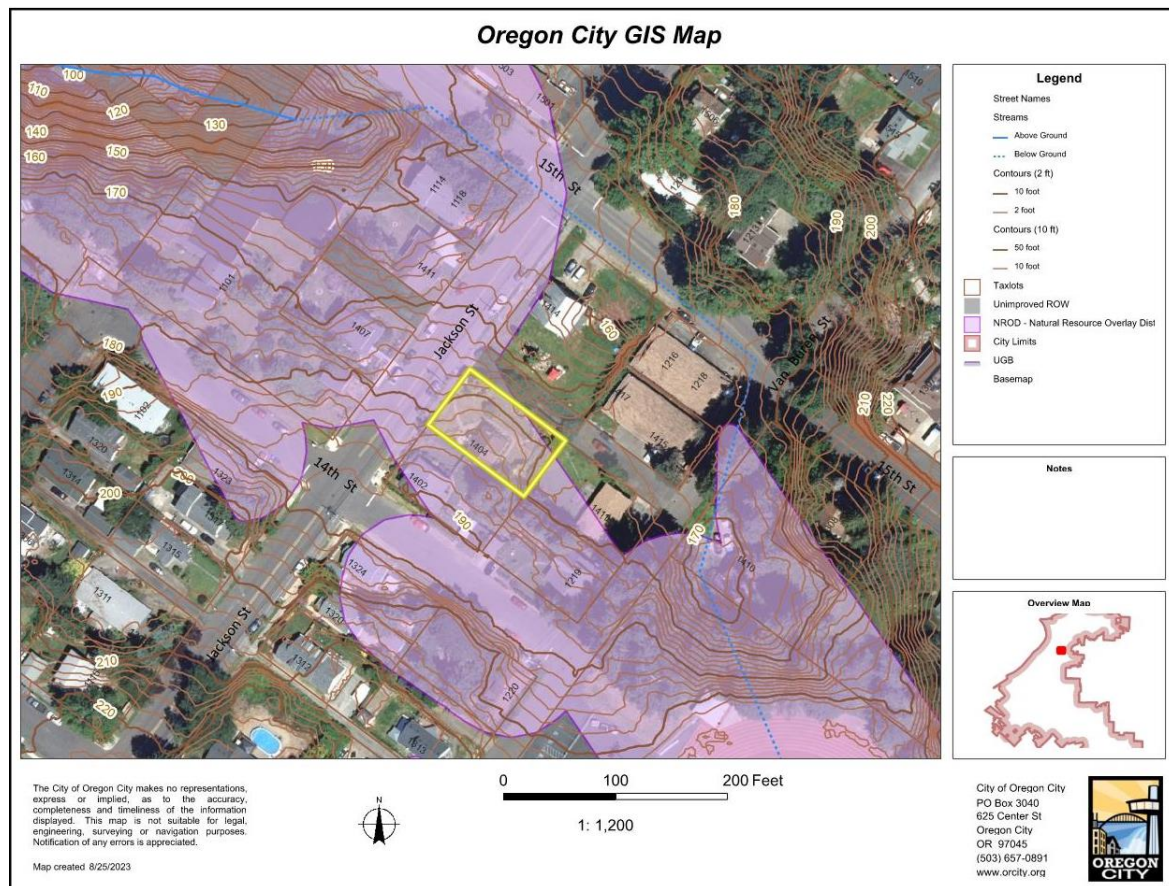


Figure 1. Existing Conditions - City GIS Map of Contours and the NROD Boundary





Figure 2: Existing Conditions - Aerial Image (2022)

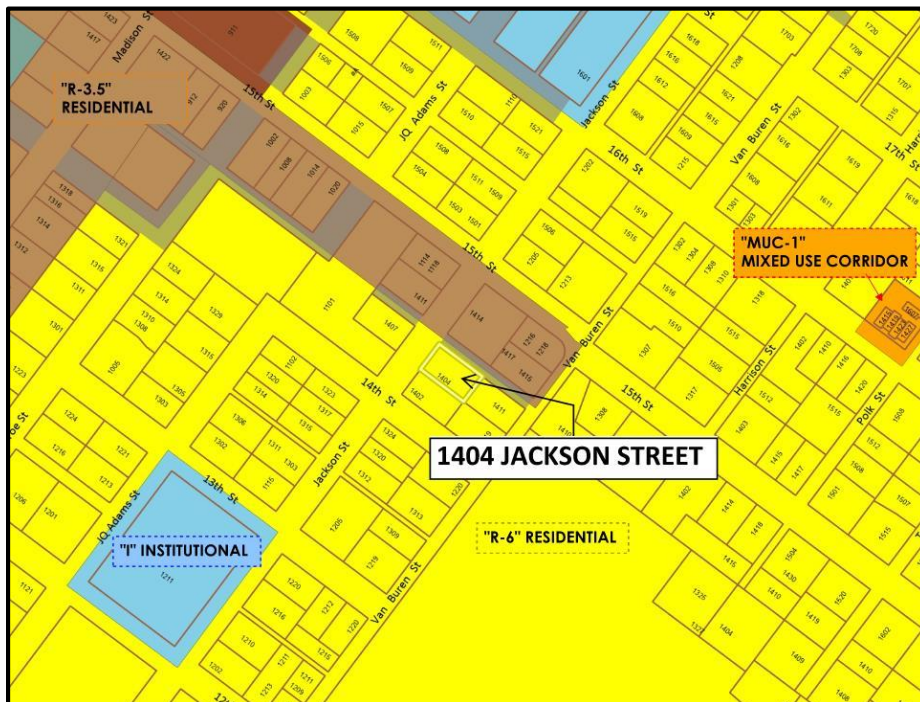


Figure 3: Existing Conditions - Vicinity Zoning Map





Figures 4: Existing Conditions - View of the Subject Property from Jackson Street

## 2. Project Description

The applicant is requesting approval of a Planning Commission Variance to the accessory structure setbacks for the placement of a new detached parking garage. The garage is proposed to be located five feet from the front property line and one foot from the side property line, with a three and a half (3½) foot awning projecting from the front elevation.

Originally, the Applicant had proposed the setbacks to be 14 feet from the front property line and 0 feet to the side property line; however, after discussions with the Public Works Department, the Applicant revised the proposal to be located 5 feet from the front property line so as not to invite parking in front of the garage, which would block the public right-of-way, and 1 foot from the side property line. The Applicant provided the background below:

*"I propose tearing down the existing garage and rebuilding a new structure measuring up to 24 feet deep by 16 feet wide, electrified so as to accommodate an electric car charging station and an exterior light for access and steps safety.*

*The variance request is twofold. The first request is to reduce the 20 foot Minimum Garage setback along the north side of the property (along Jackson Street) to 14 feet [Staff note: now proposed to be 5 feet] to accommodate hardships including protecting existing trees, reducing impacts of excavation, and digging, retaining a concrete fishpond that predates the home, and retaining space for vegetable gardening, aesthetic considerations, and recreational enjoyment.*



*My General Contractor is Mark Wilbert, owner of Urban Living Construction. Mark recently completed a successful carport project in the McLoughlin Historical District. I am also working with architect Todd Lasher of Todd Lasher Design."*

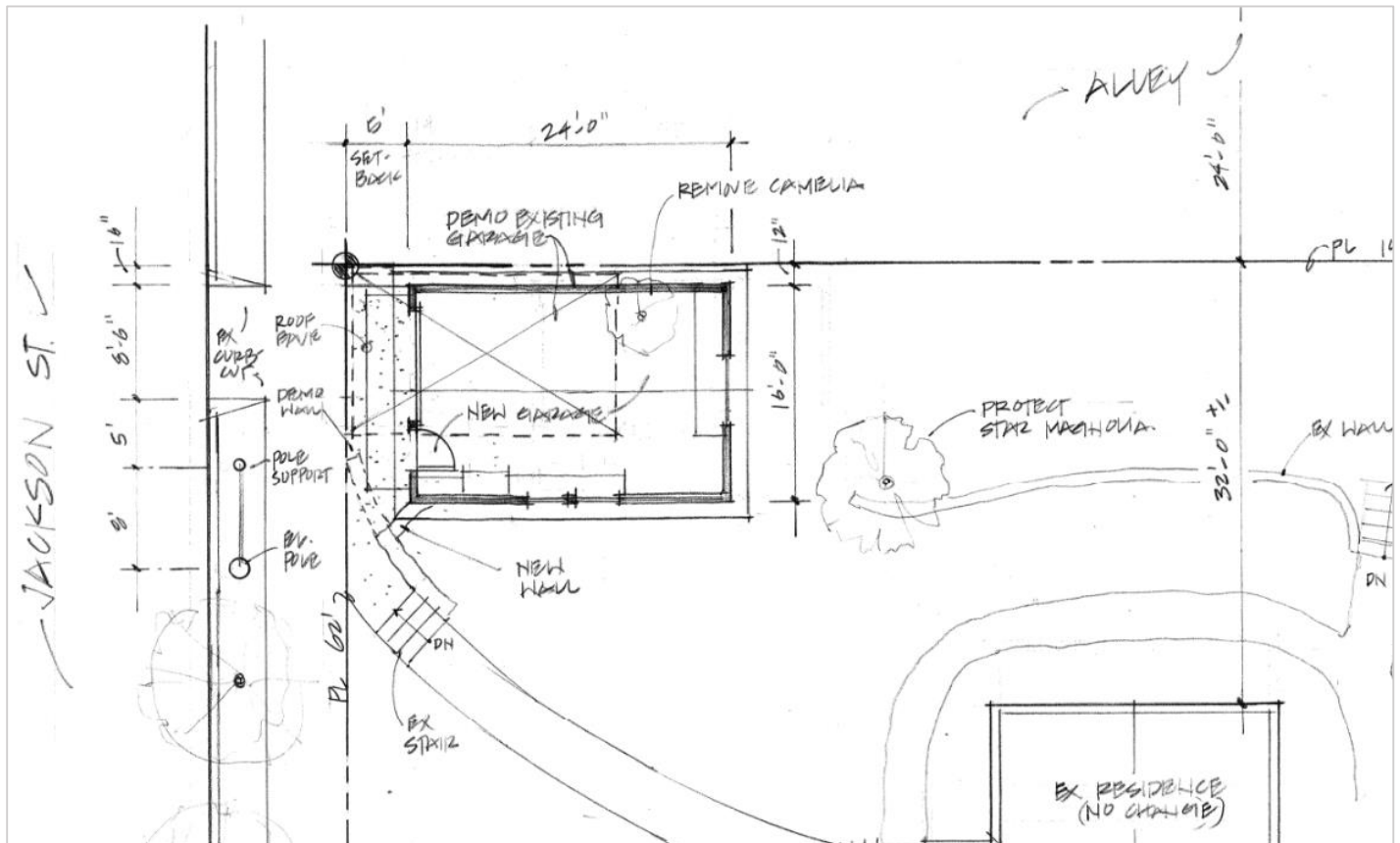


Figure 5: Proposed Site Plan



Figure 7: Proposed Building Elevation—West (facing Jackson Street)

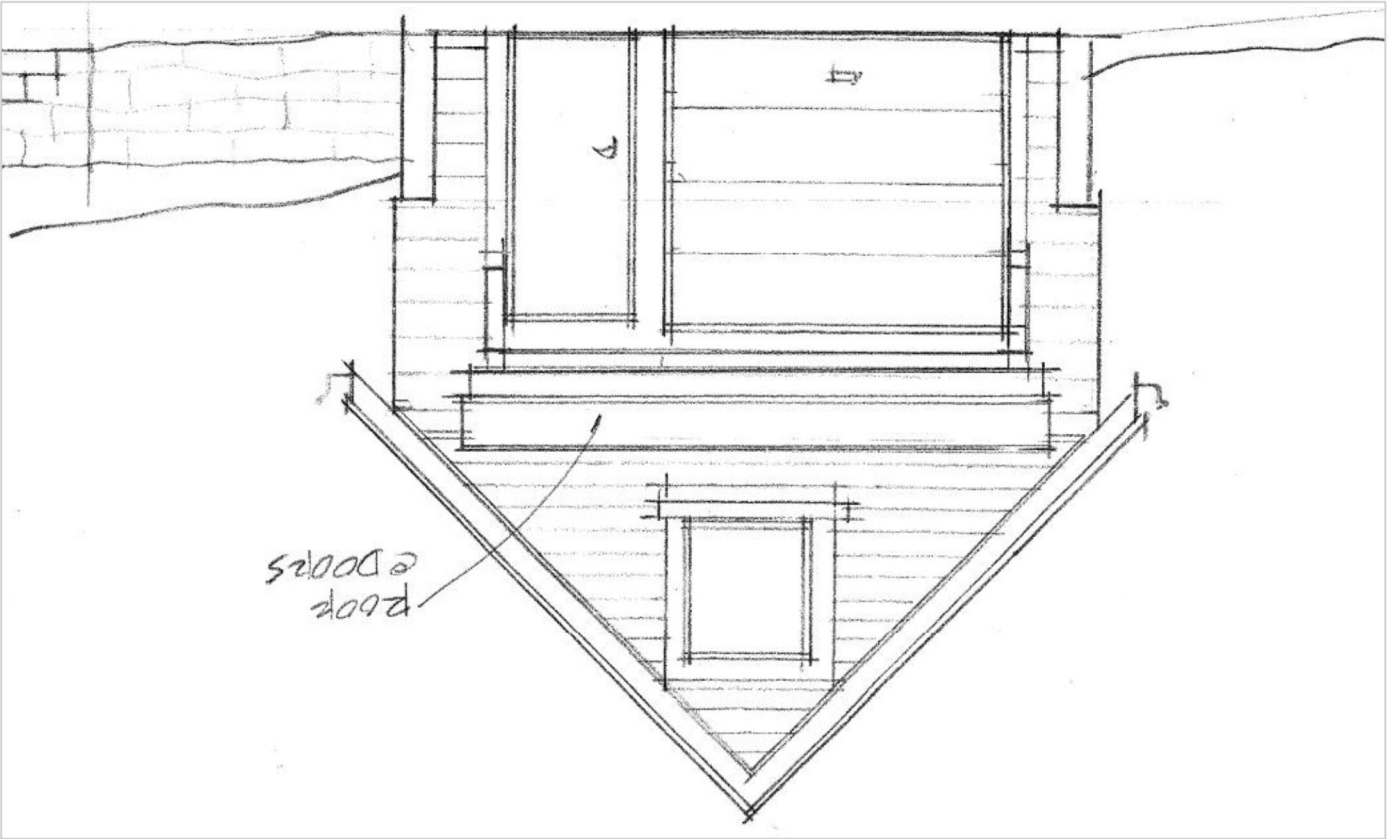
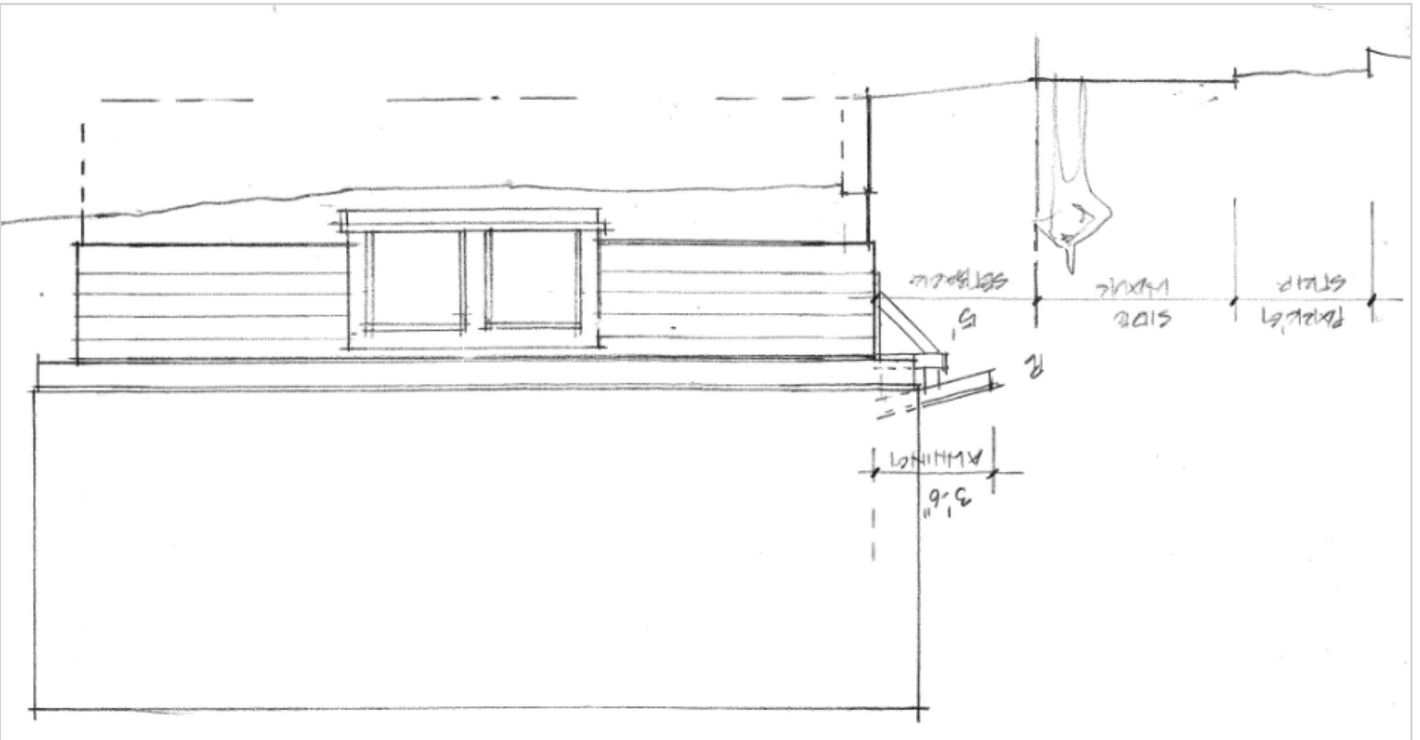


Figure 6: Proposed Building Elevation—South





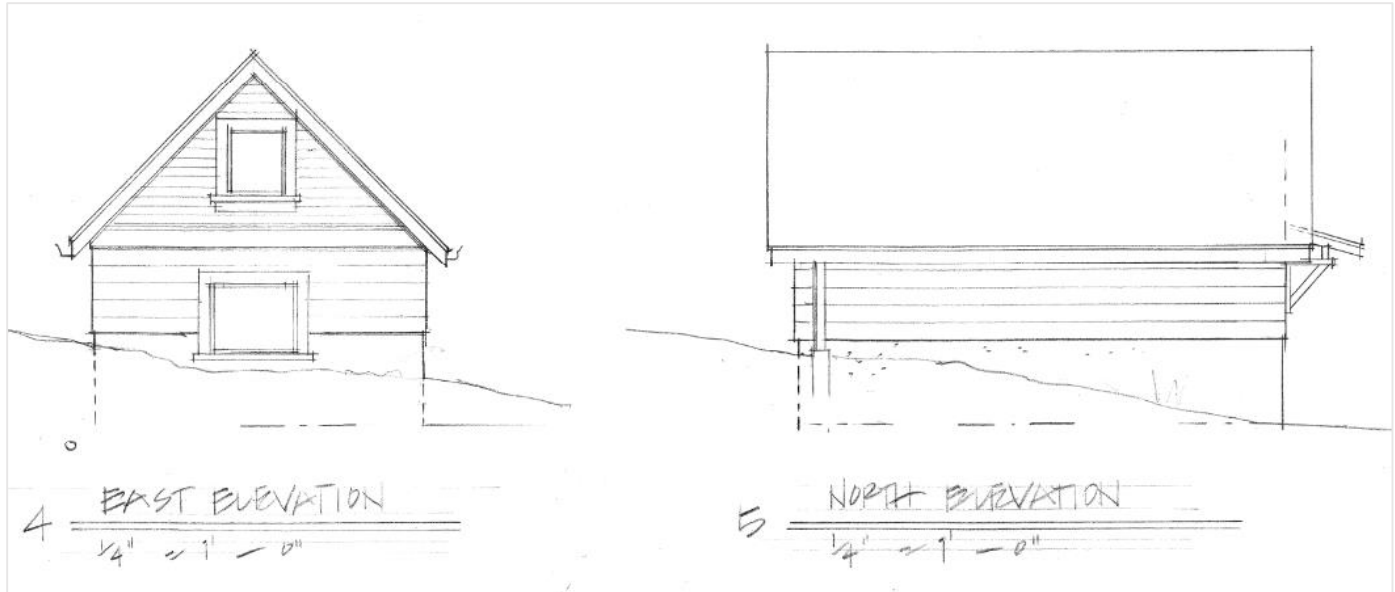


Figure 8: Proposed Building Elevations—East and North

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

**4. Public Comment**

Public comments submitted include (Exhibit D):

Jim Sayers, Oregon City Building Official, provided the following comment:

“This structure is proposed to be constructed less than 3' from the property line. The wall adjacent to the alley will be required, per ORSC Table R302.1, to be constructed of 1-hour fire-resistive construction with exposure from both sides. This includes the underside of the eaves. Openings (doors and windows) are not allowed in this wall. Projections (eaves) are allowed if less than 4".”

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



## II. ANALYSIS AND FINDINGS:

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

### CHAPTER 17.08 - LOW DENSITY RESIDENTIAL DISTRICTS

#### *17.08.020 - Permitted uses.*

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

- A. Single-family detached residential units;*
- B. Accessory uses, buildings and dwellings;*
- C. Duplexes;*
- D. Triplexes;*
- E. Quadplexes;*
- F. Townhouses;*
- G. Cottage clusters;*
- H. Residential homes;*
- I. Parks, playgrounds, playfields and community or neighborhood centers;*
- J. Home occupations;*
- K. Family day care providers;*
- L. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);*
- M. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- N. Transportation facilities.*

**Finding: Complies as proposed.** This application concerns the placement of a detached garage on a residential property in the R-6 zoning district. Accessory buildings and single-family units are permitted uses in the R-6 zoning district pursuant to subsections A and B of OCMC 17.08.020.

#### *17.08.040 - Dimensional standards.*

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

*Table 17.08.040*

<i>Standard</i>	<i>R-6</i>
<u><i>Minimum lot size<sup>1</sup></i></u>	
<i>Single-family detached, Duplex &amp; Triplex.....</i>	<i>6,000 sq. ft.</i>
<i>Quadplex and Cottage cluster.....</i>	<i>7,000 sq. ft.</i>
<i>Townhouse.....</i>	<i>1,500 sq. ft.</i>
<u><i>Maximum height:</i></u>	
<i>All, except.....</i>	<i>35 ft., except</i>
<i>Cottage cluster unit.....</i>	<i>25 ft.</i>
<u><i>Maximum building lot coverage</i></u>	
<i>All, except.....</i>	<i>40%, except</i>
<i>With ADU.....</i>	<i>45%</i>
<i>Cottage cluster.....</i>	<i>None</i>



<u>Minimum lot width</u>	
All, except.....	50 ft., except
Townhouse.....	20 ft.
<u>Minimum lot depth</u>	
All, except.....	70 ft., except
Townhouse.....	70 ft.
<u>Minimum front yard setback</u>	
All, except.....	10 ft., except
Porch.....	5 ft.
Cottage cluster.....	10 ft.
<u>Minimum interior side yard setback:</u>	
All, except.....	5 ft., except
Townhouse.....	0 ft. (attached) /5 ft. (side)
<u>Minimum corner side yard setback</u>	10 ft.
<u>Minimum rear yard setback</u>	
All, except.....	20 ft., except
Porch.....	15 ft.
Cottage cluster/ADU.....	10 ft.
<u>Garage setbacks</u>	
From Right-of-Way, except.....	20 ft., except
From Alley.....	5 ft.

**Notes:**

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

**Finding: Variance requested.** The subject property complies with the minimum lot dimensions for size, width, and depth. The proposed development complies with the maximum lot coverage, maximum height requirements, and minimum rear yard setback for the R-6 residential zoning district.

A detached garage in the front yard is required to be setback a minimum of 20 feet from the front property line adjacent to Jackson Street, and at least 5 feet from the side property line. The applicant is proposing the placement of a garage 5 feet from the front property line adjacent to Jackson Street and 1 foot from the side property line, not including eaves or projections.

Reduced setbacks for accessory structures are allowed pursuant to OCMC 17.54.010.B.; however, these reductions do not include reductions to the front yard setback, and reduction of the side yard setback is not adequate to address the proclaimed hardships, particularly the location of an existing PGE power pole. See Sections 17.54.010 and 17.60.030.B for more information. The Applicant is required to obtain a Planning Commission Variance to the garage setbacks in order for the proposed development to comply with this Chapter.



17.08.045 - Exceptions to setbacks.

- A. *Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.*

**Finding: Complies with condition of approval and variance approval.** Projections from the building are proposed. According to the provided plans, eaves are proposed to extend 12 inches from the garage on all elevations, with an additional awning extending 42 inches from the front, west-facing elevation. The applicant's request for a Planning Commission Variance to the garage setbacks includes a request for the allowance of the proposed projections stated above, which will extend even further into the setback. The Applicant states in the narrative that no projection into the unimproved right-of-way will occur. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **CHAPTER 17.14 - SINGLE-FAMILY DETACHED AND DUPLEX RESIDENTIAL DESIGN STANDARDS**

17.14.020 Applicability.

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

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

*For the purpose of this chapter, garages are defined as structures, or portions thereof, used or designed to be used for the parking of vehicles, including carports.*

*For purposes of this section, garages do not include detached accessory dwelling units which are not part of a detached garage. The garage width shall be measured based on the foremost four feet of the interior garage walls or carport cover.*

**Finding: Complies with Condition.** This application is for the placement of a new detached garage on a single-family detached residential property, and thus, compliance with OCMC 17.14.030 through 17.14.050, 17.14.080, and 17.14.090 is required. This subject property is not located within the Park Place or South End Concept Plan Areas and is therefore not subject to OCMC 17.21 or OCMC 17.22. Compliance with the applicable sections of Chapter 17.14 will be reviewed by Staff during the building permit review process. The Applicant shall obtain all required building permits for the garage. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **CHAPTER 17.49 - NATURAL RESOURCES OVERLAY DISTRICT**

17.49.250 - Verification of NROD boundary.



*The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may be through a site specific environmental survey or a simple site visit in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of OCMC 17.49.100. Verifications shall be processed as either a Type I or Type II process.*

**Finding: Applicable.** The Applicant requested a verification of the NROD boundary pursuant to the Type I Verification process. The staff report for the Type I Verification is included as Exhibit C in this staff report.

*17.49.255 - Type I verification.*

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of OCMC 17.49.220, as applicable.*

**Finding: Complies as proposed.** A site plan meeting the requirements of Section 17.49.220 was not applicable to this project. A memorandum prepared by Turnstone Environmental Consultants was submitted as part of this application, which was deemed sufficient for NROD verification review. Staff conducted a field verification on August 22, 2023, to confirm the information provided by the memorandum. The memorandum, staff visit, and vicinity maps were sufficient to complete the verification in accordance with 17.49.255.B.

- B. An applicant may request a Type I Verification determination by the Community Development Director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:*
- 1. No soil, vegetation, hydrologic features have been disturbed;*
  - 2. No hydrologic features have been changed;*
  - 3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.*
  - 4. The property does not contain a wetland as identified by the City's Local Wetland Inventory or Water Quality and Flood Management Areas map.*
  - 5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.*
  - 6. Evidence of prior land use approvals that conform to the Natural Resource Overlay District, or which conformed to the Water Quality Resources Area Overlay District that was in effect prior to the current adopted NROD (Ord. 99-1013).*
  - 7. There is an existing physical barrier between the site and a protected water feature, including:*
    - a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the City storm sewer system, as approved by the City.*
    - b. Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the City.*



**Finding: Complies as proposed.** As a part of the Type I Verification, Staff conducted a site visit and prepared a report addressing the criteria in this Section. The staff report confirms the absence of any protected water features on the subject property and identifies one protected water feature, John Adams Creek, off-site. The creek off-site appears to require a 50-foot buffer from the top of the ravine of the creek, which does not extend into the subject property. Staff's site visit found no indication of a wetland or sustained inundation of the subject site. Additionally, several structures and an impervious street (connected to the City storm system) separate the subject property from John Adams Creek. Based on the findings from the Type I Verification, the NROD boundary may be moved to be 50 feet from the top of ravine, and the regulations of the NROD boundary shall not be applicable to the proposed development. Please see Exhibit C., Natural Resources Overlay District Type I Verification, for further information.

- C. *If the City is not able to clearly determine, through the Type I verification process that the applicable criteria subsection B.1.—B.7 above are met, the verification application shall be denied. An applicant may then opt to apply for a verification through the Type II process defined below.*

**Finding: Not Applicable.** The application met all the criteria for a Type I verification.

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

### *17.50.010 Purpose.*

*This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.*

### *17.50.030 Summary of the City's decision-making processes.*

*The following decision-making processes chart shall control the City's review of the indicated permits:*

*Table 17.50.030 – Permit Approval Process*

<b>Permit Type</b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>Expedited Land Division</b>
Variance		X	X		

- C. *Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the*



*Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.*

**Finding:** The Applicant is requesting a Type III Planning Commission Variance to allow the placement of a detached garage within the minimum yard setbacks.

*F. Decisions, completeness reviews, appeals, and notices in this chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.*

**Finding:** The application was submitted on July 17, 2023. The Applicant submitted an updated site plan on August 11, 2023. The application was deemed complete on August 14, 2023. The 120-day deadline date is December 12, 2023.

*17.50.040 Development review in overlay districts and for erosion control.*

*For any development subject to regulation of geologic hazards overlay district under OCMC 17.44; natural resource overlay district under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; historic overlay district under OCMC 17.40, and erosion and sediment control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.*

**Finding: Applicable.** This application is for a property that is within the City's mapped Natural Resource Overlay District (NROD) boundary. See the NROD review findings under *Chapter 17.49 – Natural Resources Overlay District*.

*17.50.050 – Pre-application conference.*

*A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*

- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
- 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
- 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*

*B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or*



*standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*

- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

**Finding: Complies.** The pre-application conference, file no. PA 23-00022, was held on June 13, 2023.

*17.50.055 - Neighborhood association meeting.*

*Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.*

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.*
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.*
- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.*
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

**Finding: Complies as proposed.** The subject site is located within the McLoughlin Neighborhood Association. The Applicant met with the McLoughlin Neighborhood Association on July 6, 2023. A summary of the meeting and a sign-in sheet of meeting attendees were provided as a part of the application.

*17.50.070 Completeness review and one hundred twenty-day rule.*



- A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.
- B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.
- The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:
1. All the missing information;
  2. Some of the missing information and written notice from the applicant that no other information will be provided; or
  3. Written notice from the applicant that none of the missing information will be provided.
- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:
1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
  2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
  3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.
  4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.
- D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:
1. The project includes five or more residential units, including assisted living facilities or group homes;
  2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and



3. *Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.*
- E. *The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. *The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

**Finding:** The application was submitted on July 17, 2023. The Applicant submitted an updated site plan on August 11, 2023. The application was deemed complete on August 14, 2023. The 120-day deadline date is December 12, 2023.

*17.50.080 Complete application—Required information.*

*Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:*

- A. *One copy of a completed application form that includes the following information:*
  1. *An accurate address and tax map and location of all properties that are the subject of the application;*
  2. *Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);*
- B. *A complete list of the permit approvals sought by the applicant;*
- C. *A complete and detailed narrative description of the proposed development;*
- D. *A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;*
- E. *One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications. One paper copy of all application materials shall be submitted for Type I applications;*
- F. *For all Type II—IV applications, the following is required:*
  1. *An electronic copy of all materials.*
  2. *Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.*
  3. *Documentation indicating there are no liens favoring the City on the subject site.*
  4. *A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.*
  5. *A current preliminary title report or trio for the subject property(ies);*
- G. *All required application fees;*



- H. *Annexation agreements, traffic or technical studies (if applicable);*
- I. *Additional documentation, as needed and identified by the Community Development Director.*

**Finding: Complies.** The application was deemed complete on August 14, 2023. All materials necessary for adequate review have been provided and included as an exhibit of the staff report.

*17.50.090 - Public notices.*

*All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.*

- A. *Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:*
  - 1. *Street address or other easily understood location of the subject property and city-assigned planning file number;*
  - 2. *A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;*
  - 3. *A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;*
  - 4. *A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;*
  - 5. *A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;*
  - 6. *The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;*
  - 7. *The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.*
- B. *Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:*
  - 1. *The time, date and location of the public hearing;*



2. *Street address or other easily understood location of the subject property and city-assigned planning file number;*
3. *A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;*
4. *A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;*
5. *A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;*
6. *The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;*
7. *A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and*
8. *The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.*

**Finding: Complies as proposed.** This application is being reviewed through the Type III procedure and is subject to the noticing requirements in subsection B. Notice of the application was posted onsite, mailed to property owners and occupants within 300 feet of the subject site, and provided to affected departments and agencies via email.

*17.50.100 - Notice posting requirements.*

*Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.*

- A. *City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.*
- B. *Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.*

**Finding: Complies as proposed.** Notice of the land use application was posted on the subject property in accordance with this Section on August 17, 2023.





## **CHAPTER 17.54 - SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS**

### *17.54.010 - Accessory structures and uses.*

*Accessory structures and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following standards:*

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.*
- B. Residential Accessory Structures, Not Including Accessory Dwellings Units. The section applies to all accessory structures within the R-10, R-8, R-6, R-5 and R-3.5 zoning districts and accessory structures on properties with a residential use with less than five units within a zoning designation not listed above.*
  - 1. Accessory Structures with a Footprint Less than Two Hundred Square Feet:*
    - a. Shall be located behind the front line of the primary structure;*
    - b. Shall comply with the dimensional standards of the zoning designation including height, lot coverage and setbacks unless modified pursuant to subsection c herein; and*
    - c. Side and rear setbacks may be reduced to not less than three feet for the accessory structure and its projections if the height does not exceed seventeen feet as defined in OCMC 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;*
    - b. Shall comply with the dimensional standards of the zoning designation, including height, setbacks, and lot coverage unless modified pursuant to subsection c; and*
    - c. Side and rear setbacks may be reduced to not less than three feet for one accessory structure and its projections if the height does not exceed seventeen feet as defined in OCMC 17.04.550.*
  - 3. Accessory Structures with a Footprint Over Six Hundred Square Feet:*
    - a. Shall not exceed more than one accessory structure with a footprint in excess of six hundred square feet per parcel;*
    - b. The parcel shall be in excess of twenty thousand square feet;*
    - c. The footprint shall not exceed the footprint of the primary structure;*
    - d. Shall not exceed eight hundred square feet;*
    - e. Shall not exceed the height of the primary structure;*
    - 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.*

**Finding: Complies with variance approval.** The Applicant is proposing a new detached garage that has a footprint of approximately 384 square feet and is approximately 14 feet in height, as measured to the roof midpoint. The proposed structure is therefore subject to the standards in Section 17.54.010.B.2. The applicant is requesting a Type III Planning Commission variance to the regulations of this section, to allow the structure to be in front of the front building line, and to be within the front and side setbacks.

- 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.*

**Finding: Complies as proposed.** The applicant has not proposed any prohibited structures.

## **CHAPTER 17.60 - VARIANCES**

### **17.60.020 - Variances—Procedures.**

- A. *A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the City Recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D of this section shall apply when applicable.*
- B. *A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.*

**Finding: Complies as proposed.** The applicant submitted a Type III Planning Commission Variance request. All required application materials and fees were submitted, and the application was deemed complete on August 14, 2023.

- C. *Before the Planning Commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A variance shall address the criteria identified in OCMC 17.60.030, Variances—Grounds*

**Finding: Complies as proposed.** The applicant has requested a Planning Commission Variance of OCMC 17.54.010.B.2.(a) and 17.08.040, the setbacks and siting standards for a detached garage, pursuant to the Type III review procedures.

- D. *Minor variances, as defined in subsection E of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030.B, and shall address the criteria identified in OCMC 17.60.030, Variance—Grounds.*
- E. *For the purposes of this section, minor variances shall be defined as follows:*
  - 1. *Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
  - 2. *Variances to width, depth and frontage requirements of up to twenty percent;*
  - 3. *Variances to residential yard/setback requirements of up to twenty-five percent;*
  - 4. *Variances to nonresidential yard/setback requirements of up to ten percent;*
  - 5. *Variances to lot area requirements of up to five percent;*
  - 6. *Variance to lot coverage requirements of up to twenty-five percent;*
  - 7. *Variances to the minimum required parking stalls of up to five percent; and*
  - 8. *Variances to the floor area requirements and minimum required building height in the mixed-use districts.*



9. *Variances to design and/or architectural standards for single-family dwellings, duplexes, townhomes, accessory dwelling units, triplex, quadplexes, and cluster housing in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

**Finding: Not applicable.** This application does not qualify as a minor variance and is therefore processed as a Type III decision.

*17.60.030 - Variance—Grounds.*

*A variance may be granted only in the event that all of the following conditions exist:*

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

**Finding: Complies as proposed.** The structure, including any projections from the building, is proposed to be sited entirely on the subject property. The proposed garage would abut an unimproved right-of-way and would be approximately 25 feet from the closest neighbor's property line. The unimproved right-of-way is not an accessway for any neighboring properties. Comments from the Public Works department indicate that there is no substantial concern regarding the impacts on the abutting unimproved right-of-way. Staff did not receive any public comments indicating that adjacent properties would be negatively impacted by approval of the proposed variance.

- B. *That the request is the minimum variance that would alleviate the hardship;*

**Finding: Complies as proposed.** The Applicant states that there are several hardships that the variance would alleviate:

- There are established trees and other vegetation to the side of the residence that the applicant wishes to protect during the course of this project, including a Star Magnolia tree estimated to be over 35 years old; and
- A PGE power pole is located in the adjacent planting strip and restricts the placement of a new driveway approach; and
- Extensive excavation and grading would be required if the structure were to comply with the required setbacks due to the slope of the property and amount of earth that would need to be removed to accommodate a larger setback.

The Applicant originally proposed the garage be setback 14 feet from the front property line. Following discussions with the Public Works Department, the Applicant changed the front yard setback to be 5 feet in order to prevent the obstruction of the public sidewalk by vehicles parked in the driveway. The proposed location of the garage is the minimum variance that would alleviate the hardships while preventing obstruction of the sidewalk by future property owners. See Exhibit B, Public Works Department Memorandum, for more information.

- C. *Granting the variance will equal or exceed the purpose of the regulation to be modified.*

**Finding: Complies as proposed.** The purposes of front yard setbacks and accessory building siting standards are:

- to ensure that there is adequate separation between the public sphere and the private sphere; and
- to ensure adequate separation between private properties adjacent to each other; and



- to encourage pedestrian interaction and eyes on the street by not allowing the accessory building to be placed between the sidewalk and the primary residence.

The proposed placement of the garage would not obscure the view of the existing home from the street. The proposed location of the garage would be an improvement to the separation between the public sphere and the private sphere, as compared to the existing garage.

The applicant provided the following response to this criterion:

“Granting this variance will improve pedestrian safety by moving the garage back from the sidewalk and creating a driveway and low retaining wall to increase driver visibility on the uphill side. (The current garage structure sits right next to the sidewalk and offers very little visibility when exiting by car.) Granting this variance will preserve four existing trees, including a 35+ year old Star magnolia. I am working with an architectural designer to design a garage that meets the standards listed in the Constructing a Detached Shed, Garage, Carport or Accessory Structure at your Home guide. I intend for the garage to mimic the style of my 1937 cottage in color, architecture, windows, and decorative elements. Granting this variance will allow my partner and me to have a secure place to charge our (near-future) electric car.”

*D. Any impacts resulting from the adjustment are mitigated;*

**Finding: Complies as proposed.** The Applicant provided the following response to this criterion:

“I plan to replant and landscape around the construction site with both the minimum number of mitigation trees required and additional shrubs. I plan to repair the existing driveway and the sidewalk and abutting curb in front of the construction site, following all permitting and code requirements.”

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

**Finding: Complies as proposed.** The Applicant provided the following response to this criterion:

“No practical alternatives have been identified. Locating the proposed garage elsewhere on the property, such as farther back from the street, would totally disrupt—essentially destroy—my current design, use, and enjoyment of my property, because it would require removal of basically all existing trees and landscape, removal of an existing retaining wall, fishpond, and home garden, and effectively leave me with no yard to enjoy. One “less drastic” alternative might be to vacate the alleyway to add some additional land to the northeast side of the property; but adding this land would not mitigate the loss of vegetation (four additional trees would be affected), nor change the requested reduction of Minimum Garage setback from 20 feet to 14 feet.”

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

**Finding: Complies as proposed.** The City’s Comprehensive Plan, OC2040, was adopted in December 2022. The variance request would allow for development in accordance with the following Comprehensive Plan goals and policies:

*DIVERSE ECONOMY - GOAL 4*

*Encourage and support new development that incorporates supportive community features and sustainability principles in site design and building construction.*



**POLICY 4.4**

*Support and promote site and building design alternatives that balance high-quality and durable construction with affordability.*

**CONNECTED INFRASTRUCTURE - GOAL 1**

*Provide a safe, comfortable, and accessible transportation network that serves all modes of travel, including nonmotorized modes.*

*POLICY 1.3 Promote safety by implementing street design that equally considers and serves nonmotorized and motorized users.*

Approval of the variance would allow the Applicant to meet the intent of the Comprehensive Plan and the zoning code by effectively utilizing the subject property for single-family residential use. The placement of the garage within the setbacks would not negatively impact neighborhood appearance or livability, would be an improvement from the existing garage's zero-foot setback, and would prevent the Applicant from needing to do relatively expensive excavation work.

The Applicant provided the following response to this criterion:

"I believe my requested variance conforms to the spirit of the comprehensive plan and honors the intent of the ordinance being varied because my requested variance (1) protects the interests of all surrounding properties, (2) improves the neighborhood in appearance and safety by facilitating improved pedestrian and driver safety in front of my property, (3) enables me to partner with the City to remove an unsafe and unsightly structure and to replace it with a safe and usable new garage, (4) accords with promotion of adoption of electric vehicles, (5) complements the style of my semi-historic 1937 cottage, (6) preserves existing trees and landscape improvements, and (7) participates in efforts to make Oregon City a more beautiful and livable community."

**III. CONCLUSION AND RECOMMENDATION:**

Based on the analysis and findings as described above, Staff concludes that the proposed development located at 1404 Jackson Street, Oregon City, Oregon 97045, identified as Clackamas County Map 2-2E-32BA, Tax Lot 06400, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends that the Planning Commission approve files GLUA-23-00022 / VAR-23-00005 with conditions, based upon the findings and exhibits contained in this staff report.

**EXHIBITS:**

- A. Applicant's Narrative and Plans (On File)
- B. Public Works Department Memo
- C. Natural Resource Overlay District Type I Verification Report
- D. Public Comments
- E. Vicinity Map





Exhibit A.

## LAND USE APPLICATION FORM

### Type I (OCMC 17.50.030.A)

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

### Type II (OCMC 17.50.030.B)

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

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

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

**File Number(s):** PA-22-00005

Proposed Land Use or Activity: Detached Garage with Variance to Setback and Siting within NROD

Project Name: \_\_\_\_\_ Number of Lots Proposed (If Applicable): \_\_\_\_\_

Physical Address of Site: 1404 Jackson Street Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): Map 2-2E-32Ba, Tax Lot 6400

### Applicant(s):

Applicant(s) Signature: Jane Littlefield

Applicant(s) Name Printed: Jane Littlefield Date: 07/17/2023

Mailing Address: 1404 Jackson Street Oregon City, OR 97045

Phone: 708-567-0894 Fax: \_\_\_\_\_ Email: janelittlefield@gmail.com

### Property Owner(s):

Property Owner(s) Signature: Jane Littlefield

Property Owner(s) Name Printed: Jane Littlefield Date: 07/17/2023

Mailing Address: 1404 Jackson Street Oregon City, OR 97045

Phone: 708-567-0894 Fax: \_\_\_\_\_ Email: janelittlefield@gmail.com

### Representative(s):

Representative(s) Signature: \_\_\_\_\_

Representative (s) Name Printed: \_\_\_\_\_ Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

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





Documentation in my application packet is named / organized with numbers corresponding to the items on this Variance Checklist.

## Variance Checklist

1. ☒ **A Completed Application Form with All Property Owner Signatures** (P)
2. ☒ **Narrative** (P/DS)  
A complete and detailed narrative description of the proposed development and an explanation addressing all applicable approval criteria. A template is provided at the Pre-Application Conference.
3. ☒ **Site Plan Drawings** (P)  
A scale-drawing of the property, displaying the dimensions and arrangements of the existing and proposed uses.
4. ☒ **Architectural Drawings** (P)  
Building elevations and envelopes, if architectural work is proposed.
5. ☒ **For Planning Commission Variances: Neighborhood Association Meeting** (P)
  - ☒ A sign-in sheet of meeting attendees
  - ☒ A summary of issues discussed
  - ☒ A letter from the neighborhood association or CIC indicating that a neighborhood meeting was held.
  - ☐ If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.
6. ☒ **Pre-Application Conference Notes from Planning and Development Services Divisions** (P/DS)
7. ☒ **Additional Information or Reports** (P/DS)  
If Required in Pre-Application Conference.
  - NROD Report
  - Code Criteria Responses
8. ☒ **A Current Preliminary Title Report or Trio for the Subject Property(ies)** (P)
9. ☒ **Mailing Labels for Owners within 300 Feet of the Subject Site or Fee for City-Provided Labels** (P)  
The names and addresses of property owners within 300 feet of the site from a title company.
  - I'll pay the \$20 fee for City Planning to provide the mailing labels
10. ☒ **Documentation indicating there are no liens favoring the City for the subject site** (P)  
- see Trio report
11. ☒ **A receipt from the County Assessor's Office indicating that all taxes for the parcels involved have been paid in full for the preceding year.**
12. ☒ **Electronic Version of All Application Materials** (P/DS)
13. ☒ **All Required Application Fees** (P)

(P) = Contact the Planning Division at (503) 722.3789 with any questions regarding this item.

(DS) = Contact the Development Services Division at (503) 657.0891 with any questions regarding this item.

**Incomplete applications will not be processed.**





## MEMORANDUM

TO: Molly Gaughran, Assistant Planner  
FROM: Erik Nichols, Oregon City Public Works  
DATE: 8.15.23  
SUBJECT: 1404 Jackson Street Garage Variance

---

The homeowners of 1404 Jackson Street wish to replace their existing garage located on the northwestern portion of their property. The existing garage is placed on the property line abutting the sidewalk on Jackson Street. Per City code, replacement of the structure requires it to meet current City standards and setbacks. The applicants have requested a variance from the City's code to reduce the minimum 20-foot garage setback as it would impact existing features that they note pre-date the existing house.

In general, the reasoning behind the 20 ft. setback is to provide enough space for a vehicle to park on a driveway without encroaching onto the sidewalk and blocking pedestrian travel. The original request for a 14 ft. setback would most likely encourage guests and future homeowners to try and park in front of the garage and block the existing sidewalk. The setback variance recommended is then 5 feet from the property line in this instance. This will preserve the features requested for preservation and conform more with City standards, compared to existing, by providing space away from the existing sidewalk. Furthermore, the 5 ft. setback would not encourage parking in front of the garage that would block pedestrian access to the public sidewalk.

Oregon City Public Works takes no exception to the reduction of the garage setback from 20 ft. to 5 ft. from the property line on Jackson Street for the reasons noted above.



Property Description:  
 Tax Assessor Map# 2-2E-32BA-06400  
 Address: 1404 Jackson St  
 Oregon City, OR 97045

July 17, 2023

After the writing of this narrative and following discussions with staff, the applicant changed the proposed garage location from 14 feet to 5 feet.

Dear Oregon City Planning Department,

I am writing to seek a variance to rebuild a garage structure at a single-family residence at 1404 Jackson Street in Oregon City, OR. The existing structure is quickly deteriorating, is barely usable, and is not safe. I propose tearing down the existing garage and rebuilding a new structure measuring no more than 24 feet deep by 16 feet wide, electrified so as to accommodate an electric car charging station and an exterior light for access and steps safety.

The variance request is twofold. The first request is to reduce the 20 foot Minimum Garage setback along the north side of the property (along Jackson Street) to 14 feet to accommodate hardships including protecting existing trees, reducing impacts of excavation and digging, retaining a concrete fishpond that predates the home, and retaining space for vegetable gardening, aesthetic considerations, and recreational enjoyment. The second request is to reduce the 5 foot Minimum Garage setback (alley) along the east side of the property (along a platted, but never opened, never improved, and never used alley) to 0 feet to accommodate the hardships of an existing power pole in the curb strip, protecting existing trees, and reducing the amount of earth to be excavated due to the slope of our property.

I am applying for the minimum variance needed to alleviate these hardships, centering my request on neighborhood safety, preserving trees and existing plantings, honoring McLoughlin neighborhood's unique aesthetics, and identifying practical solutions.

**Neighborhood Safety.** Granting this variance will increase safety around this structure.

- The current garage structure sits right next to the sidewalk and offers very little visibility when exiting by car. The sidewalk is used by kids going to and from the Oregon City Swimming Pool, CAIS students, dog walkers, and neighbors. Granting this variance will improve pedestrian safety by moving the garage back from the sidewalk and creating a driveway and low retaining wall to increase driver visibility on the uphill side.
- The current garage structure is unsafe. It is actively deteriorating due to its poor foundation. I replaced the garage door in 2018 after the structure shifted enough to break the tracks of the existing garage door. The February 2021 ice storm caused additional, visible structural deterioration.
- I plan to install a light on the garage illuminating the walkway and steps up to my home and the sidewalk in front of the garage. I plan to install a motion-activated light on the alley-side of the garage.
- The impetus for this garage rebuild is that my partner and I are going to purchase an electric car. Before we bring one home we would like to have a secure place to park and charge it. Without a garage, our option for charging it is to park on the street and run an extension cord over the sidewalk.





Garage (with replacement garage door) and sidewalk from Jackson Street, 2019.

**Preserving Trees / Existing Plantings** Granting this variance will allow me to retain as many established trees and plantings as possible.

- I will have to remove one tree-sized camellia that is flush with the current structure to accommodate the new garage. I plan to mitigate the loss of the established camellia by planting another camellia, two dogwood trees, and shrubs around the new garage.
- I plan to move and replant a seven-year-old Hinoki cypress tree and a five-year-old apple tree to accommodate moving the garage back 14 feet and widening the garage three feet.
- I will preserve four additional trees if this variance is granted. Moving the garage's footprint farther back than 14 feet would result in removing a 30-year-old Star Magnolia, two additional younger Star Magnolias, and a second five-year-old apple tree.
- I have an established organic home vegetable garden and a small fruit tree orchard on the downhill side and rear of my property. I want to preserve the garden and orchard. Given the size of my lot (6,603 sq ft), the slope of the lot, and the deep setback of my house, moving the garage farther back from the street would leave me with virtually no yard of useful or aesthetic size or appearance.
- A new garage would continue my efforts to enhance neighborhood beautification. I am very much into softening the landscape around my home and future garage with plants - I have planted nine trees (including three with *Friends of Trees* in the curb strip) and relandscaped the front yard since moving in in 2015.





Google Maps Street View of 1404 Jackson Street showing garage and old garage door, unimproved alley, house setback, and landscaping in 2011. (Screenshot taken May 5, 2023).



1404 Jackson Street showing garage, unimproved alley, house setback, and landscaping in May 2023.





Camellia that will have to be removed (and Hinoki cypress that we plan to save), 2019.

**Aesthetic / fit into McLoughlin neighborhood style / honor history of property.**

- The garage was originally built around 1925, according to the previous homeowner. Its design is utilitarian and not attractive other than two cottage-style windows. I plan to work with an architectural designer to design a garage that meets the standards listed in the *Constructing a Detached Shed, Garage, Carport or Accessory Structure at your Home* guide. I intend for the garage to mimic the style of my 1937 cottage in color, architecture, windows, and decorative elements.
- My side yard includes a concrete fishpond that, according to the previous homeowner, was built in 1935 by her father. The fishpond predates the house and I definitely want to preserve it. (Interesting tidbit - the previous homeowner believes the bridge over the fishpond was built using the bumper from a Model T.) Moving the garage's footprint farther back than 14 feet would result in removing the fishpond.
- I intend to excavate land and build the garage into the ground instead of on top of the ground. Though this will require moving our sewer line, I believe this is the most practical and aesthetic solution. Building into the ground will better honor the stature of the original garage structure and will mitigate any potential reduction in light, air, safe access, or other desirable or necessary qualities to adjacent properties. Reducing the 20 foot Minimum Garage setback to 14 feet and the 5 foot Minimum Garage setback (alley) to 0 feet will also mean less ground disruption.



**Practicality / efficiency.** There are several practical improvements and efficiencies that will result from granting this variance.

- I will be able to retain the current position of a PGE power pole. The power pole (A1210985) is located in the curb strip on the north side of the property. A tension cable was added in 2019 or 2020. Moving the garage structure uphill to accommodate the 5 foot setback along the east side of the property would require moving the power pole; otherwise it would block driveway entry. A 0 foot setback would not encroach on the neighbor's property because the east side of the property abuts an unimproved, unused alleyway.
- Jackson Street is along TriMet's bus line 32. There is a bus stop at Jackson and 15th. TriMet prefers off-street parking when possible on bus routes, and my partner and I would be able to park and charge our electric car in the garage instead of on the street. (Bonus: there would be one more community parking spot available when there are events at Pioneer Stadium.)



Power pole and tension cable's proximity to garage, and street parking, 2021.

Please don't hesitate to contact me with questions or comments. I am eager to improve the safety, useability, and appearance of my garage and look forward to responsibly accomplishing this project.

Thank you for your consideration,

Jane Littlefield  
1404 Jackson Street  
Oregon City, OR 97045



SCOPE OF WORK

Includes the demolition of the existing garage and construction of a new, single car garage.  
New downspouts will drain to existing stormwater system as shown on A1.  
See below for area calculations, etc.  
The existing Camelia is to be removed. All existing trees are shown on A1. The Star Magnolia is to be protected.

Site: 1404 Jackson Street  
Oregon City, OR 97045  
Lot: 06400  
Taxlot #: 2-2E-32BA-06400  
Alt Id: 00584987  
Lot Size: 0.19 Acres  
Sq Ft: 2906 sf  
Coverage: 0.15 acres  
Zoning: R6  
Neigh Assoc: McLaughlin

LIST OF DRAWINGS

A1 Site Plan  
A2 Garage Floor Plan / Building Section / Exterior Elevations  
S1 Framing Plans / Structural Details

Front Setback 5'  
Side Setback 0'  
Rear Setback  
Max Lot Coverage  
Max Height

NEW / MODIFIED ELECT. CIRCUITS

New 60 amp subpanel. Extend new circuits for addition from existing panel. Maintain clearances in front of panel. Electrician to verify that existing panel has capacity for new circuits.

SITE PLAN NOTES

- See site plan for soil stockpile area. Cover pile with 6 mil visquene.
- See site plan for material stockpile area.

SITE PREPARATION / UTILITY NOTES

(unless noted otherwise, the following responsibilities lie with the General Contractor)

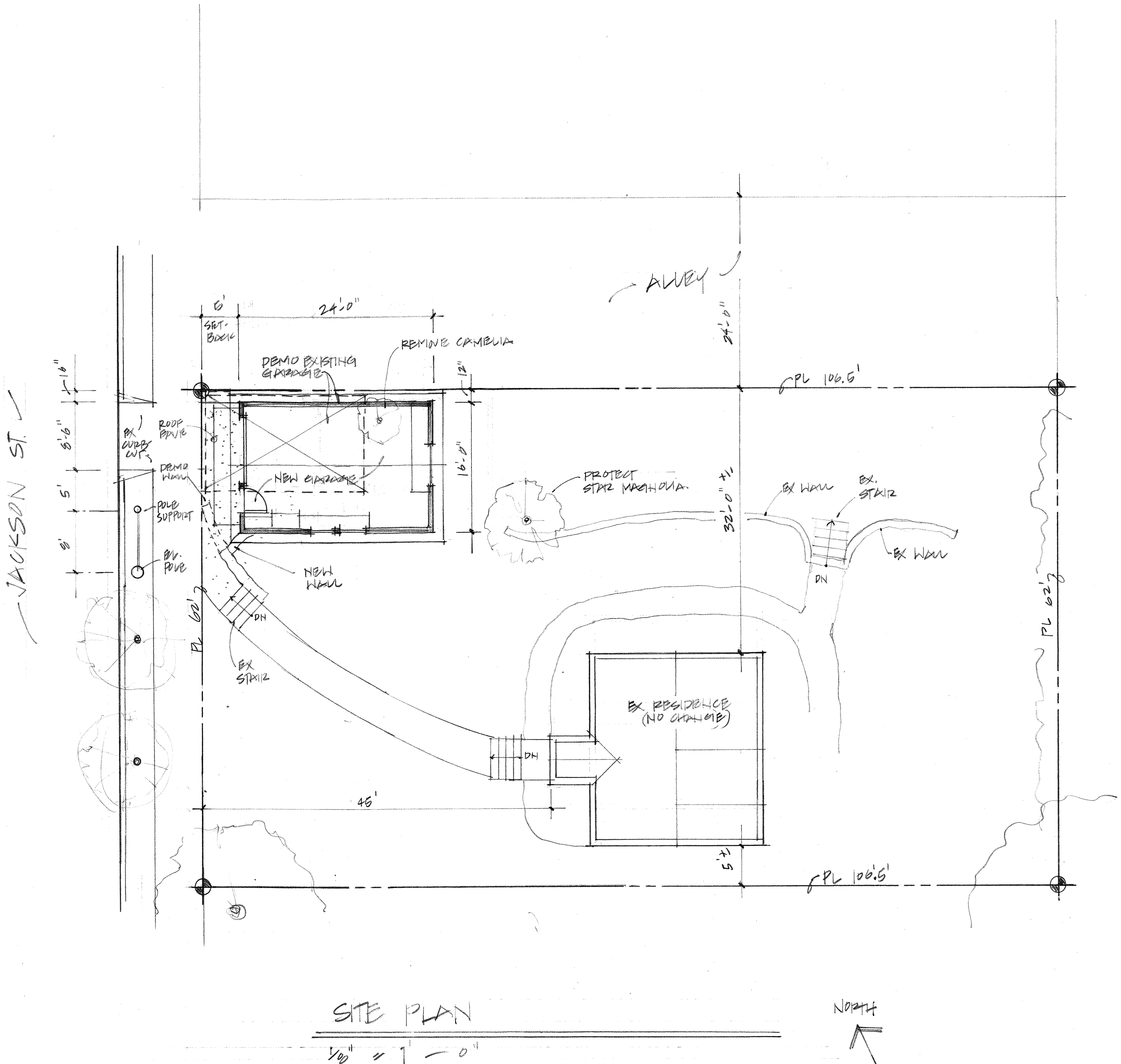
- Contact power company for power location prior to excavation.
- Locate water supply line and well prior to any excavation.
- Locate sewer line prior to excavation. Take care that heavy equipment does not roll over these features.
- Verify with Oregon City and County Records that no sess-pools, party sewers, etc. exist on-site.
- Confirm that no underground oil tanks exist on-site. Notify Oregon City and Architect if found.
- The architect has no knowledge of and shall not be held liable for any asbestos or other hazardous materials on the job site. If asbestos or other hazardous materials are discovered during construction, stop work and contact owner for further instructions before proceeding.

UTILITY NOTES

Natural Gas: Use existing natural gas line and meter onsite.  
Water: Use the existing City water supply line from water meter from SW Hewett Blvd.  
Sewer: Verify its location prior to excavation.  
Cable: Use existing cable. No changes.  
Power: Use existing electrical supply line which feeds existing xxx amp panel in house.  
Stormwater: Use existing stormwater system for new gutter and downspouts.

DEMOLITION NOTES

- Prior to beginning demolition, contractor to verify that walls to be removed are not load bearing. If walls are found to be load bearing, notify architect.
- When possible, recycle building materials and items removed from the project.
- Make every effort to recycle construction waste and packaging items from construction.
- The architect has no knowledge of and shall not be held liable for any asbestos or other hazardous materials on the job site. If asbestos or other hazardous materials are discovered during construction, or demolition, stop work and contact owner for further instructions before proceeding.
- Contractor to test building / site for asbestos and lead. If found, contract remediation specialists for material found.
- Site to have 6 ft perimeter fence during construction.



Preliminary  
Not for  
Construction

Permit Set



ToddLasherDesign.com  
lasherdesign@gmail.com

7730 SW 67th Ave  
Portland, OR 97223  
cell 503-201-2440

Littlefield Garage  
1404 Jackson Street  
Oregon City, OR 97045

Drawn:  
7/31/2023  
Revised: 8.8.23

General Notes  
List of Drawings  
Site Plan  
Tree Protection  
Plan

A1



Preliminary  
Not for  
Construction  
Permit Seal

Todd Lasher Design  
toddlasherdesign@gmail.com

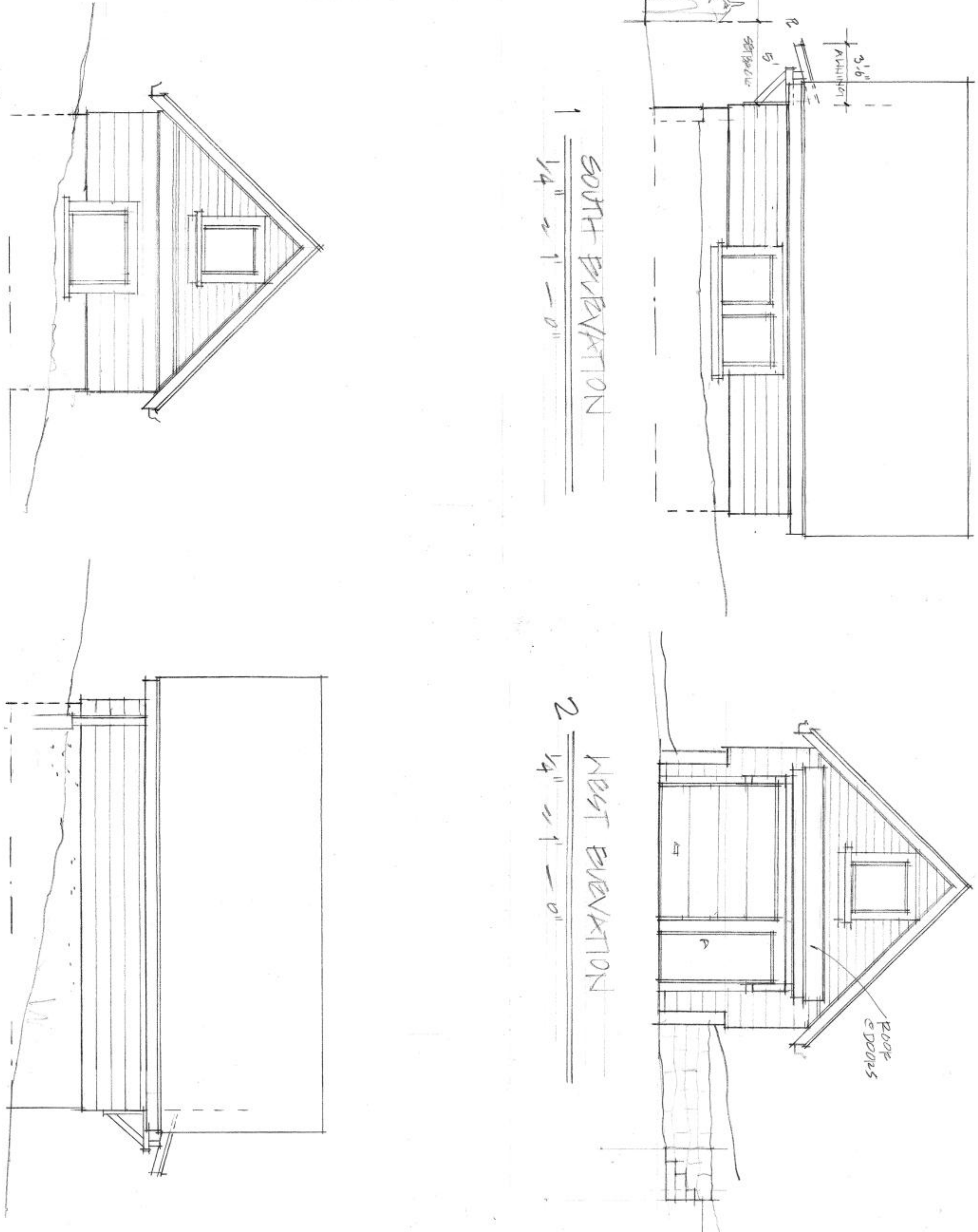
7730 SW 67th Ave  
Portland, OR 97223  
cell 503-201-2440

Littlefield Garage  
1404 Jackson Street  
Oregon City, OR 97045

Drawn:  
7/31/2023  
Revised: 8-8-23

Proposed Garage Plan  
Drawing Legend  
Exterior Elevations

A2



3  
1/4" = 1'-0"  
PROPOSED FLOOR PLAN  
N

4  
1/4" = 1'-0"  
EAST ELEVATION

5  
1/4" = 1'-0"  
NORTH ELEVATION

1  
1/4" = 1'-0"  
SOUTH ELEVATION

2  
1/4" = 1'-0"  
WEST ELEVATION



Preliminary  
Not for  
Construction  
Permit Set

ToddLasherDesign.com  
lasherdesign@gmail.com

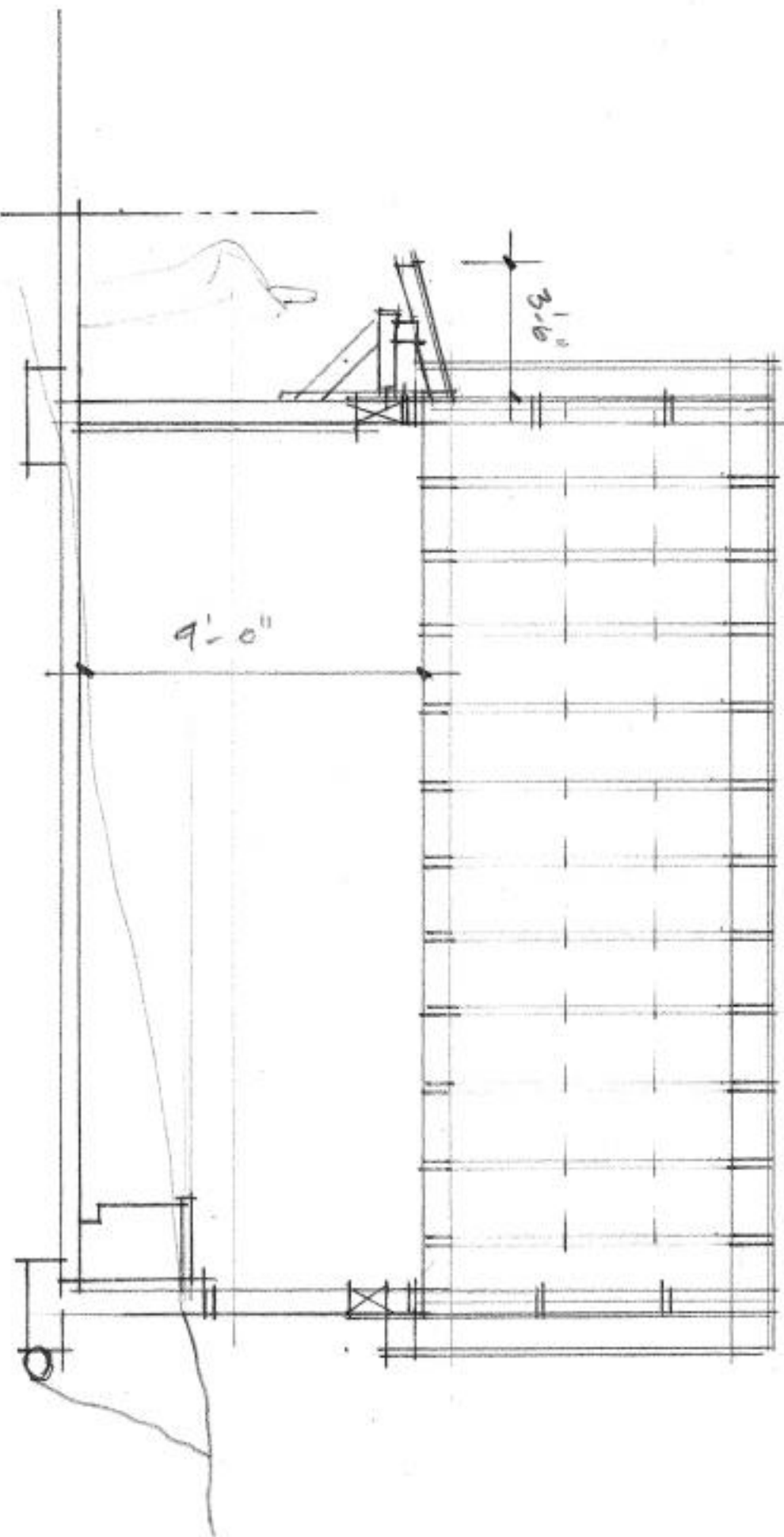
7730 SW 67<sup>th</sup> Ave  
Portland, OR 97223 cell 503-201-2440



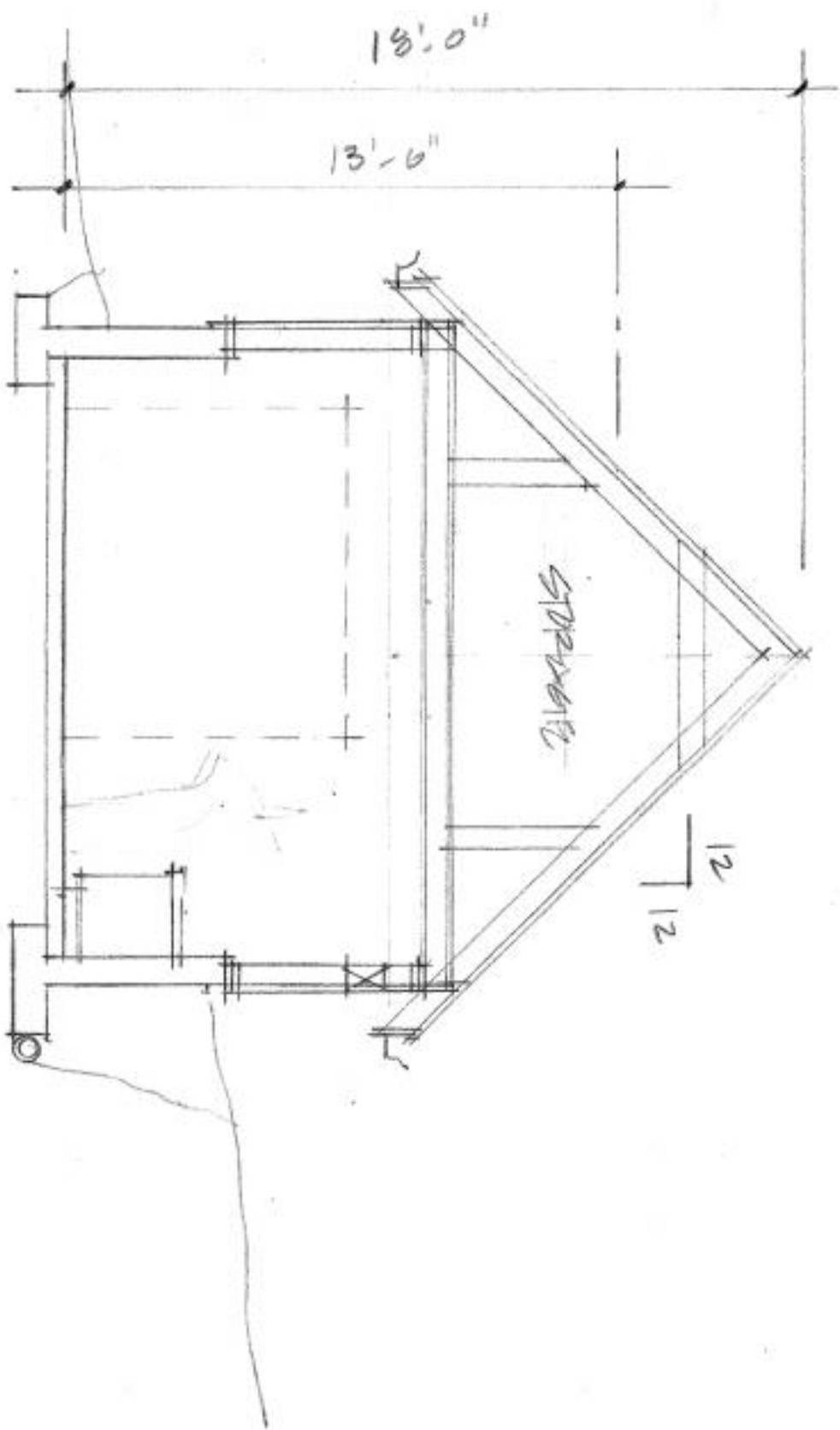
Littlefield Garage  
1404 Jackson Street  
Oregon City, OR 97045

Drawn:  
7/2/2013  
Revised: 6/5/23  
Garage Framing  
Plans  
Framing Details

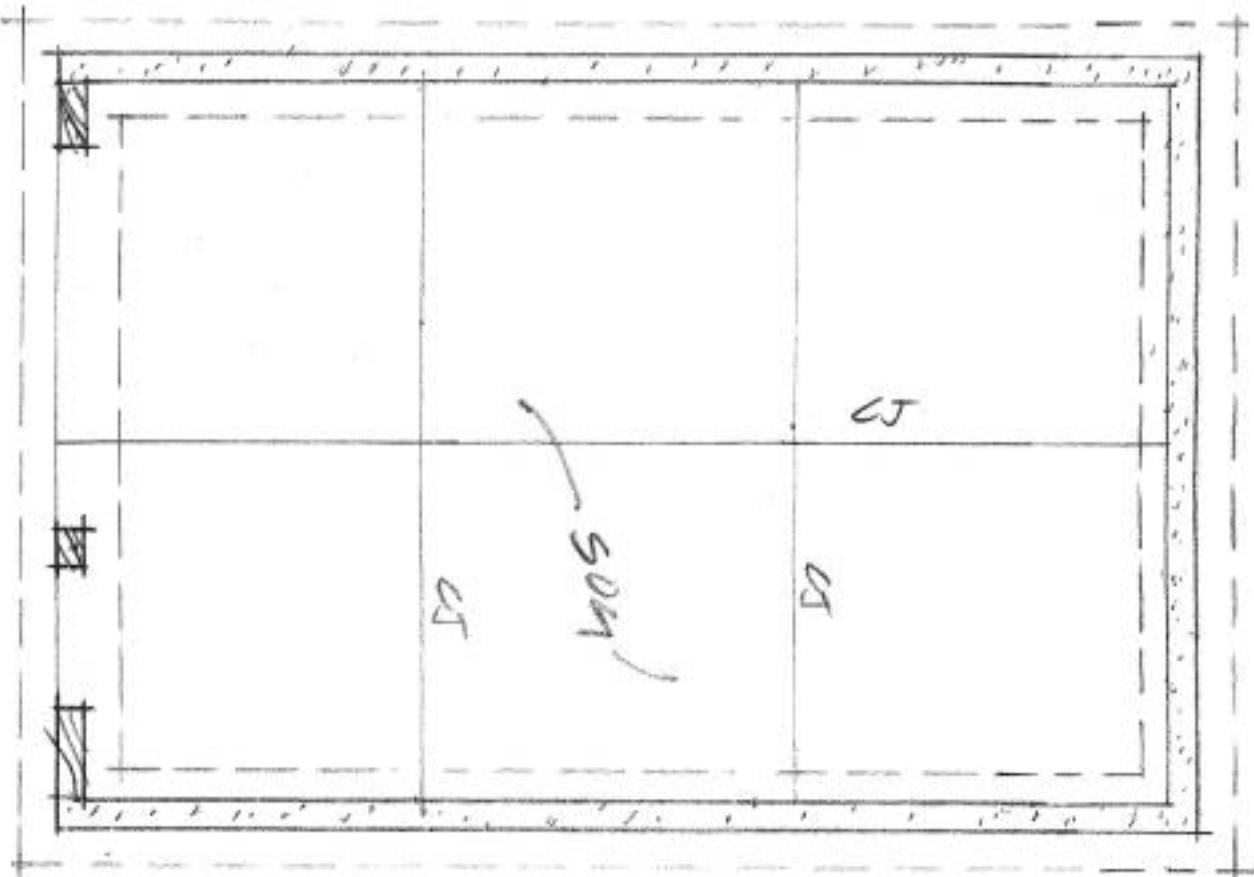
S1



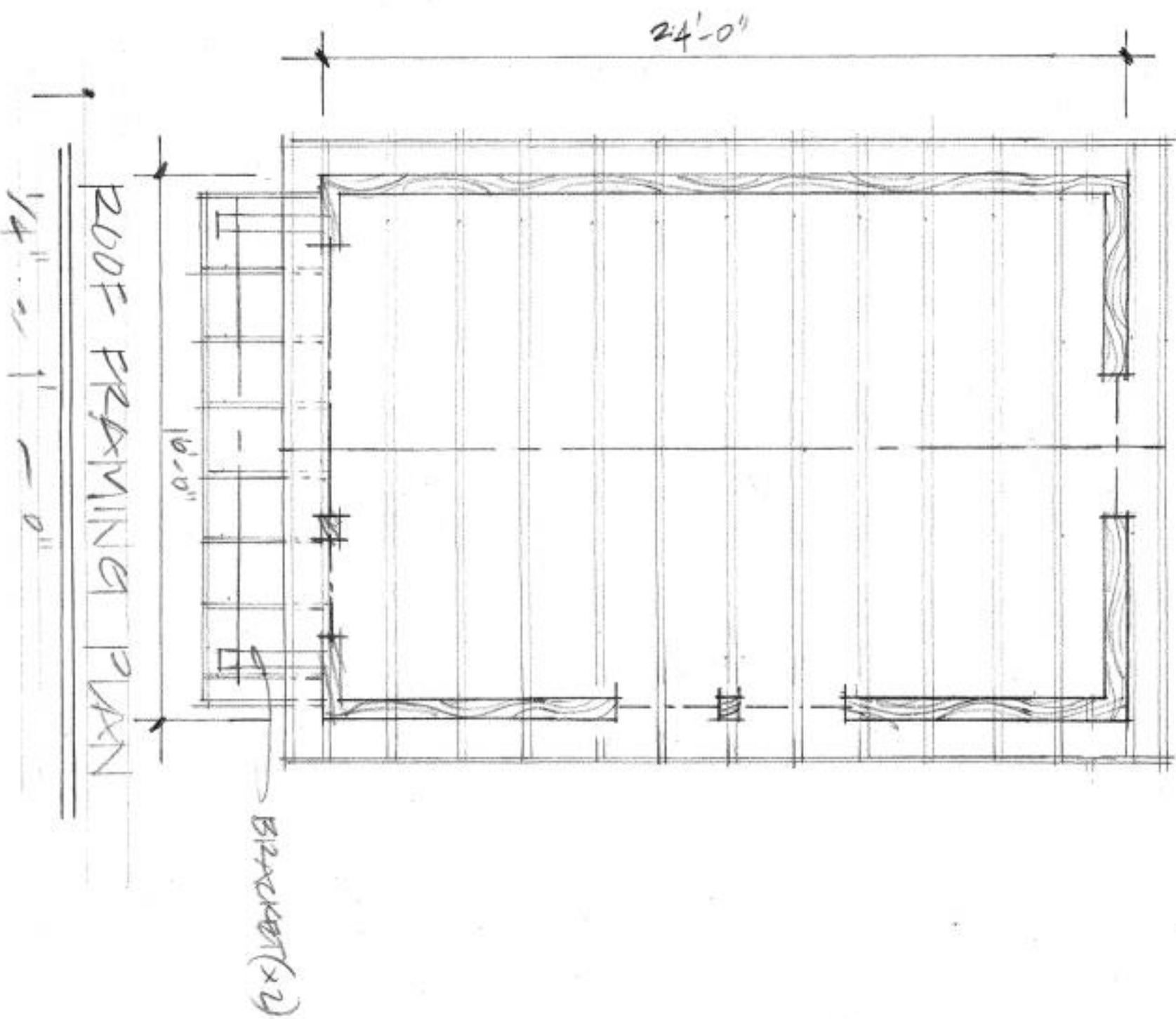
4 BUILDING SECTION  
1/4" = 1'-0"



3 BUILDING SECTION  
1/4" = 1'-0"



2 FNDN PLAN  
1/4" = 1'-0"



1 ROOF FRAMING PLAN  
1/4" = 1'-0"



M C L O U G H L I N

N E I G H B O R H O O D  
A S S O C I A T I O N**General Membership Meeting Agenda**

July 6, 2023

First Baptist Church, 819 John Adams St. – 7:00 pm

- |         |     |  |
|---------|-----|--|
| 7:00 pm | 1.  | Welcome and introductions  |
| 7:10 pm | 2.  | Police/fire liaison updates  |
| 7:20 pm | 3.  | <u>Presentation and Q&amp;A: <i>Can you save money on needed sewer lateral repairs?</i></u> Financial assistance - Oregon City's Inflow & Infiltration program<br>(Presenter: Kenny Shultz, PE, OC Public Works) |
| 7:50 pm | 4.  | Call for Volunteers for Concerts in the Park fundraising   |
| 7:55 pm | 5.  | Review of the minutes for May 2023 general meeting (Secretary Denise Beasley)  |
| 8:00 pm | 6.  | Treasurer's report (Treasurer Curt Reesor)   |
| 8:05 pm | 7.  | Variance request and Q&A -- 1404 Jackson St.   |
| 8:15 pm | 8.  | Committee updates <ul style="list-style-type: none"> <li>a. CIC</li> <li>b. Land use</li> <li>c. (Others + ad hoc committee and City committee updates)</li> </ul>   |
| 8:30 pm | 9.  | Consideration of request for letter of support RE The Father's Heart security funding from Clackamas County  |
| 8:40 pm | 10. | Commissioner's Corner – update from Mayor Denyse McGriff (and any other members of the City Commission that are present)   |
| 8:50 pm | 11. | Adjourn  |



## McLoughlin Neighborhood Meeting sign in

Date: July 6, 2023

Name	Address	Phone #	email address
✓ Curt & Erika Reesor	<del>822</del> 1303 J.Q. Adams	503-522-7980	
✓ DONDONNELLY	822 WASHINGTON	St Paul's 503-966-5624	DDONNELLY@MAIL.COM
✓ Kathy Polley	822 Washington	St Paul's 503-544-7047	Kathy Polley@mccl.com
✓ Phil Rotrock	213 Jefferson St	503-805-3969	
✓ Vicki Parsons	205 Jefferson St	503-656-2154	
✓ Patrick Dunne	642 7th St.	503-742-2655	
✓ Dan Beyel	1404 Jackson St.	651-356-2236	dan.beyel@gmail.com
✓ Jane Littlefield	1404 Jackson St.	708-567-0894	janelittlefield@gmail.com
✓ Adam Marl	911 11th St	503-348-0962	amarl@orcify.org
✓ Diane Roake	910 Madison St	503-780-0604	roakedi@msn.com



## McLoughlin Neighborhood Meeting sign in

Date: July 6, 2023

Name	Address	Phone #	email address
✓ Amy Wilson	816 JQ Adams	503-278-0725	nowaste@comcast.net
✓ Lissa Adams	816 JQ Adams	619-884-1978	UAdams1@comcast.net
✓ Aubrey McCormick	824 Center Street	206-900-6342	
✓ JASON KRAM	824 Center St	775.846.4793	
✓ John Lewis	13895 Fir St	503-793-2255	
✓ Kenny Connady-Shultz	13895 Fir St	971-204-4622	
✓ Jay Pearce	1214 WASHINGTON ST	503 8040469	
✓ Loupe McPuff	815 Washington Street	503-656-3912	guthrie@msn.com
✓ Shawn Dickerson	812 Washington St	971-940-6735	rector@slpauloregoncity.org
✓ John Withum	819 John Adams St	304-893-1010	pastorjohnfbco @gmail.com

✓ Alger Marsh

1104 6th St.

503-~~950-2770~~ 557-5050 algerahomministries.org

Denise Beasley

Serge Buss



## McLoughlin Neighborhood Association

July 6, 2023 - 7:00pm – 9:00pm

First Baptist Church of Oregon City

### Issues discussed

- **Introductions** of the 25 or so in-person attendees
- **Police liaison** - Sergeant Turpin. Staffing updates, retiring Chief Band / incoming Chief Davis open house.
- **Fire liaison** - Captain Dunn. Thank you for passing emergency service levy, hiring 62 fire suppression folks. Expecting increased retirements. July 11 will find out which stations will get increased staffing. Calls up total, most are emergency medical calls. No more backyard burning.
- **Presentation Q&A** - Save money on sewer lateral repairs. Presenter: Kenny from OC Public Works. I&I Program - Inflow & Infiltration, protect sewers from seeping storm- and groundwater, which costs a ton to treat. Smoke testing coming in August. Information gathering re: targeting systems; Kenny invites input / survey responses from homeowners re: their sewers, passed out a form.
- **Concerts in the Park call for volunteers.** Close toed shoes! No food-handlers license needed. Next week is the first concert.
- **Review of Minutes.** Suggestion to list attendees on Minutes. Approved.
- **Treasurer's report.** Curt. Shared deposits and withdrawals.
- **Variance request, 1404 Jackson.** See <https://tinyurl.com/1404jackson> for notes and issues discussed. Questions / feedback from the attendees:
  - Question: Will the garage be bigger? Yes, slightly bigger footprint.
  - Question: Is it a historical review property? No.
  - A couple folks looked at the tinyurl while I was presenting; one gentleman in the back commented that the presentation and proposal "looks great!" One couple said "we're glad you're doing this and focusing on protecting trees."
  - Jesse noted that no approval is needed from the MNA re: variances; this is an educational opportunity for neighbors. I mentioned a public comment period would eventually come up; Denyse mentioned everyone will get notified about it.
- **Variance request, 824 Center St.** Convert to triplex; with change now to convert garage to fourth unit. Minor change.
  - Questions about parking and illegal VRBOs
- **Committee updates:**
  - CIC - no update
  - Land use - 615 High Street, historic review board approved application. Application for 151 Molalla for triplex. Denied for several reasons. 107 Center St., will have a public comment period soon.
  - Others + ad hoc ad City committee - no updates
- **Request for letter of support** re: The Father's Heart security funding. Neighbors expressed support, questions, and concerns. Good Neighbor Agreement was discussed, which established a committee - SAC - for communication and collaborative problem solving between the neighborhood and Father's Heart.
- **Commissioner's Corner** - good of the order. Adam: new resident! Tolling. [notollarmy.com](http://notollarmy.com)  
Denyse: MNA e-blast.



**TYPE III VARIANCE APPLICATION**  
**Applicant's Submittal**  
*July 17, 2023*

**APPLICANT:** Jane Littlefield  
1404 Jackson Street, Oregon City, OR, 97045

**OWNER:** Jane Littlefield  
1404 Jackson Street, Oregon City, OR, 97045

**REQUEST:** Demolish a non-conforming detached garage and build a new electrified garage in an area that requires a Variance to Setback and Siting within a currently delineated NROD area.

**LOCATION:** 1404 Jackson Street, Oregon City, OR, 97045  
Clackamas County Map 2-2E-32BA, Tax Lot 6400

**I. BACKGROUND:**

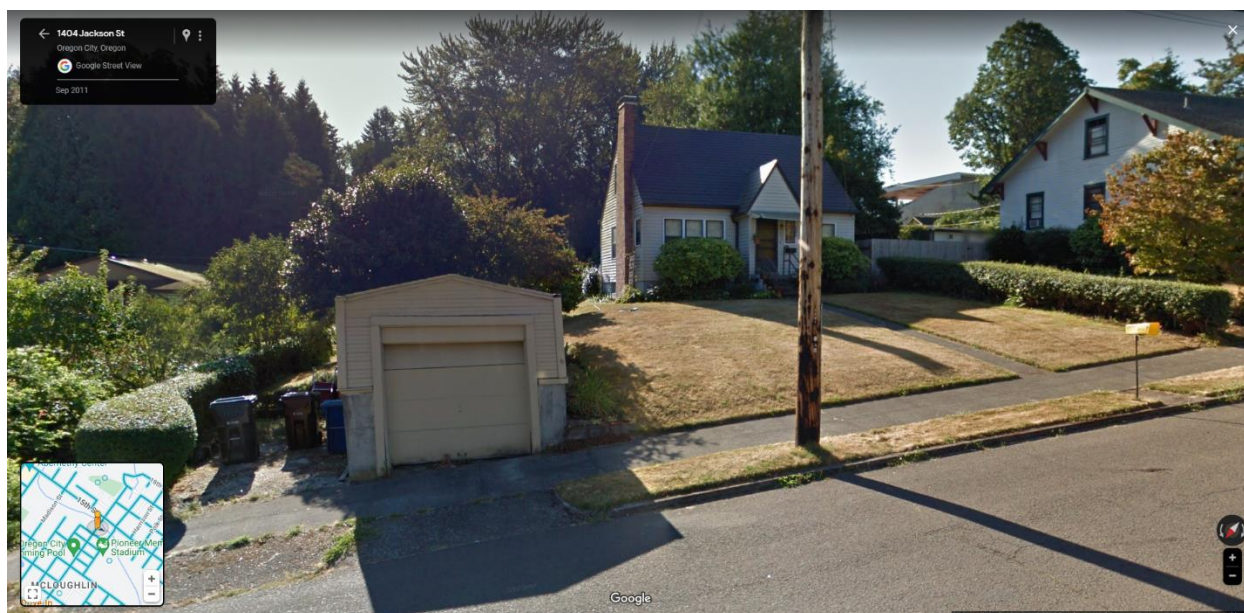
**1. Existing Conditions**

The existing structure is quickly deteriorating, is barely usable, and is not safe. The garage is actively deteriorating due to its poor foundation. I replaced the garage door in 2018 after the structure shifted enough to break the tracks of the existing garage door. The February 2021 ice storm caused additional, visible structural deterioration.





1404 Jackson St. garage, house, yard, and PGE power pole. Google Streetview image, 2015.



1404 Jackson St. garage, house, improved landscaping, street trees in the curb strip, and PGE power pole. Homeowner photo, 2023.



Regarding being sited within a currently-delineated NROD area, included in this variance application is an NROD Type I Verification report prepared by Turnstone Environmental Consultants, Inc., concluding “No wetlands or other protected features are within or bordering the subject parcel and removal of the area from the NROD inventory is warranted.” (see 7. Littlefield 1404\_Jackson\_Littlefield\_NROD\_05082023.pdf).



## 2. Project Description

I propose tearing down the existing garage and rebuilding a new structure measuring up to 24 feet deep by 16 feet wide, electrified so as to accommodate an electric car charging station and an exterior light for access and steps safety.

The variance request is twofold. The first request is to reduce the 20 foot Minimum Garage setback along the north side of the property (along Jackson Street) to 14 feet to accommodate hardships including protecting existing trees, reducing impacts of excavation and digging, retaining a concrete fishpond that predates the home, and retaining space for vegetable gardening, aesthetic considerations, and recreational enjoyment.

The second request is to reduce the 5 foot Minimum Garage setback (alley) along the east side of the property (along a platted, but never opened, never improved, and never used alley) to 0 feet to accommodate the hardships of an existing power pole in the curb strip, protecting existing trees, and reducing the amount of earth to be excavated due to the 8% to 15% slope of the property. I am applying for the minimum variance needed to alleviate these hardships, centering my request on neighborhood safety, preserving trees and existing plantings, honoring McLoughlin neighborhood's unique aesthetics, and identifying practical solutions.

My General Contractor is Mark Wilbert, owner of Urban Living Construction. Mark recently completed a successful carport project in the McLoughlin Historical District. I am also working with architect Todd Lasher of Todd Lasher Design.

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

OCMC 17.08 – Low Density Residential Zones

OCMC 17.41 – Tree Protection Standards

OCMC 17.50 – Administration and Procedures

OCMC 17.54 – Fences, Hedges, Walls, and Retaining Walls

OCMC 17.60 – Variances

The City Code Book is available on-line at [www.oregoncity.org](http://www.oregoncity.org).

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



**REQUIRED CODE RESPONSES:****CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS****17.08.020 - Permitted uses.**

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

- A. *Single-family detached residential units;*
- B. *Accessory uses, buildings and dwellings;*
- C. *Internal conversions;*
- D. *Corner duplexes;*
- E. *Cluster housing;*
- F. *Residential homes;*
- G. *Parks, playgrounds, playfields and community or neighborhood centers;*
- H. *Home occupations;*
- I. *Family day care providers;*
- J. *Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);*
- K. *Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- L. *Transportation facilities.*

**Applicant's Response: I am requesting a variance to rebuild a detached garage structure (just a garage, no ADU), which fits under the permitted use category of "Accessory uses, buildings and dwellings."**

**17.08.025 - Conditional uses.**

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

- A. *Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;*
- B. *Bed and breakfast inns/boarding houses;*
- C. *Cemeteries, crematories, mausoleums and columbariums;*
- D. *Child care centers and nursery schools;*
- E. *Emergency service facilities (police and fire), excluding correctional facilities;*
- F. *Residential care facilities;*
- G. *Private and/or public educational or training facilities;*
- H. *Public utilities, including sub-stations (such as buildings, plants and other structures);*
- I. *Religious institutions;*
- J. *Assisted living facilities; nursing homes and group homes for over fifteen patients;*

**Applicant's Response: N/A**

**17.08.030 - Master plans.**

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

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

**Applicant's Response: N/A**

**17.08.040 - Dimensional standards.**

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

*Table 17.08.040*



<b>Standard</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>
<i>Minimum lot size<sup>1</sup></i>	<i>10,000 sq. ft.</i>	<i>8,000 sq. ft.</i>	<i>6,000 sq. ft.</i>
<b>Applicant's Response:</b>			<b>6,603 sq. ft.</b>
<i>Maximum height</i>	<i>35 ft.</i>	<i>35 ft.</i>	<i>35 ft.</i>
<b>Applicant's Response:</b>			<b>TBD but less than 35 ft. Depending on architectural designer's future plans, 15'-20'.</b>
<i>Maximum building lot coverage With ADU</i>	<i>40%, except 45%</i>	<i>40%, except 45%</i>	<i>40%, except 45%</i>
<b>Applicant's Response:</b>			<b>16.5%</b>  11.7% - house 4.8% - proposed garage
<i>Minimum lot width</i>	<i>65 ft.</i>	<i>60 ft.</i>	<i>50 ft.</i>
<b>Applicant's Response:</b>			<b>62 ft.</b>
<i>Minimum lot depth</i>	<i>80 ft.</i>	<i>75 ft.</i>	<i>70 ft.</i>
<b>Applicant's Response:</b>			<b>106.5 ft</b>
<i>Minimum front yard setback</i>	<i>20 ft., except 15 ft. - Porch</i>	<i>15 ft., except 10 ft. - Porch</i>	<i>10 ft., except 5 ft. - Porch</i>
<b>Applicant's Response:</b>			<b>45 ft. (house)</b>
<i>Minimum interior side yard setback</i>	<i>8 ft.</i>	<i>7 ft.</i>	<i>5 ft.</i>
<b>Applicant's Response:</b>			<b>3 ft. (house)</b>
<i>Minimum corner side yard setback</i>	<i>10 ft.</i>	<i>10 ft.</i>	<i>10 ft.</i>
<b>Applicant's Response:</b>			<b>28 ft. (house)</b>
<i>Minimum rear yard setback</i>	<i>20 ft, except 15 ft - Porch 10 ft - ADU</i>	<i>20 ft, except 15 ft - Porch 10 ft - ADU</i>	<i>20 ft, except 15 ft - Porch 10 ft - ADU</i>
<b>Applicant's Response:</b>			<b>20 ft. (house)</b>



Garage setback	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley
<b>Applicant's Response:</b>			<b>14 ft. from ROW; 0 ft. from Alley</b>

## Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.

## 17.08.045 - Exceptions to setbacks.

A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

**Applicant's Response: Any planned eaves and gutters will stay within the property line on the alley (northeast) side of the property.**

B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

**Applicant's Response: N/A**

## 17.08.050 - Density standards.

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

Table 17.08.050

<b>Standard</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>
Minimum net density	3.5 du/acre	4.4 du/acre	5.8 du/acre
<b>Applicant's Response:</b>			<b>1.102 du/acre</b>
Maximum net density	4.4 du/acre	5.4 du/acre	7.3 du/acre
<b>Applicant's Response:</b>			<b>1.387 du/acre</b>

## B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.
2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.

**Applicant's Response: N/A – I am building a non-residential, non-dwelling accessory structure.**

## **CHAPTER 17.41 – TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS**

### **17.41.020 - Tree protection—Applicability.**



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

**Applicant's Response:** It is extremely important to me to conserve the natural beauty and visual character of the trees and shrubs on this property. I intend to move one existing tree (Hinoki cypress) and replace one tree that I have to remove (Camellia japonica). I do not have any Heritage trees on my property, nor will I be removing much tree canopy by removing the single Camellia tree.

**17.41.030 - Tree protection—Conflicting code provisions.**

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

**Applicant's Response:** N/A

**17.41.040 - Exemptions.**

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. These regulations to not apply to the removal of trees that are considered invasive species. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

**Applicant's Response:** Part of my variance application includes an NROD Type I Verification report concluding "No wetlands or other protected features are within or bordering the subject parcel and removal of the area from the NROD inventory is warranted." (see 7. Littlefield 1404\_Jackson\_Littlefield\_NROD\_05082023.pdf)

**17.41.050 - Compliance options.**

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

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



- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or
- D. Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.

**Applicant's Response: I plan to follow Option 1—Mitigation. I plan to RETAIN (through relocation) a Hinoki cypress tree. I plan to REPLACE one tree that I have to remove (Camellia japonica).**

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

- A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08—Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.

**Applicant's Response: I plan to landscape with trees and shrubs around the new garage structure. The large Camellia japonica will be replaced by several trees (a dwarf Japanese maple tree and several dogwoods).**

- B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six-inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:
1. Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
  2. Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.

**Applicant's Response:**

Table 17.41.060-1  
Tree Replacement Requirements

Size of tree removed (DBH)	Column 1  Number of trees to be planted. (If removed <b>Outside</b> of construction area)	Column 2  Number of trees to be planted. (If removed <b>Within</b> the construction area)
6 to 12"	3	1



13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate the size (DBH) of all trees pursuant to accepted industry standards.
3. Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.
4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.
5. Identify the construction area (as defined in OCMC 17.04.230).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6 and 7.

**Applicant's Response:**

**Please complete the Table below for trees being removed based on the Tree Replacement Requirements in Table 17.41.060-1**

<b>Size of tree removed (DBH)</b>	<b>Number of Trees Removed Outside of Construction Area</b>	<b>Number of Trees Removed Within the Construction area</b>	<b>Number of Mitigation Trees Required (See Table 17.41.060-1)</b>
6 to 12"			
13 to 18"			
19 to 24"		1	3
25 to 30"			
31 and over"			

**C. Planting area priority for mitigation.**

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

1. First Priority. Replanting on the development site.
2. Second Priority. Off-site replacement tree planting locations. If the Community Development Director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will



*reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and shall be approved by the Community Development Director.*

**Applicant's Response:** I plan to replant on the development site.

*D. Replacement tree planting standards.*

*1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.*

**Applicant's Response:** I plan to plant several types of dogwoods, including a *Cornus mas* (Cornelian Cherry Dogwood) and two *Cornus kousa* dogwoods (Japanese, Chinese, specific type TBD). The latter will eventually have two-inch or more calipers. When I plant them they'll likely have a 1.25" caliper (if they are 5-foot to 8-foot average height from a plant nursery). I also have an existing, potted dwarf Japanese maple tree that will go in the ground.

*2. Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.*

**Applicant's Response:** *Cornus mas* and *Cornus kousa* dogwoods are on Oregon City's Street Tree list.

*3. Due to their diminishing range in the region, Oregon white oak (*Quercus garryana*) trees, if removed, shall be replaced by the same species.*

**Applicant's Response:** N/A

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

**Applicant's Response:** N/A

*F. Alternative mitigation plan.*

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

**Applicant's Response:** N/A

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

- A. *An applicant for a new subdivision and partition may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D. of this section. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City*
- B. *The standards for land divisions subject to this section shall apply in addition to the requirements of the City land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to OCMC 17.41.080.F below.*
- C. *Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a dwelling. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.*
- D. *Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:*
  - 1. *Private open space held by the owner or a homeowner's association; or*



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

**Table 17.41.080.A****Lot Size Reduction**

ZONE	Min. Lot Size [sq. feet]	Min. Lot Width	Min. Lot Depth
R-10	5,000 sq. feet	50'	65'
R-8	4,000 sq. feet	45'	60'
R-6	3,500 sq. feet	35'	55'
R-5	3,000 sq. feet	30'	50'
R-3.5	1,800 sq. feet	20'	45'

**Table 17.41.080.B****Reduced Dimensional Standards for Detached Single-Family Residential Units**

Size of Reduced Lot	Front Yard Setback	Rear Yard Setback	Side yard Setback	Corner Side	Lot Coverage
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8,000—9,999 square feet	15 feet	20 feet	7/9 feet	15 feet	40%
6,000—7,999 square feet	10 feet	15 feet	5/7 feet	15 feet	40%
4,000—5,999 square feet	10 feet	15 feet	5/5 feet	10 feet	40%
1,800—3,999 square feet	5 feet	15 feet	5/5 feet	10 feet	55%

**Table 17.41.080.C***Reduced Dimensional Standards for Single-Family Attached or Two-Family Residential Units*

<i>Size of Reduced Lot</i>	<i>Front Yard Setback</i>	<i>Rear Yard Setback</i>	<i>Side yard Setback</i>	<i>Corner Side</i>	<i>Lot Coverage</i>
3,500—7,000 square feet	10 feet	15 feet	5/0* feet	10 feet	40%
1,800—3,499 square feet	5 feet	15 feet	5/0* feet	10 feet	55%

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

**Applicant's Response: N/A**

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

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

**Applicant's Response: N/A**

#### A. Permitted adjustments.

1. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
2. The City Engineer may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.
3. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.



**Applicant's Response: N/A**

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

*The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.*

*The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.*

**Applicant's Response: N/A**

**17.41.130 - Regulated tree protection procedures during construction.**

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



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

**Applicant's Response:** **N/A. We're not removing a regulated tree designated for protection or conservation.**

## **CHAPTER 17.50 ADMINISTRATION AND PROCEDURES**

### **17.50.050 – Pre-application conference.**

- A. *Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*
  1. *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
  2. *At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
  3. *The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B. *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*

**Applicant's Response:** **I completed the Pre-application Conference, held virtually via Zoom, on Tuesday, June 13, 2023. Official notes from the Pre-application Conference are included as part of this Variance Application (see 6. Littlefield PA-23-00022 Final Planning Notes.pdf).**

### **17.50.055 - Neighborhood association meeting.**

*Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and*



to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.
- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

**Applicant's Response: I attended and presented my variance proposal at the McLoughlin Neighborhood Association general membership meeting held in-person on Thursday, July 6, 2023. Documentation from the Neighborhood Association meeting is included with this Variance Application (see 5. Littlefield - McLoughlin Neighborhood Association Agenda 7-6-23 and 5. Littlefield - McLoughlin Neighborhood Association Summary 7-6-23).**

#### 17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

- A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.
- B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible



to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees.  
The applicant shall remove all signs within ten days following the event announced in the notice.

**Applicant's Response: I will post the City-supplied notice on my property for the dates specified. I will sign and return the statement certifying that the notice was correctly posted. I will remove the sign within ten days of the public hearing event.**

#### 17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

- A. *Form of Guarantee.* Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.
- B. *Performance Guarantees.* A permittee shall be required to provide a performance guarantee as follows.
  1. *After Final Approved Design by The City:* The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.
  2. *Before Complete Design Approval and Established Engineered Cost Estimate:* The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.
- C. *Release of Guarantee.* The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.



- D. *Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.*

**Applicant's Response: I agree to abide by these guarantees as required by the City.**

#### **17.50.141 – Public improvements – Warranty**

*All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.*

- A. *Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.*
- B. *Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*
- C. *Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.*
- D. *Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.*

**Applicant's Response: I agree to abide by these warranties as required by the City.**

#### **CHAPTER 17.54.100 FENCES, HEDGES, WALLS, AND RETAINING WALLS**

- A. *A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:*
1. *A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5 feet in total height as measured from the finished grade at any point on the fence.*
  2. *A fence, hedge, wall, located next to, or behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:*
    - a. *Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or*



- b. *Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.*
- 3. *A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade ) 8.5 feet in height from the finished grade.*
- 4. *Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.*
- 5. *Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*
- 6. *Retaining walls completely below the elevation of the right-of-way may be up to six feet in height.*
- 7. *Minimum fall protection required by the building official, such as railings, is not included in the height of a retaining wall but must comply with the fence height requirements.*
- B. *When no other practicable alternative exists, the city engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right-of-way subject to all of the following:*
  - 1. *A revocable permanent obstruction in the right-of-way permit is granted per OCMC [12.04.120](#);*
  - 2. *Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the city engineer.*
  - 3. *The abutting property owner shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*
- C. *It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.*

*Residential Height Requirements:*

*Any fence, hedge or wall located in front of may be up to 3.5 feet in total height.*

*A fence, hedge or wall located next to and behind your home may be up to six feet in total height.*

**Applicant's Response:** No new fences or changes to existing fences are proposed as part of this project. An existing low retaining wall will be changed. I plan to create a driveway as part of this proposal (as described in Section 17.60.030 below), and will need to replace the existing retaining wall abutting the sidewalk with a new retaining wall as part of the driveway. I have asked the architect with whom I am working to design a driveway and low retaining wall solution. No retaining walls higher than 3.5 feet will be proposed as part of this project.

## **CHAPTER 17.60 VARIANCES**

### **17.60.020 - Variances—Procedures.**

- A. *A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.*
- B. *A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.*



**Applicant's Response: I am the property owner and am requesting this variance, site plan included. I will pay the nonrefundable filing fee.**

- C. *Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.*

**Applicant's Response: I plan to attend the public hearing. I will post appropriate notices about the public hearing on my property.**

- D. *Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.*
- E. *For the purposes of this section, minor variances shall be defined as follows:*
1. *Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
  2. *Variances to width, depth and frontage requirements of up to twenty percent;*
  3. *Variances to residential yard/setback requirements of up to twenty-five percent;*
  4. *Variances to nonresidential yard/setback requirements of up to ten percent;*
  5. *Variances to lot area requirements of up to five percent;*
  6. *Variance to lot coverage requirements of up to twenty-five percent;*
  7. *Variances to the minimum required parking stalls of up to five percent; and*
  8. *Variances to the floor area requirements and minimum required building height in the mixed-use districts.*
  9. *Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

**Applicant's Response: My request is a Type III review process involving a Planning Commission Variance.**

**17.60.030 - Variance—Grounds.**

*A variance may be granted only in the event that all of the following conditions exist:*

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

**Applicant's Response: The requested variance will not cause any damage to any adjacent properties in any respect. All neighboring residences on all sides of the proposed garage are so far away as to not be affected in any manner by the proposed garage. The proposed garage will improve safety on the street-side of the property because the garage will be set farther back from the street and sidewalk, will include lighting, and will open at least one additional street-side parking space for visitors. I intend to excavate and build the garage partially into the ground as the most practical and aesthetic solution for the improvement.**

- B. *That the request is the minimum variance that would alleviate the hardship;*

**Applicant's Response: The request to reduce the 20 foot Minimum Garage setback along the north side of the property (along Jackson Street) to 14 feet accommodates hardships including protecting four existing trees, reducing impacts of excavation and digging, retaining a concrete fishpond that predates the home, and retaining space for vegetable gardening, aesthetic considerations, and recreational enjoyment. The second request to reduce the 5 foot Minimum Garage setback (alley)**



along the east side of the property (along a platted, but never opened, never improved, and never used alley) to 0 feet to accommodate the hardships of leaving a PGE power pole (A1210985) in the curb strip at its current location, protecting four existing trees, and reducing the amount of earth to be excavated due to the 8% to 15% slopes on the property.

*C. Granting the variance will equal or exceed the purpose of the regulation to be modified.*

**Applicant's Response:** Granting this variance will improve pedestrian safety by moving the garage back from the sidewalk and creating a driveway and low retaining wall to increase driver visibility on the uphill side. (The current garage structure sits right next to the sidewalk and offers very little visibility when exiting by car.) Granting this variance will preserve four existing trees, including a 35+ year old Star magnolia. I am working with an architectural designer to design a garage that meets the standards listed in the *Constructing a Detached Shed, Garage, Carport or Accessory Structure at your Home* guide. I intend for the garage to mimic the style of my 1937 cottage in color, architecture, windows, and decorative elements. Granting this variance will allow my partner and me to have a secure place to charge our (near-future) electric car.

*D. Any impacts resulting from the adjustment are mitigated;*

**Applicant's Response:** I plan to replant and landscape around the construction site with both the minimum number of mitigation trees required and additional shrubs. I plan to repair the existing driveway and the sidewalk and abutting curb in front of the construction site, following all permitting and code requirements.

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

**Applicant's Response:** No practical alternatives have been identified. Locating the proposed garage elsewhere on the property, such as farther back from the street, would totally disrupt—essentially destroy—my current design, use, and enjoyment of my property, because it would require removal of basically all existing trees and landscape, removal of an existing retaining wall, fishpond, and home garden, and effectively leave me with no yard to enjoy. One “less drastic” alternative might be to vacate the alleyway to add some additional land to the northeast side of the property; but adding this land would not mitigate the loss of vegetation (four additional trees would be affected), nor change the requested reduction of Minimum Garage setback from 20 feet to 14 feet.

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

**Applicant's Response:** I believe my requested variance conforms to the spirit of the comprehensive plan and honors the intent of the ordinance being varied because my requested variance (1) protects the interests of all surrounding properties, (2) improves the neighborhood in appearance and safety by facilitating improved pedestrian and driver safety in front of my property, (3) enables me to partner with the City to remove an unsafe and unsightly structure and to replace it with a safe and usable new garage, (4) accords with promotion of adoption of electric vehicles, (5) complements the style of my semi-historic 1937 cottage, (6) preserves existing trees and landscape improvements, and (7) participates in efforts to make Oregon City a more beautiful and livable community.



2 2 E 32BA  
OREGON CITY

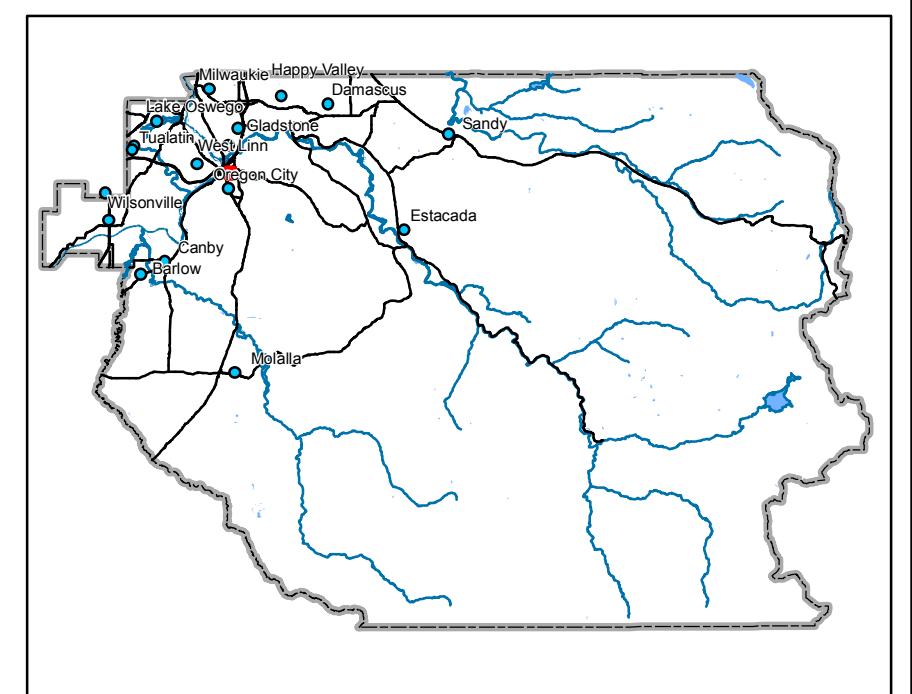
N.E. 1/4 N.W. 1/4 SEC.32 T.2S. R.2E. W.M.  
CLACKAMAS COUNTY  
1" = 100'

D. L. C.  
OREGON CITY CLAIM (UNRECORDED)

Cancelled Taxlots

5600
8900
9201
400

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY

10/22/2013

2 2 E 32BA  
OREGON CITY



# 1404 Jackson Street NROD Type I Verification

PREPARED FOR: Jane Littlefield, 1404 Jackson St. Oregon City.

PREPARED BY: Turnstone Environmental Consultants, Inc. (Turnstone Environmental)

COPIES: None

DATE: May 5, 2023

## Introduction

This memorandum has been prepared in support of a proposed demolition and replacement of an accessory structure at 1404 Jackson Street in Oregon City, Oregon (Appendix A-Figure 1). The subject parcel is tax lot 6400, located on tax map 22E32BA0. The parcel totals approximately 6,603 square feet and the centroid coordinates<sup>1</sup> are 45.358974°, -122.594257°. Structures on the parcel include a single-family home constructed in 1937, and the accessory structure (Image 1). The accessory structure covers about 240 square feet and is bordered by paved areas on its northwest and northeast sides and landscaped yard on its southwest and southeast sides.

*Image 1-Accessory structure at 1404 Jackson proposed for replacement.*



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<sup>1</sup> NAD 1983 Oregon State Plane North FIPS 3601  
1404 Jackson Street



The home and accessory structure are located within Oregon City's Natural Resource Overlay District (NROD) (Image 2). By way of determining whether the subject parcel contains wetlands or other hydrologic features, this memorandum intends to satisfy a Type I NROD Verification of a NROD boundary. Reporting and associated field work were completed by biologist Joe Bettis of Turnstone Environmental, who has conducted wetland delineations and natural resource assessments in Oregon for over a decade.

*Image 2-Subject parcel highlighted in red with NROD overlay in gray.*



## Site Investigation

### General Existing Conditions

The site investigation was conducted on April 27, 2023. The subject parcel occupies a sloping, northeast-facing terrace in a residential neighborhood on the south side of Jackson Street. The topography of the vicinity is characterized by rolling hillsides occasionally dissected by drainage courses. Subject parcel vegetation includes areas of garden beds and lawn. No areas of natural, unmanaged vegetation are located in the subject parcel. A hedge of cherry laurel (*Prunus laurocerasus*), lilac (*Syringa vulgaris*), hazelnut (*Corylus avellana*), English holly (*Ilex aquifolium*), and English ivy (*Hedera helix*) occupies the unbuilt right of way separating the subject parcel from the lot to the northeast.

1404 Jackson Street

NROD Verification





## Methods

The parameters of field investigation are drawn from the NROD Type I Verification criteria outlined in Oregon City Municipal Code 17.49.255. To identify whether wetlands were present, the site investigation utilized the procedures outlined the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987) along with the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0)* (USACE 2010). Searches for ordinary high-water marks (OHWMs) were predicated upon examining for the physical and biological characteristics associated with water courses outlined in Army Corps of Engineers' Regulatory Guidance letter 05-05 (USACE 2005). Background research included a review of parcel, slope, and natural resource data from Oregon City's GIS mapping application (City of Oregon City 2023), Clackamas County Soil Survey data (NRCS 2023), along with the National Wetland Inventory (NWI) (USFWS 2023) and the Local Wetland Inventory (LWI) of Oregon City (Shapiro and Associates 1999). No wetlands are shown overlapping the subject parcel in either the NWI or LWI (Appendix A-Figure 2). No hydric soils are mapped in the Subject parcel (Appendix A-Figure 3).

*Image 3-Looking northwest towards the southeast side of the accessory structure and landscaped yard*





## Findings-Wetlands or Non-wetland waters

No wetlands or non-wetland waters (including ditches) are located in the Subject parcel. A single wetland delineation plot was placed in the proposed location for the replacement accessory structure, resulting in an upland determination (Appendix A-Figure 4). The wetland delineation data form along with ground-level photographs are attached in Appendix B.

## Findings-NROD Type I Verification

The below outline evaluates the various criteria, followed by report findings, by which the site investigation may determine the presence or absence of a NROD resource.

1.No soil, vegetation, hydrologic features have been disturbed.

**Response:** No soil, vegetation or hydrologic features have been disturbed. Structure construction and associated grading of the subject parcel occurred over 75 years ago.

2.No hydrologic features have been changed.

**Response:** No hydrologic features are present in the subject parcel. Any grading or drainage activities that may have historically displaced hydrologic features occurred over 75 years ago.

3.There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.

**Response:** There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation. No streams, ditches or other non-wetland waters are located in the subject parcel.

4.The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.

**Response:** The subject parcel contains no local wetland inventory features or mapped flood management areas.

5.There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or man-made storm or surface water runoff structures or artificial water collection devices.

**Response:** There are no perennial or intermittent stream systems or other protected water features.

1404 Jackson Street

NROD Verification





6.Evidence of prior land use approvals that conform to the natural resource overlay district, or which conformed to the water quality resources area overlay district that was in effect prior to the current adopted NROD (Ord. No. 99-1013).

**Response:** There are no known land use approvals or other decisions that conform to the current adopted NROD area within the subject parcel. It appears that all development within the subject parcel was completed prior to the adoption of the currently adopted NROD.

7.There is an existing physical barrier between the site and a protected water feature, including:

- a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.
- b. Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the city.

**Response:** There are no protected water features within or bordering the subject parcel.

## Conclusion

No wetlands or other protected features are within or bordering the subject parcel and removal of the area from the NROD inventory is warranted.

## Attachments

- Appendix A: Figures
  - Figure 1: Overview Map
  - Figure 2: NWI and LWI Map
  - Figure 3: Hydric Soil Map
  - Figure 4: Site Detail Map
- Appendix B: Wetland Delineation Data Form and Photo Points
- Appendix C: Proposed Site Plan





- Appendix A: Figures
  - o Figure 1: Overview Map
  - o Figure 2: NWI and LWI Map
  - o Figure 3: Hydric Soil Map
  - o Figure 4: Site Detail Map



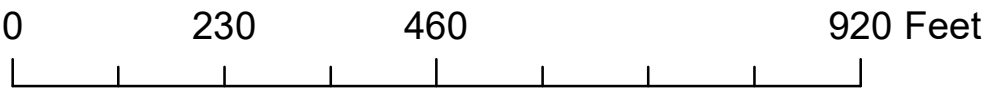
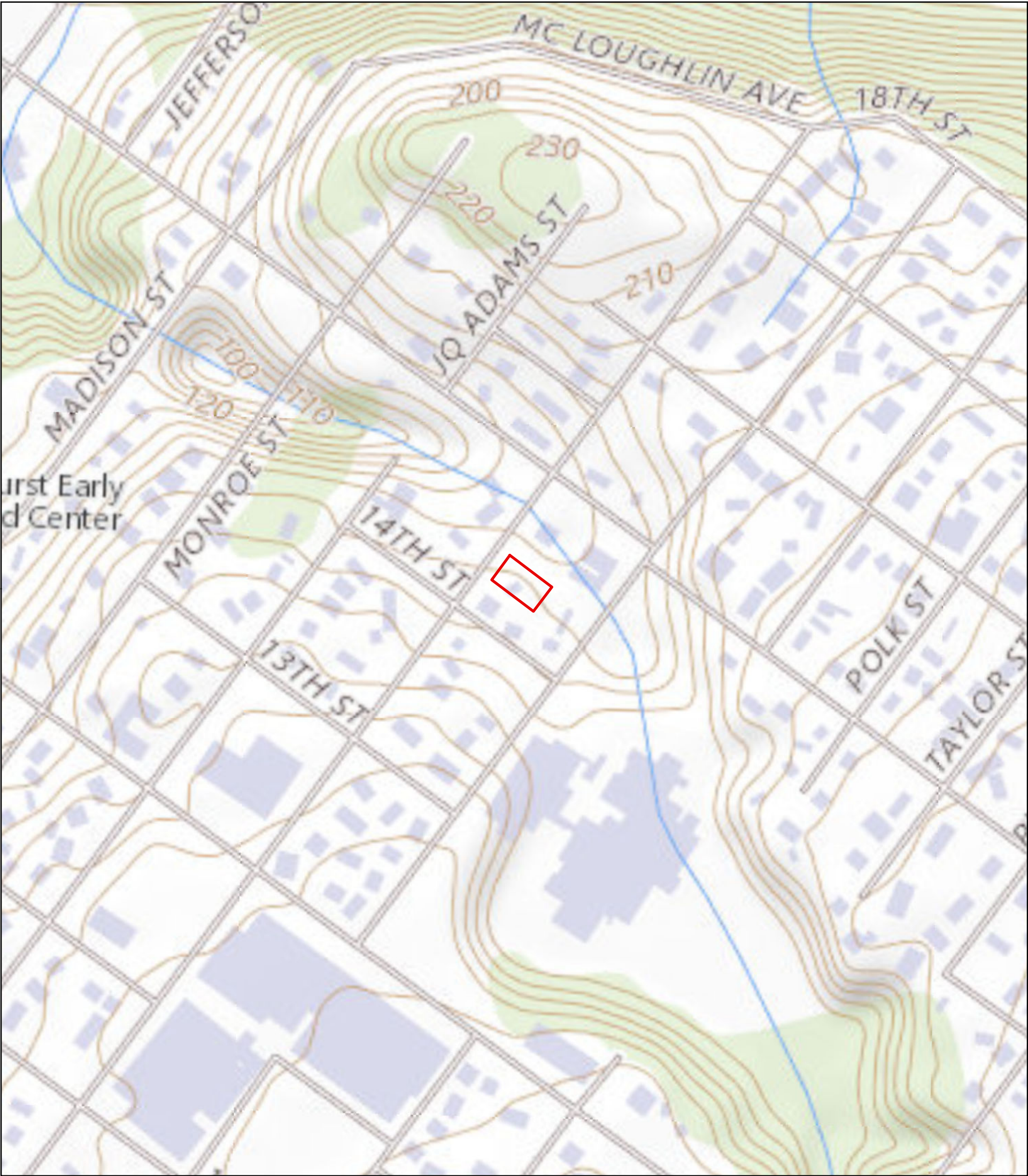
Figure 1:

Overview  
Map

5/5/2023

# 1404 Jackson Street Jane Littlefield NROD Verification

Oregon City, Clackamas County, Oregon



**Legend**

 Study Area

Notes:

- 1. Topographic basemap provided by USGS The National Map, 2023.
- 2. Native size of map layout is 11"x17".



1:2,500



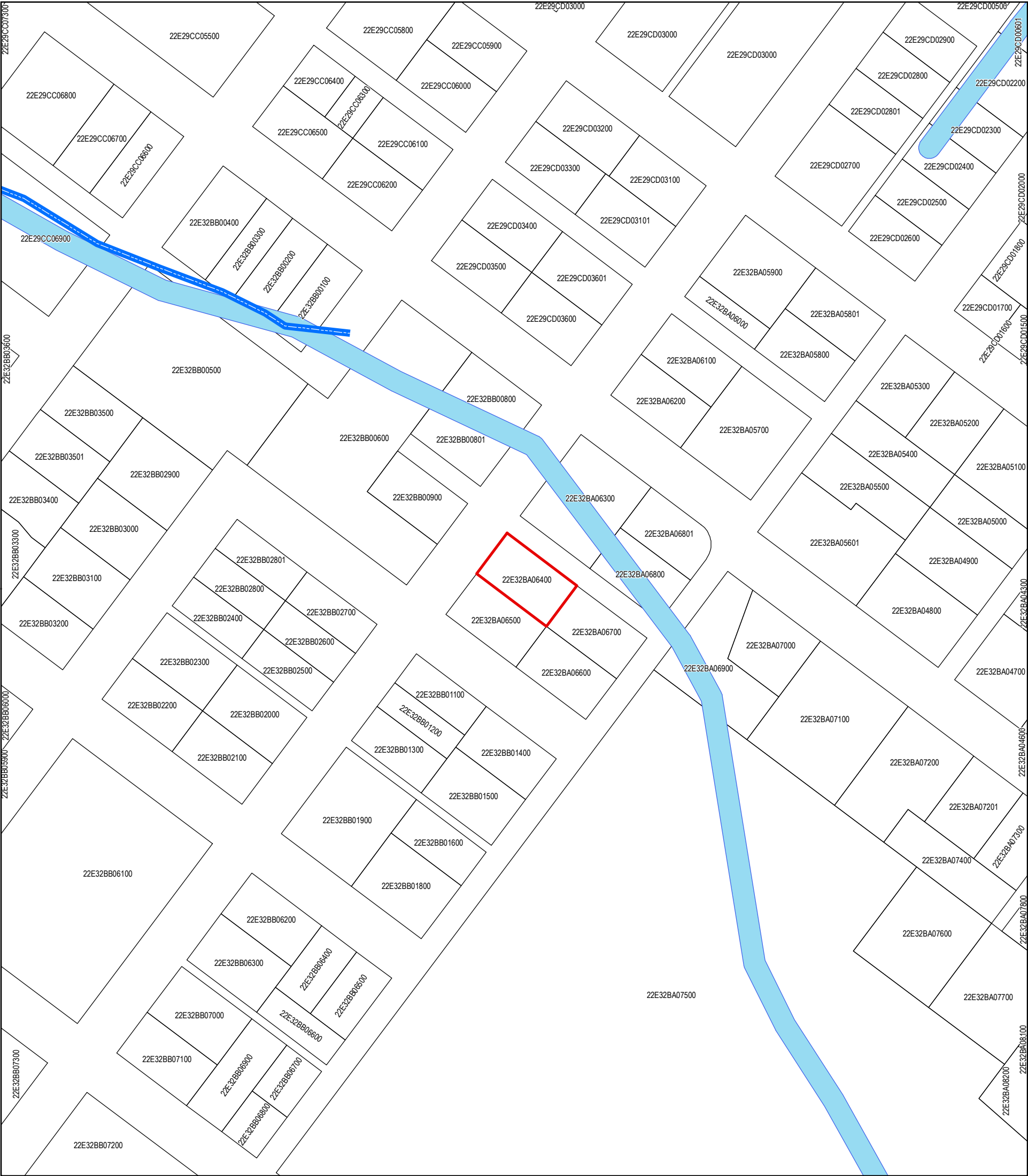
Figure 2:

NWI &  
LWI  
Map

5/5/2023

# 1404 Jackson Street Jane Littlefield NROD Verification

Oregon City, Clackamas County, Oregon



0 137.5 275 550 Feet

## Legend

- Tax Lots
- Study Area
- NWI
- LWI Stream

### Notes:

- NWI data courtesy USFWS, 2023.
- LWI data courtesy Shapiro and Associates, 1999.
- Tax Lot boundaries provided by Metro RLIS assumed accurate to within 1-meter.
- Native size of map layout is 11"x17".



1:1,500



Figure 3:

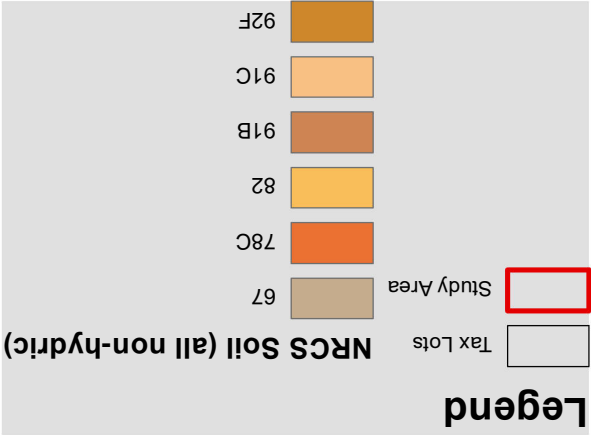
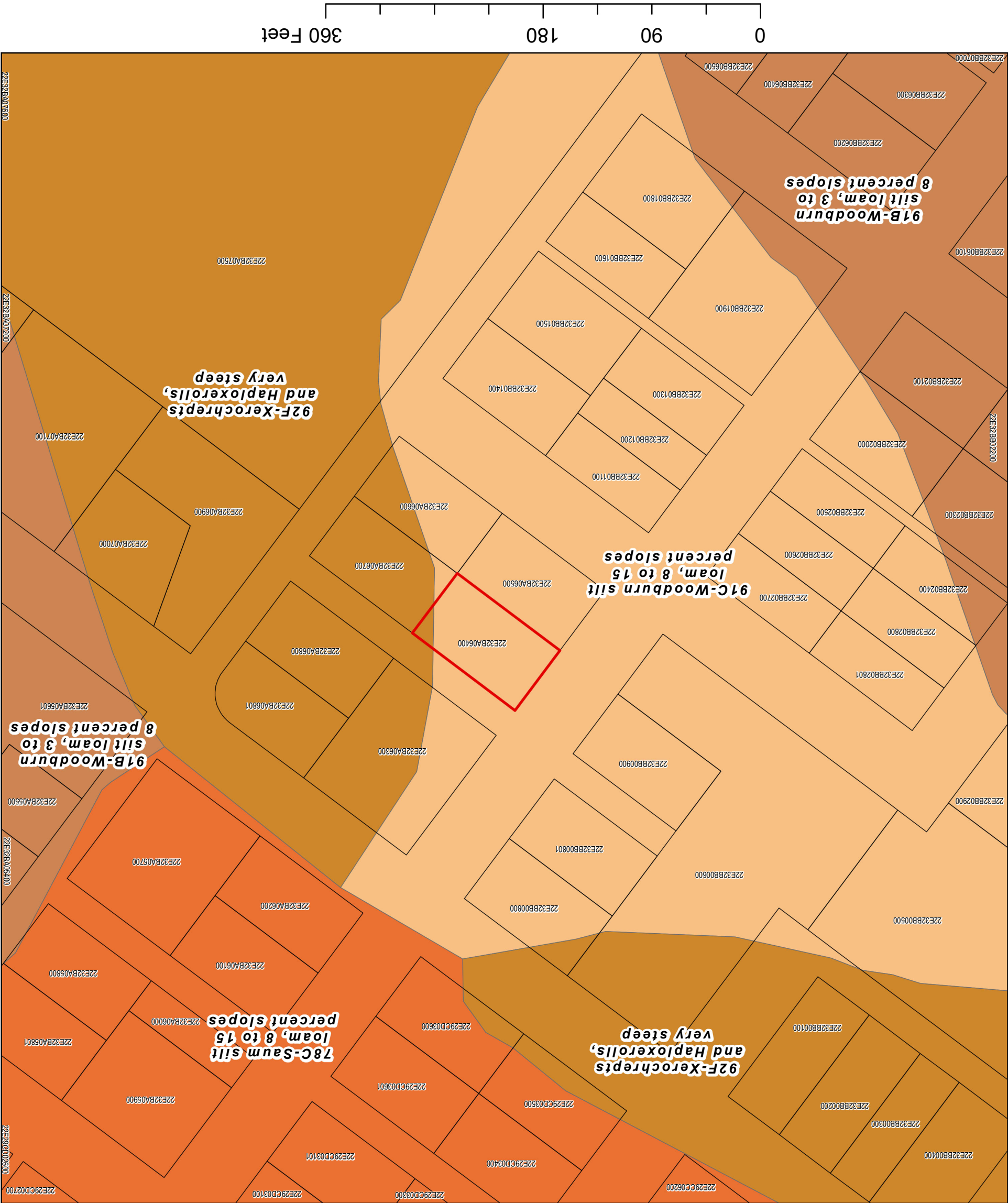
# 1404 Jackson Street Jane Littlefield NROD Verification

Oregon City, Clackamas County, Oregon



NRCS  
Soil  
Map

5/5/2023



Notes:

1. Soils data courtesy NRCS SSURGO database, 2023.
2. Tax Lot boundaries provided by Metro RLIS assumed accurate to within 1-meter.
3. Native size of map layout is 11"x17".



1:1,000



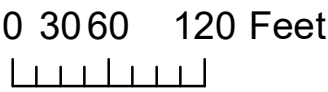
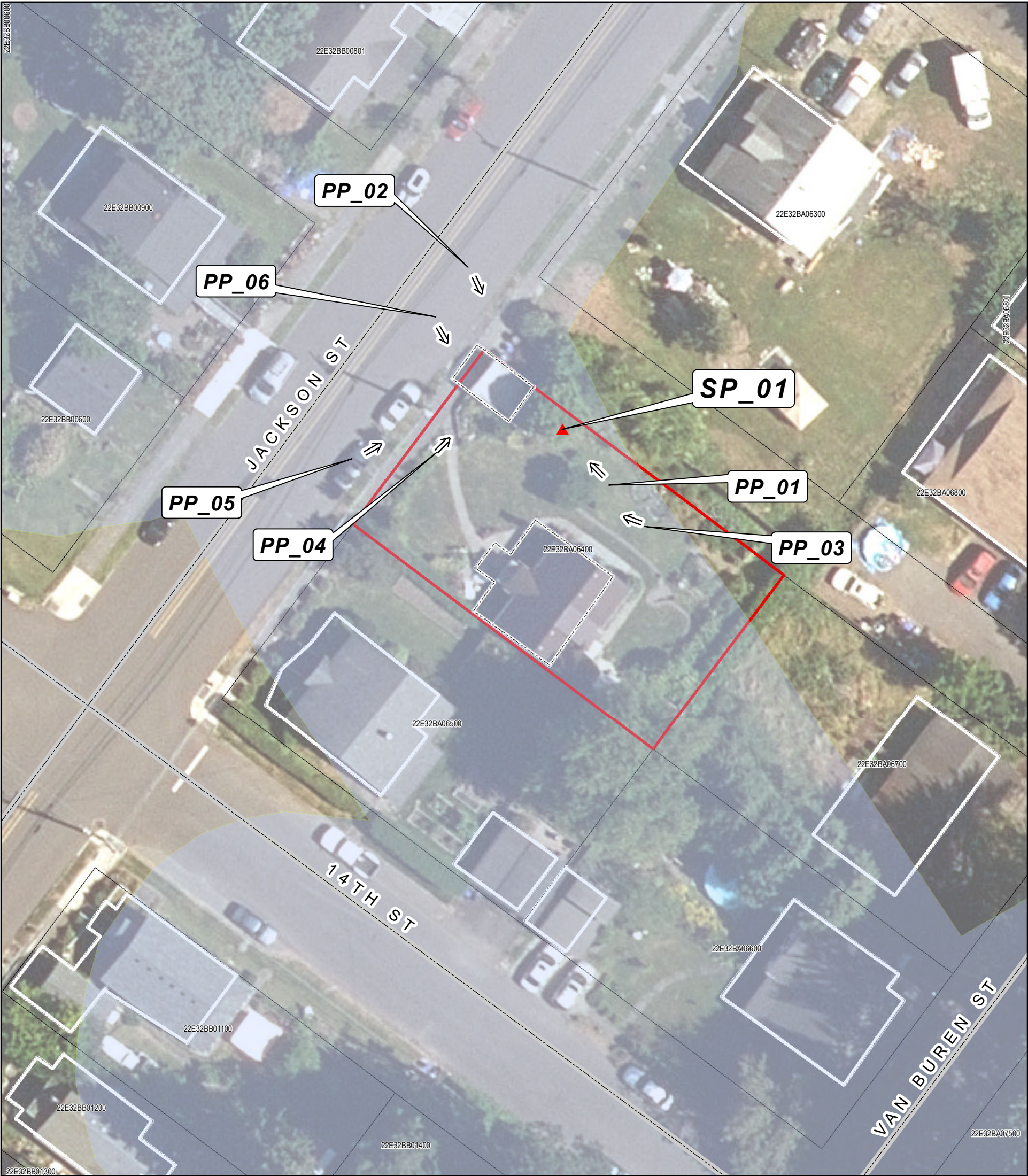
Figure 4:

Site  
Detail  
Map

5/5/2023

1404 Jackson Street  
Jane Littlefield  
NROD Verification

Oregon City, Clackamas County, Oregon



**Legend**

Tax Lots

Study Area

NROD Boundary

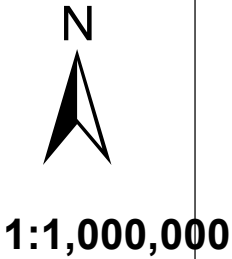
Building Footprint Database

**Sample Plot**

Upland

PhotoPoint

- Notes:
- 1. Sample plot and photo points were collected with a resource grade GPS and have an horizontal accuracy of 0.5 meter or less.
  - 2. Tax Lot boundaries provided by Metro RLIS assumed accurate to within 1-meter.
  - 3. Aerial imagery courtesy Metro, 2020.
  - 4. NROD boundary courtesy OCWebMaps, 2023.
  - 5. Building footprints courtesy Metro, 2023.
  - 6. Native size of map layout is 11"x17".





## Appendix B: Wetland Delineation Data Form and Photo Points

1404 Jackson Street

NROD Verification





## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Item #1.

Project/Site: 1404 Jackson St City/County: Oregon City Sampling Date: 27-Apr-23

Applicant/Owner: Jane Littlefield State: OR Sampling Point: SP\_01

Investigator(s): Joe Bettis Section, Township, Range: S 32 T 2 S R 2 E

Landform (hillslope, terrace, etc.): Hillside (graded terrace) Local relief (concave, convex, none): undulating Slope: 7.0 % / 4.0 °

Subregion (LRR): MLRA 2 Lat.: 45.359067 Long.: -122.594266 Datum: NAD 1983

Soil Map Unit Name: Woodburn silt loam, 8 to 15 percent slopes NWI classification:

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

## Summary of Findings - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Remarks: Area maintained as lawn and garden.	

## VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: 10 m )	Absolute % Cover	Dominant Species? Rel.Strat. Cover	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That are OBL, FACW, or FAC: 1 (A)  Total Number of Dominant Species Across All Strata: 4 (B)  Percent of dominant Species That Are OBL, FACW, or FAC: 25.0% (A/B)
1. _____	0	<input type="checkbox"/> 0.0%		
2. _____	0	<input type="checkbox"/> 0.0%		
3. _____	0	<input type="checkbox"/> 0.0%		
4. _____	0	<input type="checkbox"/> 0.0%		
= Total Cover				
<b>Sapling/Shrub Stratum (Plot size: 5 m )</b>				<b>Prevalence Index worksheet:</b> Total % Cover of: Multiply by: OBL species 0 x 1 = 0 FACW species 0 x 2 = 0 FAC species 85 x 3 = 255 FACU species 0 x 4 = 0 UPL species 50 x 5 = 250 Column Totals: 135 (A) 505 (B) Prevalence Index = B/A = 3.741
1. Camellia japonica	25	<input checked="" type="checkbox"/> 50.0%	UPL	
2. Syringa vulgaris	15	<input checked="" type="checkbox"/> 30.0%	UPL	
3. Malus pumila	10	<input checked="" type="checkbox"/> 20.0%	UPL	
4. _____	0	<input type="checkbox"/> 0.0%		
5. _____	0	<input type="checkbox"/> 0.0%		
= Total Cover				
<b>Herb Stratum (Plot size: 1 m )</b>				<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrologic Vegetation <input type="checkbox"/> 2 - Dominance Test is > 50% <input type="checkbox"/> 3 - Prevalence Index is ≤ 3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> 5 - Wetland Non-Vascular Plants <sup>1</sup> <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)  <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.  <b>Hydrophytic Vegetation Present?</b> Yes <input type="radio"/> No <input checked="" type="radio"/>
1. Agrostis capillaris	85	<input checked="" type="checkbox"/> 100.0%	FAC	
2. _____	0	<input type="checkbox"/> 0.0%		
3. _____	0	<input type="checkbox"/> 0.0%		
4. _____	0	<input type="checkbox"/> 0.0%		
5. _____	0	<input type="checkbox"/> 0.0%		
6. _____	0	<input type="checkbox"/> 0.0%		
7. _____	0	<input type="checkbox"/> 0.0%		
8. _____	0	<input type="checkbox"/> 0.0%		
9. _____	0	<input type="checkbox"/> 0.0%		
10. _____	0	<input type="checkbox"/> 0.0%		
11. _____	0	<input type="checkbox"/> 0.0%		
= Total Cover				
<b>Woody Vine Stratum (Plot size: )</b>				
1. _____	0	<input type="checkbox"/> 0.0%		
2. _____	0	<input type="checkbox"/> 0.0%		
= Total Cover				
% Bare Ground in Herb Stratum: 15				

## Remarks:

Bare ground in herb layer=bryophytes and thatch. UPL (upland) status assigned by observer (not in wetland plant list).

<sup>1</sup>Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.



Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Redox Features				Texture	Remarks
	Matrix	Color (moist)	%	Type <sup>1</sup>		
0-3		10YR 3/2	100		Silt Loam	many fine roots
3-9		10YR 4/3	100		Silt Loam	lower limit of herb roots
9-20		10YR 5/3	100		Silt Loam	woody plant roots

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains    <sup>2</sup>Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Muck Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) (except in MLRA 1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox depressions (F8)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Remarks:

No hydric signatures

Hydric Soil Present?    Yes    No    ☒

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7) (includes capillary fringe)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres on Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stressed Plants (D1) (LRR A)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- ☐ Drainage Patterns (B10)
- ☐ Dry Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (LRR A)
- ☐ Frost Heave Hummocks (D7)

Field Observations:

Surface Water Present?    Yes    No    ☒

Depth (inches): \_\_\_\_\_

Water Table Present?    Yes    No    ☒

Depth (inches): \_\_\_\_\_

Saturation Present? (includes capillary fringe)    Yes    No    ☒

Depth (inches): \_\_\_\_\_

Wetland Hydrology Present?    Yes    No    ☒

Describe Recorded Data (stream gauge, monitor well, aerial photos, previous inspections), if available:

Remarks:

dry to bottom of well at 20"



Plot ID:

**SP\_01**

Photo Path: D:\MyDocuments\Projects\Littlefield\_1404\_Jackson\_NROD\

Item #1.



Photo File: **IMG\_5712.JPG**

Orientation:

Northwest -facing

Lat/Long or UTM: Long/Easting: **-122.594266**

Lat/Northing: **45.359067**

Description: PP\_01



Photo File: **IMG\_5714.JPG**

Orientation:

Southeast -facing

Lat/Long or UTM: Long/Easting: **0**

Lat/Northing: **0**

Description: PP\_02



Plot ID:

SP\_01

Photo Path: D:\MyDocuments\Projects\Littlefield\figm #1.

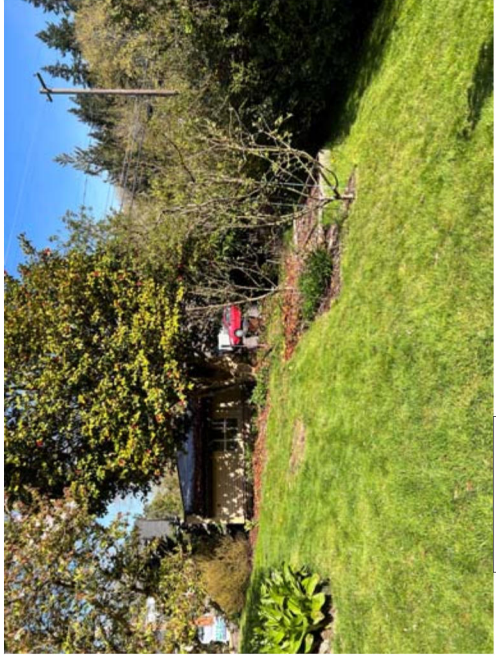


Photo File: IMG\_5713.JPG

Orientation:

West northwest -facing

Long/Easting: 0

Lat/Northing: 0

Description: PP\_03

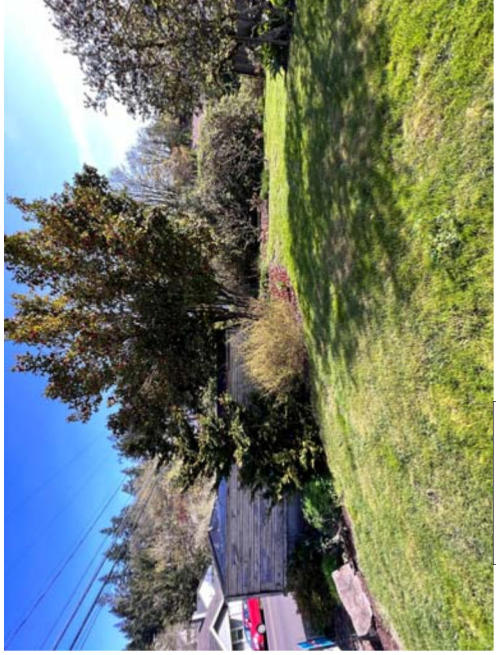


Photo File: IMG\_5715.JPG

Orientation:

Northeast -facing

Long/Easting: 0

Lat/Northing: 0

Description: PP\_04



Photo File: IMG\_5710.JPG

Orientation:

East northeast -facing

Long/Easting: 0

Lat/Northing: 0

Description: PP\_05



Photo File: IMG\_5709.JPG

Orientation:

Southeast -facing

Long/Easting: 0

Lat/Northing: 0

Description: PP\_06



# Clackamas Fire District #1



## Pre-Application Comments:

**To:** Oregon City Planning Department

**From:** Mike Boumann, Captain Deputy Fire Marshal, Clackamas Fire District #1

**Date:** 6/13/2023

**Re:** PA-23-00022, Detached Garage at 1404 Jackson Street Oregon City

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This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

- 1) No comments from Clackamas Fire District for this proposal.





## Pre-Application Conference Notes

PA-23-00022, June 13, 2023

*These non-binding pre-application conference notes reflect the applicant's submission to the City along with the discussion at the meeting. The applicant has one week from the receipt of the notes to notify City staff of any perceived mistake or omission in the notes; staff will then review and respond to the inquiry, and the inquiry will be added to the City's file. If no notification is received within 7 business days, the notes will be considered final and will not be modified. See additional disclaimers at the end of this document.*

### Proposed Project:

Demolish a non-conforming detached garage and build a new electrified garage in an area that requires a Variance to Setback and Siting within a currently delineated NROD area.

### Location:

1404 Jackson, Oregon City, OR 97045  
Clackamas County Map 2-2E-32BA, Tax Lot 6400

### General Information:

- Zoning: R-6 Low Density Residential District
- Overlay Districts: Natural Resource Overlay District

### Review Process

This application is a Type III review process involving a Planning Commission Variance and Natural Resource Overlay District Review. The applicant has **180 days** from the date of submittal to complete the application.

Upon a complete application submittal, the applicant is entitled to a decision from the city for a decision of approval, approval with conditions or denial within 120 days of deeming the application complete, by state law.

Type III decisions require a minimum of one public hearing before the Planning Commission and involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission except upon appeal.

### R-6 Low Density Residential District

- Existing and proposed lots and structures must comply with all dimensional standards of the "R-6" Low Density Residential District.
- "R-6" Low Density Residential District minimum required setbacks for all existing and proposed structures:
  - Front yard: 10 feet
  - Front porch: 5 feet
  - Attached and detached garage: 20 feet from the public right-of-way where access is taken, except for access taken from alleys which requires only a 5-foot setback
  - Interior side yard: 5 feet
  - Rear yard: 20 feet



- Rear porch: 15 feet
- Rear yard for ADU: 10 feet
- Decks and patios over 30" in height are subject to rear porch setbacks.
- All proposed lots must demonstrate compliance with lot coverage standards of the R-6 zoning district.
  - Lot Coverage: Structures with a footprint of over 200 square feet cannot cover more than 40% of the lot area (decks and porches do not count towards lot coverage).

### Supplemental Zoning Regulations and Exceptions

- Side and rear setbacks for accessory structures less than 600 SF in size may be reduced to 3 feet if the structure is less than 17 feet in height.
- Accessory structures must be located behind the front building line of the primary structure onsite.

The proposed structure does not comply with the required front and side setbacks and accessory structure siting requirements. A variance to these standards is required.

### Variances

- It appears that a Variance application is required for setbacks and siting of the structure. Variances to setbacks up to 25% are reviewed at a Type II level. Variances to setback requirements of more than 25% require a Type III Planning Commission Variance. Variances for siting of accessory structures in front of the primary structure require a Type III Planning Commission Variance.
- Please address the approval criteria as they relate to the proposal and the requirement being varied.
  - That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access, or other desirable or necessary qualities;
  - That the request is the minimum variance that would alleviate the hardship;
  - Granting the variance will equal or exceed the regulation to be modified;
  - Any impacts resulting from the adjustment are mitigated;
  - No practical alternatives have been identified which would accomplish the same purpose and not require a variance.
  - That the variance conforms to the [comprehensive plan](#) and the intent of the ordinance being varied.
- Items to consider related to variance criteria:
  - What is the hardship preventing you from meeting the standards?
  - Are neighbors who are impacted supportive of the proposal?
  - What mitigation is proposed to offset impacts of variance request?
  - Are there any other alternatives that would not require a variance?

The applicant's existing garage is currently non-conforming, having been placed fully in the front and side yard setbacks of the property's R-6 Low-Density Residential Zone years ago. The applicant states that they are experiencing hardships related to the deteriorating state of the garage to the point where it is barely useable. The applicant wishes to construct a new garage 14 feet from the right of way in the side yard setback, one that is electrified and adequate to park and charge an electric vehicle. The current garage is not electrified and is unsuitable for parking a vehicle, particularly because its location



directly fronting the right of way provides no sightlines to see approaching pedestrians, cyclists, and vehicles while backing.

The applicant also states that the proposed site of the new accessory structure/garage is appropriate in order to:

- 1) Preserve existing trees and pre-existing landscape features,
- 2) Preserve useability in light of the placement of a power pole where a driveway would need to be if the garage were built outside the 5-foot side yard setback, and
- 3) Minimize the amount of excavation required for the project.

The applicant notes that the 5-foot interior side yard setback abuts an unimproved right of way, making impact to neighboring property minimal. That reducing the required amount of excavation for the new garage by siting it closer to the street than allowed by accessory structure code will reduce negative impacts on the neighborhood.

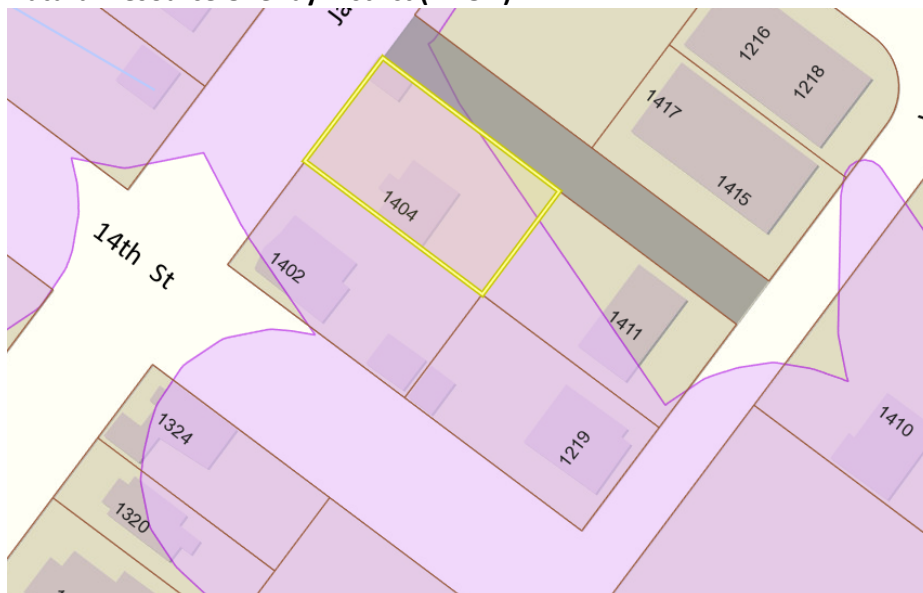
The applicant also notes that accessory structures/garages built between the home's front façade and the street are in keeping with common practices for the period in which the house and garage were built. They state that the new garage will be built to coordinate with their home built in 1937.

The applicant wishes to preserve an extensive garden with significant elements that have reportedly been in place for more than 85 years. Their intent to also build the new garage at grade, rather than at the raised level the home is at, "will better honor the stature of the original garage structure" and will reduce light, air, and safe access impacts that may result from a structure located higher above grade.

The applicant states that reducing the interior side yard setback to 0 will remove the need to relocate an existing PGE power pole, which would block a driveway to the garage if it were located 5 feet inboard of the interior side property line.

The applicant also notes that rebuilding the garage and setting it further back into the property will enable the applicant to park their vehicle off the street, where it won't conflict with TriMet buses traveling along Jackson St.

#### Natural Resource Overlay District (NROD)





- The Oregon City Municipal Code protects degradation of water features enforcing a vegetated corridor consisting of native plantings adjacent to protected features to improve water quality and functions. A study is required to determine where the vegetated corridor is located onsite, the location of the development within the NROD boundary and associated mitigation.
- The City regulates both temporary and permanent disturbances within the NROD, including new structures, grading and fill, staging areas.
- The City's jurisdiction is within the vegetated corridor surrounding the protected features, however, activities within wetlands, streams, or other protected water features are regulated by the Department of State Lands (DSL) and the Army Corps of Engineers. Permit applications or other review with these agencies may be required.
- It appears that there is no natural feature in the vicinity of the proposed work and the project may be eligible for a Type I NROD Verification:
- An applicant may request a Type I Verification determination by the community development director. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:
  1. No soil, vegetation, hydrologic features have been disturbed;
  2. No hydrologic features have been changed;
  3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.
  4. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.
  5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or man-made storm or surface water runoff structures or artificial water collection devices.
  6. Evidence of prior land use approvals that conform to the natural resource overlay district, or which conformed to the water quality resources area overlay district that was in effect prior to the current adopted NROD (Ord. No. 99-1013).
  7. There is an existing physical barrier between the site and a protected water feature, including:
    - a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.
    - b. Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the city.
- If the criteria for a Type I verification cannot be met, a Type II (or Type III if identified as such based on your proposal) NROD application is required prepared by a qualified professional delineating the natural features and identifying the width of the vegetated corridor must be submitted with the land use application.
  - A construction management plan prepared in accordance with OCMC Section 17.49.220.
  - Mitigation is required for temporary and permanent disturbance at a 2:1 ratio for the associated vegetated corridor. Mitigation is generally required at the location of the disturbance area.
  - Mitigation plan must be prepared by a qualified professional in accordance with OCMC 17.49.180.
  - An applicant may accept the City's adopted buffer as identified above, however, if the applicant wishes to further delineate the feature location or disturb the vegetated



corridor, the application is discretionary and is required to be reviewed through a Type II or III application which includes a public notice.

**The applicant has submitted a Type I NROD Verification document. Once a [Land Use Application](#) is submitted, the verification document will be sent to David Evans & Associates, Oregon City's Natural Resource consultants, for vetting.**

**Other notes:**

- A neighborhood association meeting is required for a Planning Commission Variance application. The proposed development is in the McLoughlin Neighborhood Association.

**Chair:** Jesse Buss, [jessebuss@gmail.com](mailto:jessebuss@gmail.com)  
**Vice Chair/Land Use:** Tim Powell, [timpowell1954@gmail.com](mailto:timpowell1954@gmail.com)  
**Secretary:** Denise Beasley, contact [crobertson@orcify.org](mailto:crobertson@orcify.org) for contact info  
**Treasurer:** Curt Reesor

- Please include the Citizen Involvement Committee Chair, Bob Lasalle, in any Neighborhood Association meeting requests, notifications or correspondence. Bob can be reached at [jeanbob06@comcast.net](mailto:jeanbob06@comcast.net).
- OCMC 17.50.055 requires submittal of the meeting sign-in sheet, a summary of issues discussed, and a letter from the neighborhood association indicating that a meeting was held.
- Please note, the land use application must be submitted within one year of the neighborhood association meeting. A second neighborhood association meeting must be held if the land use application is not submitted within one year of attending a neighborhood association meeting.
- Your application was transmitted to the State Historic Preservation Office (SHPO) and affected tribes for review. Comments received have been provided.

**Planning Review and Application Fees:**

The anticipated Planning applications and 2023 fees include-

- Mailing Labels: \$20 – or provided by applicant
- Planning Commission Variance - \$3,163
- Type I NROD Verification: \$267
- Type II NROD Application: \$1,241
- Incomplete Applications: No charge for first incomplete submittal, \$352 for each incomplete submittal thereafter
- [2023 Planning Fee Schedule](#)

**Applications, Checklists and Links:**

- [Type III Review Process](#)
- [Land Use Application](#)
- [Variance Checklist](#)
- [Oregon City Municipal Code](#)

**Oregon City Municipal Code Criteria:**

The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:

[OCMC 12.04 – Streets, Sidewalks and Public Places](#)

[OCMC 12.08 – Public and Street Trees](#)

[OCMC 13.12 – Stormwater Management](#)

[OCMC 15.48 – Grading, Filling, and Excavating](#)

[OCMC 16.12 – Minimum Improvements and Design Standards](#)

[OCMC 17.08 – Low Density Residential Zones](#)



OCMC 17.41 – Tree Protection Standards  
 OCMC 17.47 – Erosion and Sediment Control  
 OCMC 17.50 – Administrative Processes  
 OCMC 17.54 – Supplemental Zoning Regulations and Exceptions  
 OCMC 17.60 – Variances

### Planning Division

Molly Gaughran, Assistant Planner with the Oregon City Planning Division reviewed your pre-application. You may contact Molly Gaughran at 503.496.1543 or [mgaugran@orccity.org](mailto:mgaugran@orccity.org)

### Development Services Division

You may contact Development Services at 971-204-4601 or [ocpublicworks@orccity.org](mailto:ocpublicworks@orccity.org).

### Building Division

Your application was transmitted to Building Official, Jim Sayers. You may contact Jim at 503.496.1517 or [jsayers@orccity.org](mailto:jsayers@orccity.org) if you have any building related questions.

### Clackamas County Fire

Your application was transmitted to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas County Fire District #1. No comments were returned regarding your application. You may contact Mr. Boumann at 503.742.2660 or at [mike.boumann@clackamasfire.com](mailto:mike.boumann@clackamasfire.com).

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

*A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

*B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.*

### **Public Disclosure:**

*The purpose of a pre-application meeting is to introduce the impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal (City Code 17.50.050). Omissions or failures by staff to identify all relevant applicable land use requirements or how they might affect a proposal may occur, either as a result of a limited pre-application submittal or the consideration of discretionary criteria.*

*All pre-application conference related communications, including these notes, are informational only. They do not substitute for a public hearing and no land use decision is rendered at this phase. Notwithstanding*



*any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of the Oregon City Municipal Code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*



**Parcel Information**

Parcel #: **00584987**  
 Tax Lot: **22E32BA06400**  
 Site Address: 1404 Jackson St  
 Oregon City OR 97045 - 1428  
 Owner: Littlefield, Jane Anne  
 Owner2:  
 Owner Address: 1404 Jackson St  
 Oregon City OR 97045 - 1428  
 Twn/Range/Section: 02S / 02E / 32 / NW  
 Parcel Size: 0.15 Acres (6,604 SqFt)  
 Plat/Subdivision: Oregon City  
 Lot: 6  
 Block: 172  
 Map Page/Grid: 687-D7  
 Census Tract/Block: 022400 / 2001  
 Waterfront:  
 Building Use: RS0 - Single Family

**Tax Information**

Levy Code Area: 062-002  
 Levy Rate: 18.2713  
 Tax Year: 2022  
 Annual Tax: \$2,909.61  
 Exempt Description:

**Assessment Information**

Market Value Land: \$154,055.00  
 Market Value Impr: \$338,410.00  
 Market Value Total: \$492,465.00  
 Assessed Value: \$159,245.00

**Legal**

2 OREGON CITY LT 6 BLK 172|Y|184,936

**Land**

Cnty Land Use: 101 - Residential land improved  
 Zoning: Oregon City-R6 - Single Family Dwelling District  
 Watershed: Abernethy Creek-Willamette River  
 Primary School: Holcomb Elementary School  
 High School: Oregon City Senior High School

Land Use Std: RSFR - Single Family Residence  
 Neighborhood: McLoughlin  
 School District: 62 - Oregon City  
 Middle School: Tumwata Middle School

**Improvement**

Year Built: 1937	Stories: 1	Fin. SqFt: 1,901
Bedrooms: 3	Bathrooms: 1	Garage:
Exterior Wall Type: Wood Shake/Shingle	Basement Fin. SqFt:	Fireplace: 1
Heat: Forced Air Oil	Roof Type-Cover: Wood Shake/Shingle	

**Transfer Information**

Rec. Date: 09/29/2015	Sale Price: \$269,900.00	Doc Num: 2015-065630	Doc Type: Deed
Owner: Jane A Littlefield		Grantor: EDEN ENTS LLC	
Orig. Loan Amt: \$202,425.00		Title Co: CHICAGO TITLE CO	
Finance Type:	Loan Type: Conventional	Lender: AXIA FIN'L LLC	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



Clackamas County Official Records  
Sherry Hall, County Clerk

**2015-065630**

09/29/2015 11:44:01 AM

D-D Cnt=1 Stn=4 JANIS  
\$10.00 \$16.00 \$10.00 \$22.00

\$58.00

**RECORDING REQUESTED BY:**

Chicago Title Company of Oregon  
5300 SW Meadows Road, Suite 100  
Lake Oswego, OR 97035

**GRANTOR:**

Eden Enterprises, LLC  
5505 SW Delker Rd.  
Tualatin, OR 97062

**GRANTEE:**

Jane Anne Littlefield

**SEND TAX STATEMENTS TO:**

Jane Anne Littlefield  
1404 Jackson Street  
Oregon City, OR 97045

**AFTER RECORDING RETURN TO:**

Jane Anne Littlefield  
1404 Jackson Street  
Oregon City, OR 97045

Escrow No: 472515527494MJM-CT42

00584987

1404 Jackson Street  
Oregon City, OR 97045

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**WARRANTY DEED – STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

Eden Enterprises, LLC, an Oregon limited liability company, who acquired title as Eden Enterprises LLC

Grantor, conveys and warrants to

Jane Anne Littlefield, A SINGLE WOMAN

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Lot 6, Block 172, OREGON CITY, in the City of Oregon City, County of Clackamas and State of Oregon.

The true consideration for this conveyance is \$269,900.00.

ENCUMBRANCES: 2015-16 county property taxes a lien unpayable at this time

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,**

472515527494MJM-CT42  
Deed (Warranty – Statutory (Individual or Corporation))



## CHAPTER 8, OREGON LAWS 2010.


Dated September 24, 2015; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Eden Enterprises, LLC

BY:   
CHARLES F THOMAS III MEM/ MGR

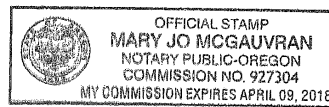
STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on 09/27/15 by CHARLES F THOMAS III MEM/ MGR OF Eden Enterprises, LLC.

  
Notary Public for Oregon

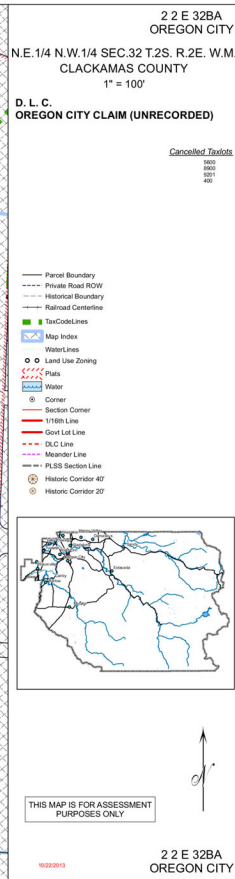
My Commission Expires: 4-9-18

(SEAL)

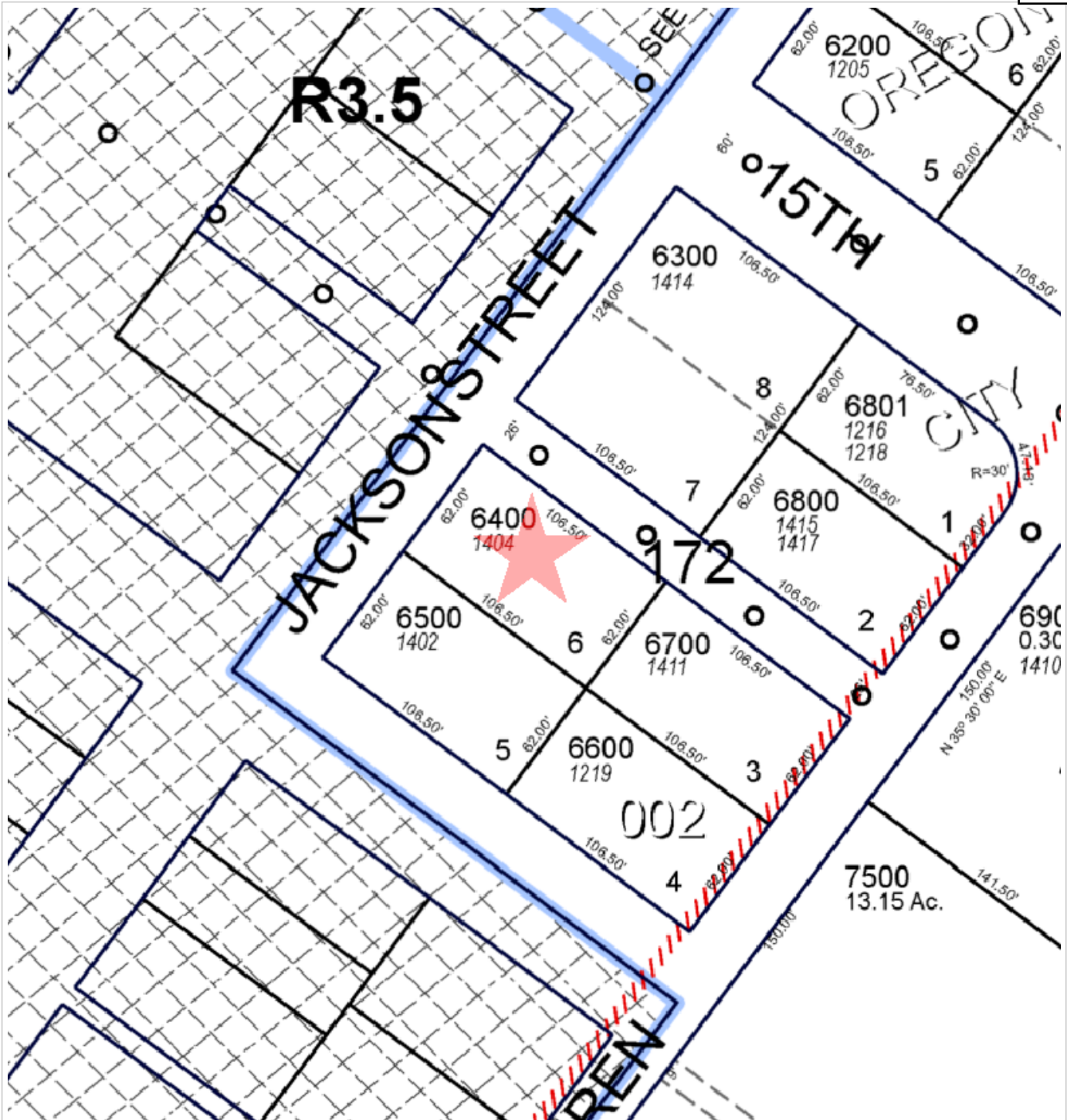


472515527494MJM-CT42  
Deed (Warranty - Statutory (Individual or Corporation))









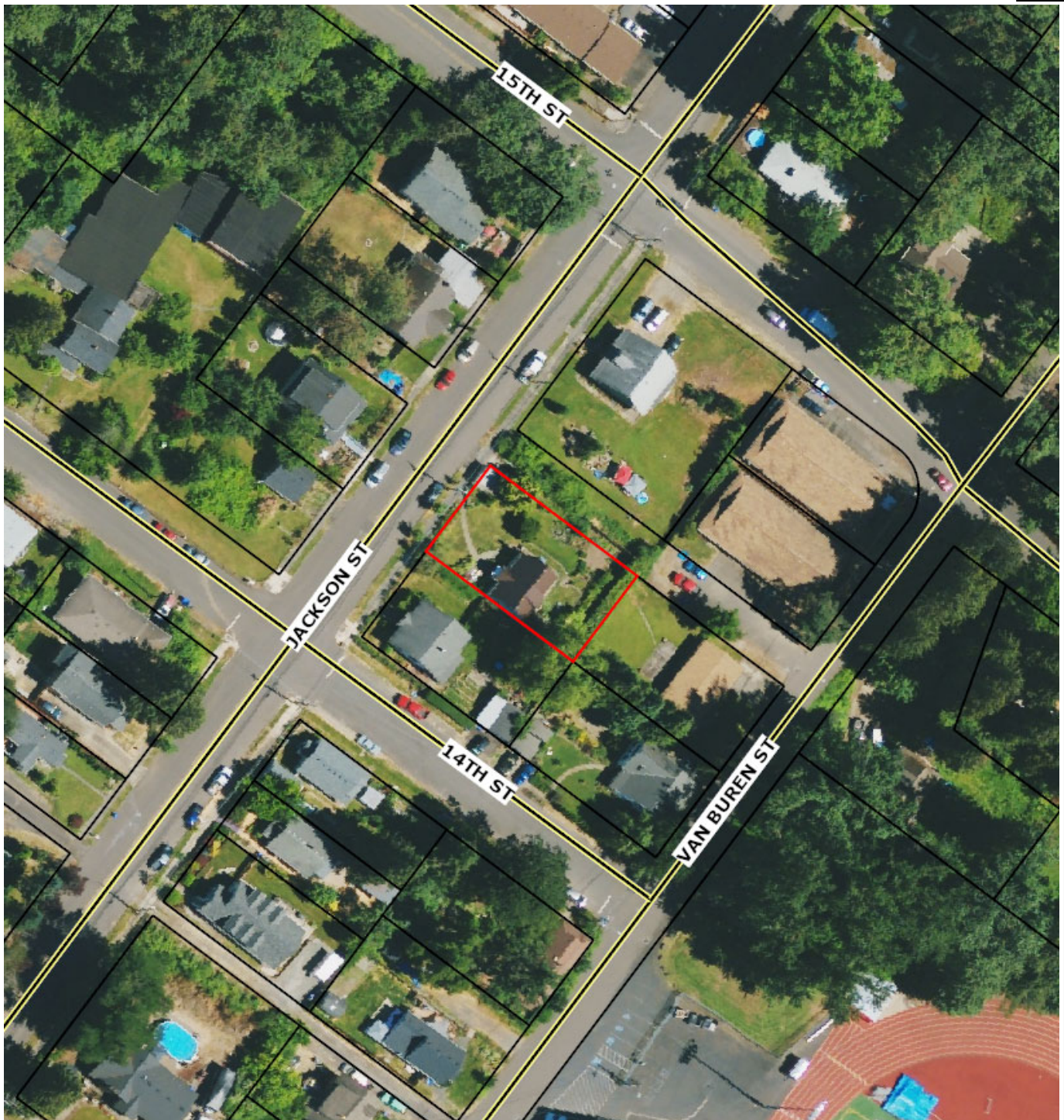
Parcel ID: 00584987

Site Address: 1404 Jackson St



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



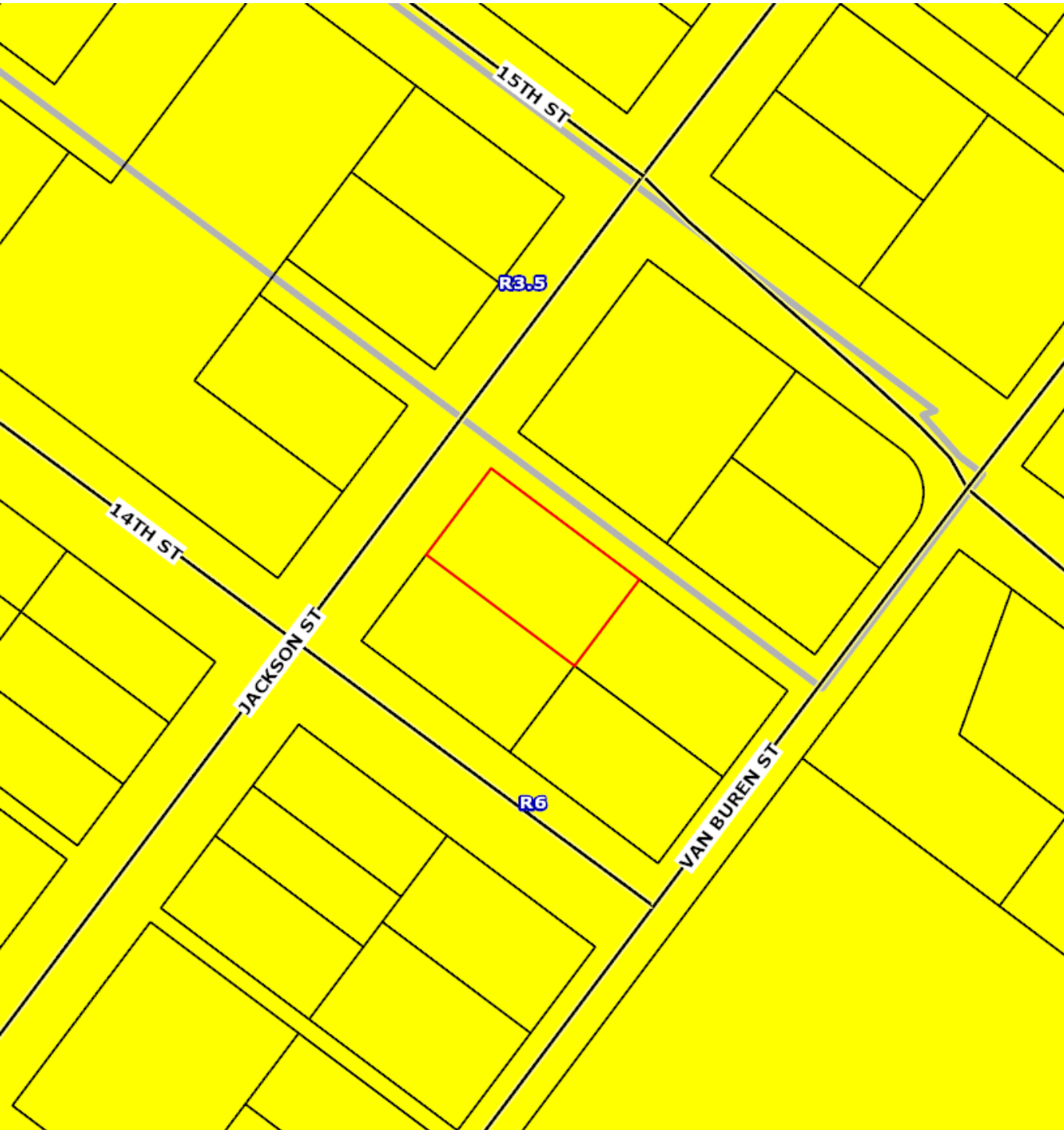


Parcel ID: 00584987



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.






**Parcel ID: 00584987**

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**Planning Review and Application Fees:**

The anticipated Planning applications and 2023 fees include-

- Mailing Labels: \$20 – or provided by applicant 
- Planning Commission Variance - \$3,163
- Type I NROD Verification: \$267
- Type II NROD Application: \$1,241
- Incomplete Applications: No charge for first incomplete submittal, \$352 for each incomplete submittal thereafter
- [2023 Planning Fee Schedule](#)

When I submit the complete Variance Application I'll pay the \$20 fee for City Planning to provide the mailing labels. -JL



[Property Search \(/default.aspx\)](#) / [Search Results \(/results.aspx\)](#) / [Property Summary](#)

## Property Account Summary



00584987

<b>Account Number</b>	00584987	<b>Property Address</b>	1404 JACKSON ST , OREGON CITY, OR 97045	
<b>General Information</b>				
Alternate Property #	22E32BA06400			
Property Description	2 OREGON CITY LT 6 BLK 172			
Property Category	Land &/or Buildings			
Status	Active, Locally Assessed			
Tax Code Area	062-002			
Remarks				
<b>Tax Rate</b>				
<b>Description</b>	<b>Rate</b>			
Total Rate	18.2713			
<b>Property Characteristics</b>				
Neighborhood	13041: Oregon City older 100, 101			
Land Class Category	101: Residential land improved			
Building Class Category	13: Single family res, class 3			
Year Built	1937			
Change property ratio	1XX			
<b>Related Properties</b>				
No Related Properties Found				
<b>Parties</b>				
<b>Role</b>	<b>Percent</b>	<b>Name</b>	<b>Address</b>	
Taxpayer	100	LITTLEFIELD JANE ANNE	1404 JACKSON ST, OREGON CITY, OR 97045	
Tax Service Co.	100	CORELOGIC TAX SERVICES	UNKNOWN, MILWAUKIE, OR 00000	
Owner	100	LITTLEFIELD JANE ANNE	1404 JACKSON ST, OREGON CITY, OR 97045	
Mortgage Company	100	CHASE MANHATTAN MORTGAGE CORP-UTAH	6053 S FASHION SQUARE DR STE 200, MURRAY, UT 84107	



Property Values					
Value Type	Tax Year 2022	Tax Year 2021	Tax Year 2020	Tax Year 2019	Tax Year 2018
AVR Total	\$159,245	\$154,607	\$137,178	\$133,183	\$129,304
Exempt					
TVR Total	\$159,245	\$154,607	\$137,178	\$133,183	\$129,304
Real Mkt Land	\$154,055	\$130,684	\$118,761	\$112,083	\$106,837
Real Mkt Bldg	\$338,410	\$291,590	\$248,920	\$235,280	\$227,520
Real Mkt Total	\$492,465	\$422,274	\$367,681	\$347,363	\$334,357
M5 Mkt Land	\$154,055	\$130,684	\$118,761	\$112,083	\$106,837
M5 Mkt Bldg	\$338,410	\$291,590	\$248,920	\$235,280	\$227,520
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$159,245	\$154,607	\$137,178	\$133,183	\$129,304
Mkt Exception		\$22,080			
AV Exception		\$13,314			

#### Active Exemptions

No Exemptions Found

#### Events

Effective Date	Entry Date-Time	Type	Remarks
09/29/2015	09/30/2015 11:30:00	Taxpayer Changed	Property Transfer Filing No.: 286070 09/29/2015 by PAULATUL
09/29/2015	09/30/2015 11:30:00	Recording Processed	Property Transfer Filing No.: 286070, Warranty Deed, Recording No.: 2015-065630 09/29/2015 by PAULATUL
06/18/2015	06/24/2015 17:52:00	Taxpayer Changed	Property Transfer Filing No.: 280380 06/18/2015 by AMANDAOLS
06/18/2015	06/24/2015 17:52:00	Recording Processed	Property Transfer Filing No.: 280380, Warranty Deed, Recording No.: 2015-038410 06/18/2015 by AMANDAOLS
04/03/2008	04/03/2008 16:25:00	Annexation Completed For Property	Annex to Clackamas Fire 1, Ord 2008-36 pt 1-annexed by 062-002 for 2008-Revise TCA Membership by JENMAYO
07/01/1999	07/01/1999 12:00:00	Ownership at Conversion	Conversion deed: 84-40888, , \$ 0

#### Tax Balance

No Charges are currently due. If you believe this is incorrect, please contact the Assessor's Office.

**Total Due only includes the current 2022 taxes. Please select View Detailed Statement for a full payoff.**

Installments Payable/Paid for Tax Year(Enter 4-digit Year, then Click-Here):



Receipts								
Date			Receipt No.		Amount Applied to Parcel	Total Amount Due	Receipt Total	Change
11/10/2022 00:00:00			5260361 (ReceiptDetail.aspx?receiptnumber=5260361)		\$2,909.61	\$2,909.61	\$2,822.32	\$0.00
11/08/2021 00:00:00			5075128 (ReceiptDetail.aspx?receiptnumber=5075128)		\$2,792.59	\$2,792.59	\$2,708.81	\$0.00
11/12/2020 00:00:00			4877138 (ReceiptDetail.aspx?receiptnumber=4877138)		\$2,479.19	\$2,479.19	\$2,404.81	\$0.00
11/15/2019 00:00:00			4707229 (ReceiptDetail.aspx?receiptnumber=4707229)		\$2,426.66	\$2,426.66	\$2,353.86	\$0.00
11/13/2018 00:00:00			4509393 (ReceiptDetail.aspx?receiptnumber=4509393)		\$2,306.02	\$2,306.02	\$2,236.84	\$0.00
Sales History								
Sale Date	Entry Date	Recording Date	Recording Number	Sale Amount	Excise Number	Deed Type	Grantee(Buyer)	Other Parcels
09/24/2015	09/30/2015	09/29/2015	2015-065630	\$269,900.00	286070		LITTLEFIELD JANE ANNE	No
06/16/2015	06/24/2015	06/18/2015	2015-038410	\$181,000.00	280380		EDEN ENTERPRISES LLC	No
Property Details								
Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths	
1901	0 X 0	1937	38	1.0	3	1	0	

Printable Version

Developed by Aumentum Technologies.

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Version 4.5.0.0





Exhibit B.

## MEMORANDUM

TO: Molly Gaughran, Assistant Planner  
FROM: Erik Nichols, Oregon City Public Works  
DATE: 8.15.23  
SUBJECT: 1404 Jackson Street Garage Variance

---

The homeowners of 1404 Jackson Street wish to replace their existing garage located on the northwestern portion of their property. The existing garage is placed on the property line abutting the sidewalk on Jackson Street. Per City code, replacement of the structure requires it to meet current City standards and setbacks. The applicants have requested a variance from the City's code to reduce the minimum 20-foot garage setback as it would impact existing features that they note pre-date the existing house.

In general, the reasoning behind the 20 ft. setback is to provide enough space for a vehicle to park on a driveway without encroaching onto the sidewalk and blocking pedestrian travel. The original request for a 14 ft. setback would most likely encourage guests and future homeowners to try and park in front of the garage and block the existing sidewalk. The setback variance recommended is then 5 feet from the property line in this instance. This will preserve the features requested for preservation and conform more with City standards, compared to existing, by providing space away from the existing sidewalk. Furthermore, the 5 ft. setback would not encourage parking in front of the garage that would block pedestrian access to the public sidewalk.

Oregon City Public Works takes no exception to the reduction of the garage setback from 20 ft. to 5 ft. from the property line on Jackson Street for the reasons noted above.





Exhibit C.

### TYPE I NATURAL RESOURCE OVERLAY DISTRICT VERIFICATION

*August 25, 2023*

**FILE NUMBER:** NROD-23-000034: Type I Natural Resource Overlay District Verification

**APPLICANT/OWNER:** Jane Littlefield  
1404 Jackson St., Oregon City, OR 97045

**REQUEST:** The applicant submitted a request for a Type I Natural Resource Overlay District Verification for a property approximately 270 feet from John Adams Creek. This request is associated with GLUA-23-00022 for the placement of a detached garage within the front yard setback of the property.

**LOCATION:** 1404 Jackson St.,  
Oregon City, OR 97045  
Clackamas County Map 2-2E-32BA-06400

**ZONING:** R-6 Low-Density Residential

**REVIEWER:** Molly Gaughran, Assistant Planner

**CRITERIA:** OCMC Chapter 17.49 – Natural Resource Overlay District  
OCMC Chapter 17.50 – Administration and Procedures

**DECISION:** Based on the enclosed findings and analysis, the NROD vegetative corridor on the subject property is verified pursuant to OCMC Chapter 17.49. The proposed new garage shall be exempt from further Natural Resources Overlay review under OCMC 17.49. Other future development of the site will require review for compliance with OCMC 17.49.

Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria and include lot line adjustments, zone changes upon annexation as provided in Section 17.06.050 for which there is no discretion provided, final plats, and final planned unit development plans where there are no material deviations from the approved preliminary plans. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. One representative from each of the city-recognized neighborhood associations, who has been identified by the neighborhood coordinator, will be distributed a monthly compilation of all Type I activities. The Community Development Director's decision is final and not appealable by any party through the normal city land use process. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722.3789.



## I. BACKGROUND

The subject site consists of a single-family residence located within the R-6 low density residential zoning district. The nearest protected resource is John Adams Creek. The property is approximately 270 feet from the creek edge. The current NROD boundary extends the entire subject site. The applicant is seeking verification of the NROD boundary as a part of a proposal to replace an existing detached garage within the front yard (planning file # GLUA-23-00022).

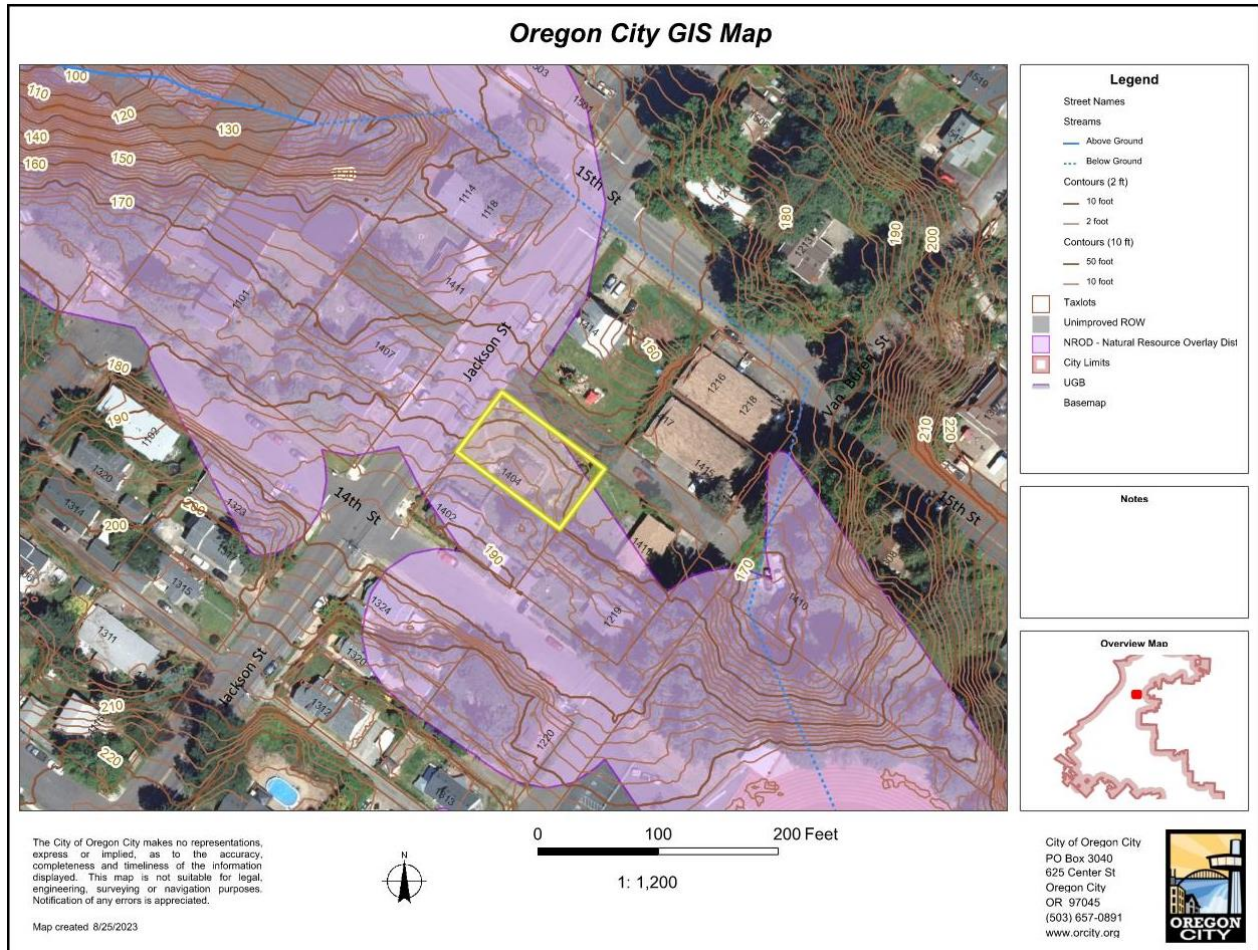


Figure 1: Tax lot with current NROD boundary from City GIS



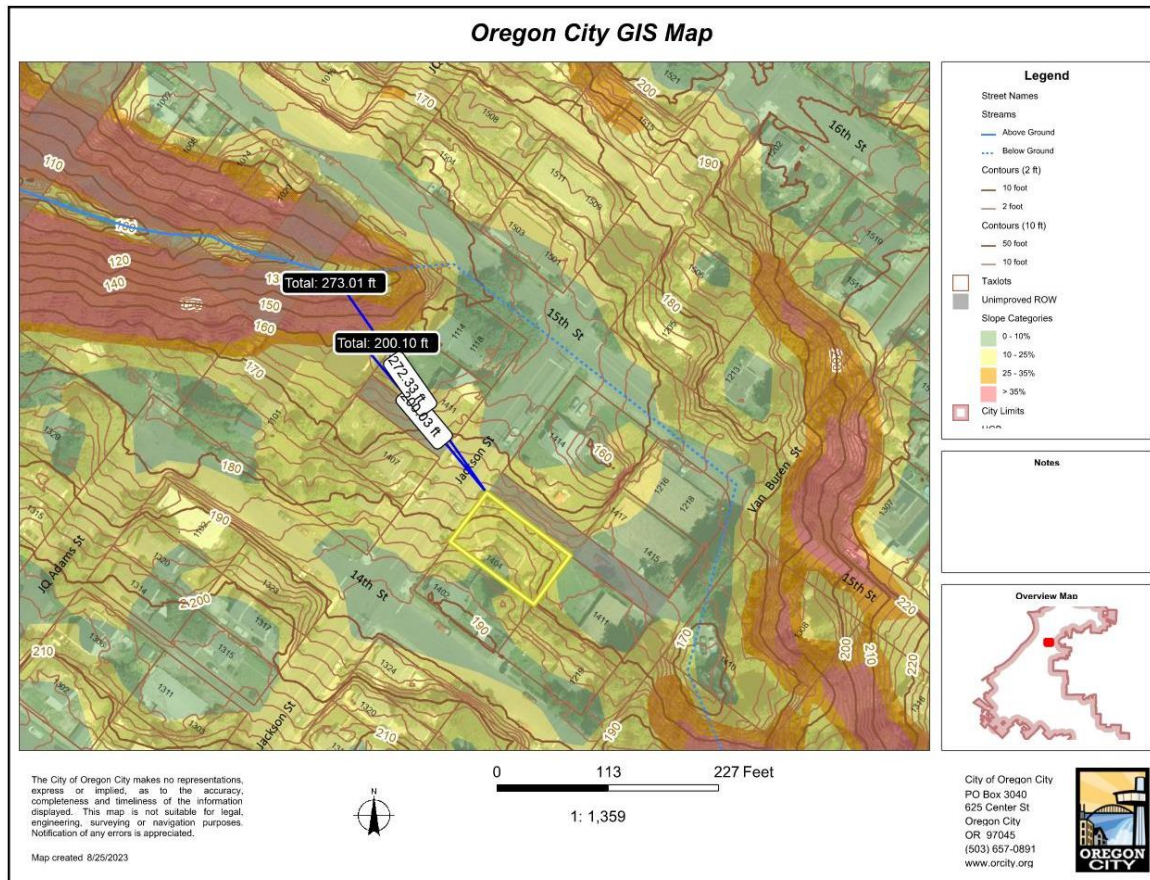


Figure 2: Tax lot with contours and slopes from City GIS

### Description of Existing Conditions

The subject lot is 0.1516 acres, or 6,603 square feet, measuring 62' X 106.5'. The subject property contains an existing single-family residence and a detached garage. The property is mapped to be almost entirely with the Natural Resources Overlay District. The landscaping on the property is predominantly grass ground cover and shrubs, with a star magnolia tree approximately 20 feet to the rear of the existing garage and several other small trees. The nearest water resource to the subject property is John Adams Creek. The subject property's front lot line is approximately 200 feet from the top of the ravine of John Adams Creek and approximately 270 feet from the creek edge.

### Applicant's Proposal

The applicant is seeking approval of a Type I Verification for 1404 Jackson Street, a developed lot that has a Natural Resources Overlay District (NROD) overlay (OCMC Ch. 17.49) on most of the property, save the northeast corner of the property.

The Natural Resources Overlay District ("NROD") restricts development and development activity in mapped natural resource areas. OCMC 17.49.030(2) permits an applicant to verify an NROD boundary through a Type I procedure, thereby refining where the NROD boundary actually applies on a property. Consistent with that allowance, this Type I Application requests that the property located at 1404 Jackson Street, located in the R-6 Low-Density Residential District, and currently subject to the NROD Overlay District, is improperly included in the NROD boundary and should have that overlay and related development restrictions removed.



## II. ANALYSIS AND FINDINGS

### CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

#### *17.49.250 Verification of NROD Boundary*

*The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may through a site specific environmental survey or, in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.*

**Finding: applicable.** The applicant has requested a verification of the NROD boundary pursuant with the Type I Verification process.

#### *17.49.255 - Type I verification.*

*A. Applicants for a determination under this section shall submit a site plan meeting the requirements of Section 17.49.220, as applicable.*

**Finding: complies as proposed.** A site plan meeting the requirements of Section 17.49.220 was not applicable to this project. A memorandum prepared by Turnstone Environmental Consultants was submitted as part of this application, which was deemed sufficient for NROD verification review. Staff conducted a field verification on August 22, 2023, to confirm the information provided by the memorandum. The memorandum, staff visit, and vicinity maps were sufficient to complete the verification in accordance with 17.49.255.B.

*B. Alternatively, an applicant may request a Type I Verification determination by the community development director by making an application therefore and paying to the city a fee as set by resolution of the city commission. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:*

*1. No soil, vegetation, or hydrologic features have been disturbed;*

**Finding: Complies as proposed.** There is no evidence that soil, vegetation, or hydrologic features related to the protected resources or wetlands have been disturbed.

*2. No hydrologic features have been changed;*

**Finding: Complies as proposed.** No hydrologic features have been within the NROD boundary on the site.

*3. There are no man-made drainage features, watermarks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.*

**Finding: Complies as proposed.** There are no drainage features, watermarks, or other evidence of sustained inundation within the NROD boundary area of the subject property.

*4. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.*

**Finding: Complies as proposed.** Based on the Oregon City local wetland inventory map there are no wetlands on the subject property.



5. *There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.*

**Finding: Complies as proposed.** There is no permanent or intermittent stream system or other protected water feature on the property.

6. *Evidence of prior land use approvals that conform to the City's existing Water Quality Resource Area Overlay District.*

**Finding: Not applicable.** Planning staff did not find any evidence of prior land use approvals that conformed to the natural resource overlay district or to the water quality resources overlay district.

*There is an existing physical barrier between the site and a protected water feature, including:*

*a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.*

*b. Walls, buildings, drainages, culverts or other structures and which form a physical barrier between the site and the protected water features, as approved by the city.*

**Finding: Complies as proposed.** No protected water features are on the subject property. Jackson Street, an approximately 40-foot road, lies between the subject property and the nearest protected feature, John Adams Creek. Jackson Street includes curbs and leads to storm drains located at the intersection of Jackson Street and 15<sup>th</sup> Street. Several residences are also situated between the subject property and John Adams Creek.

*C. If the city is not able to clearly determine, through the Type I verification process that the applicable criteria subsection B.1.—B.6. above are met the verification application shall be denied. An applicant may then opt to apply for verification through the Type II process defined below.*

**Finding: Not Applicable.** All of the criteria for a Type I verification of the NROD Boundary have been met. The NROD boundary can be adjusted to reflect this with the exclusion of the property from the Natural Resource Overlay District Boundary.

#### 17.49.260. Type II Verification

**Finding: Not Applicable.** The application met all the criteria for a Type I verification.

#### 17.49.265 - Corrections to violations.

*For correcting violations, the violator shall submit a remediation plan that meets all of the applicable standards of the NROD. The remediation plan shall be prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry. If one or more of these standards cannot be met then the applicant's remediation plan shall demonstrate that there will be:*

*A. No permanent loss of any type of resource or functional value listed in Section 17.49.10, as determined by a qualified environmental professional;*

*B. A significant improvement of at least one functional value listed in section 17.49.10, as determined by a qualified environmental professional; and*

*C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.*

**Finding: Not Applicable.** A violation has not been identified and a remediation plan is not required.



**CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES***17.50.030 Summary of the City's Decision-Making Processes.*

**Finding: Complies as Proposed.** The Natural Resource Overlay District verification application is being reviewed pursuant to the Type I process.

**III. CONCLUSION AND DECISION**

Based on the analysis and findings presented in this report, the NROD vegetative corridor on the property described in this application is verified pursuant to OCMC Chapter 17.49, based on field verification and available City GIS data. For a reasonable period of time, the property at 1404 Jackson Street is exempt from further review under Chapter 17.49 of the Oregon City Municipal Code for the development of a new garage on the site. Other future development of the site will require additional review for compliance with OCMC 17.49.

**EXHIBITS**

1. Site visit field verification form
2. Site visit photos
3. Memorandum prepared by Turnstone Environmental
4. Oregon City Local Wetland Inventory and Riparian Assessment excerpts





### NATURAL RESOURCE OVERLAY DISTRICT (NROD) – OCMC 17.49.255

#### TYPE I VERIFICATION – FIELD DATA FORM

APPLICATION NUMBER:

NROD-23-00034

SITE VISIT DATE:

AUGUST , 2023

APPLICANT / OWNER:

JANE LITTLEFIELD

CITY STAFF:

MOLLY GAUGHRAN

LOCATION / ADDRESS:

1404 JACKSON STREET  
OREGON CITY, OR 97045

PROPERTY AREA (SF OR AC.):

6603 S.F.

PRESENT USE:

SINGLE FAMILY

APPROXIMATE SLOPE OF PROPERTY:

10% to 20%

ASSOCIATED PERMIT NOS.

FUTURE PERMITS FOR NEW GARAGE

PREDOMINANT VEGETATION:

GRASS, SHRUBS, STAR MAGNOLIA TREE

PROJECT SITE DISTANCE FROM STREAM:

APPROX. 270 FEET TO CREEK EDGE

APPROX. 200 FEET TO TOP OF RAVINE

#### WEATHER

**CONDITIONS:** SUNNY ☐ PARTLY CLOUDY ☒ CLOUDY ☐ RAIN ☐ FOG ☐ OTHER ☐

SITE OBSERVATIONS:	YES	NO
1. Has soil or vegetation been disturbed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have any hydrologic features been changed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Are there any swales, drainage courses or streams on or within 200 feet of the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Are there any man-made drainage features on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Are there any water marks or swash lines on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Are there any drift lines present on trees or shrubs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Are there any sediment deposits on plants?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is there any other evidence of sustained inundation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any physical barriers between the site and an adjacent water feature? Including	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<div> <div>Jackson St.</div> <div>SFRs</div> </div> <div> a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city, or  b. Walls, buildings, drainages, culverts or other structures. </div>		

NOTES:



**17.49.250 - Verification of NROD boundary.**

The NROD boundary may have to be verified occasionally to determine the true location of a resource and its functional values on a site. This may through a site specific environmental survey or, in those cases where existing information demonstrates that the NROD significance rating does not apply to a site-specific area. Applications for development on a site located in the NROD area may request a determination that the subject site is not in an NROD area and therefore is not subject to the standards of Section 17.49.100. Verifications shall be processed as either a Type I or Type II process.

**ANALYSIS AND FINDINGS**

The applicant has requested a Type I Verification determination by the community development director by making an application therefore and paying to the city a fee as set by resolution of the city commission. This request may be approved provided that there is evidence substantiating that all the requirements of OCMC 17.49 relative to the proposed use are satisfied and demonstrates that the property satisfies the site observation criteria on Page 1, as applicable, and that the property also satisfies the following Staff Review criteria:

**Additional Staff Review criteria**

- |   | YES                                 | NO                       |
|---|-------------------------------------|--------------------------|
| • The property does not contain a wetland as identified by the City's Local Wetland Inventory (LWI) or Water Quality and Flood Management Areas Map.  | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • There is no evidence of a perennial or intermittent stream system or other protected water feature. This not to include established irrigation ditches currently under active farm use) canals or manmade storm or surface , water runoff, structures or artificial storm water collection devices. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| • The project site is located beyond the vegetated corridor width required per OCMC .17.49.110, based on measurement using the City's available GIS data and taking into account the slope adjacent to the protected feature.   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

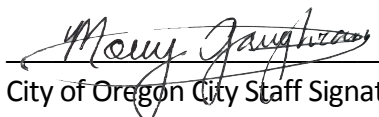
**STAFF DECISION**

In light of the above listed evidence and the attached field analysis, staff finds that the project site as shown on the attached application (Planning File): [NROD-23-00034](#) is:  
[GLUA-23-00022](#)

  X   Exempt from further review under OCMC 17.49, but are subject to all other applicable requirements under the base zone. Any future development of the site will require additional review for compliance with the OCMC 17.49.

       Requires further review under OCMC 17.49.

Notes: \_\_\_\_\_

  
\_\_\_\_\_  
City of Oregon City Staff Signature

8/22/2023

\_\_\_\_\_  
Date



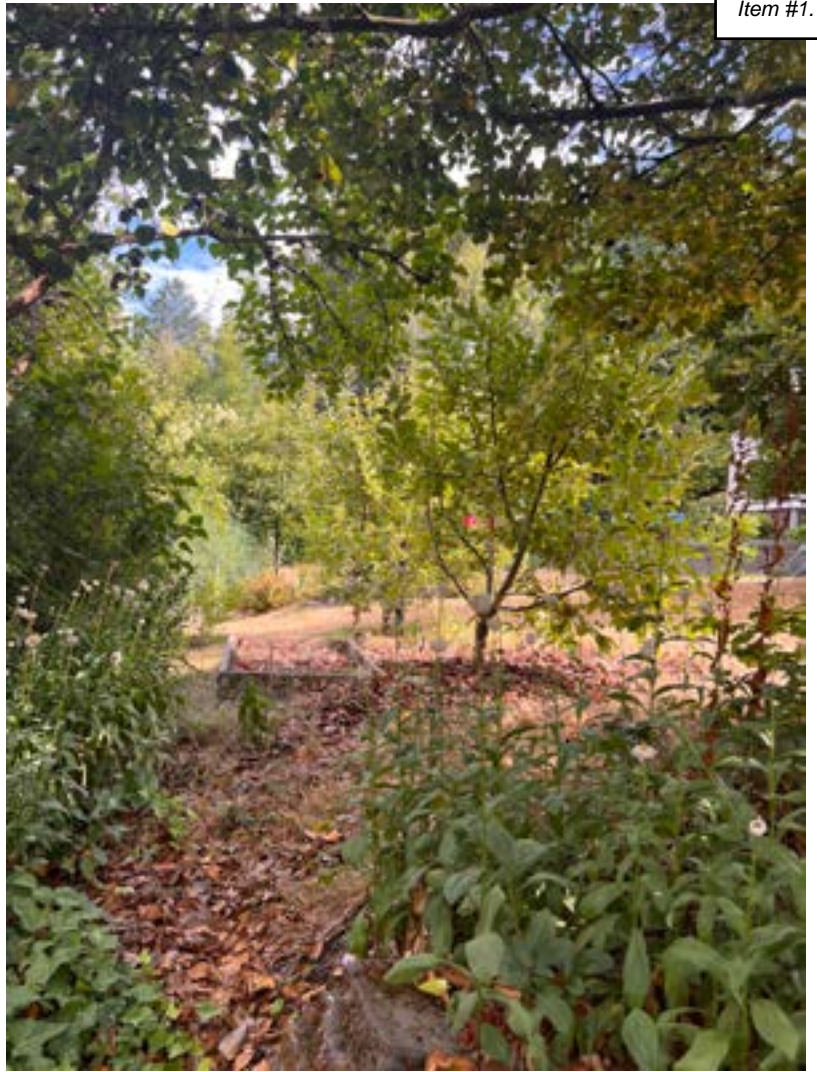
SITE VISIT: 8/22/2023  
1404 JACKSON STREET, OREGON CITY 97045  
GLUA-23-00022 VAR-23-00005 NROD-23-00034





1.

Item #1.



2.





4.



3.





5.

Item #1.

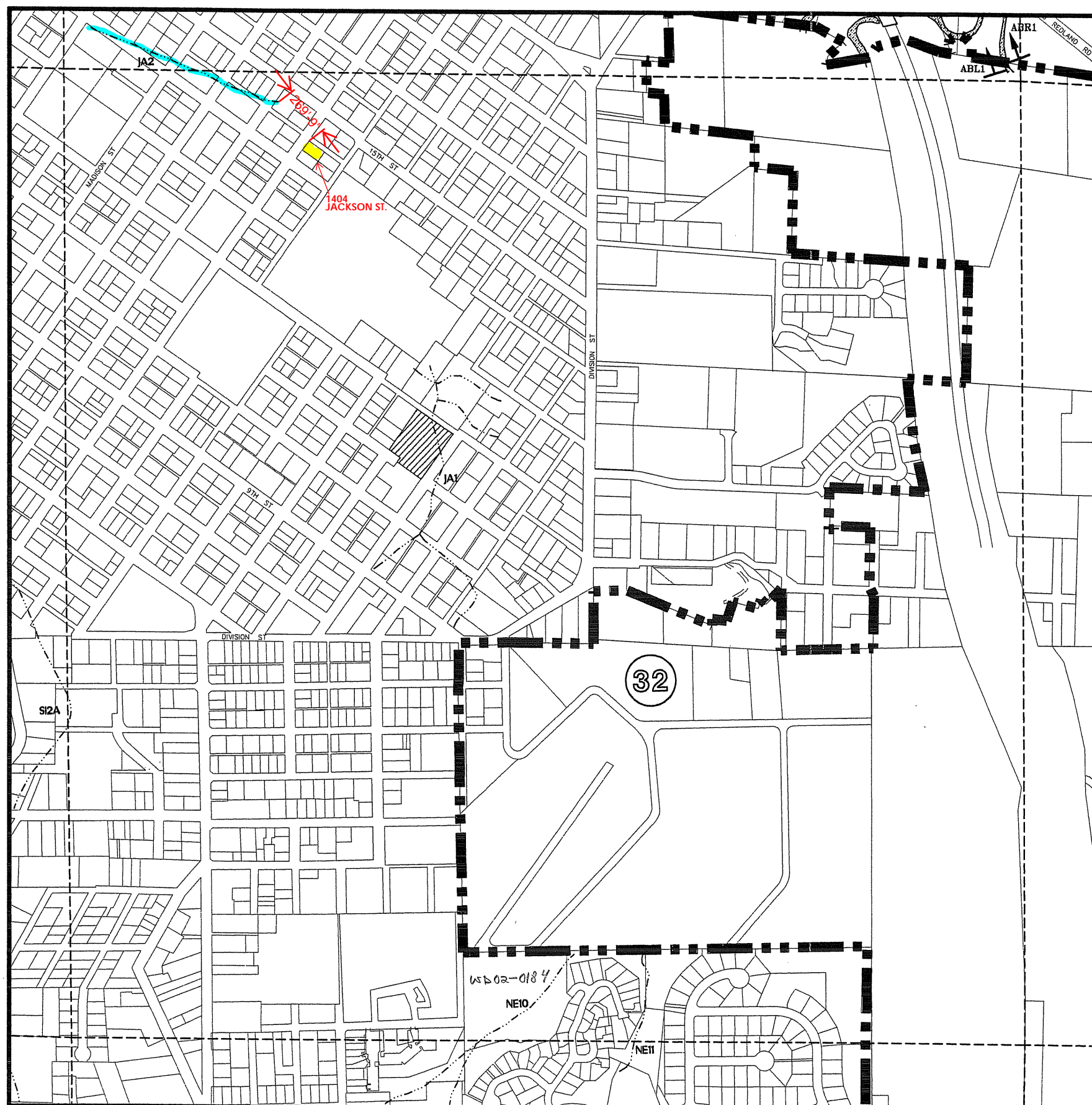


6.





APPROVED WETLANDS INVENTORY  
Oregon Division of State Lands  
Meets LOW standards  
Date 7/99 Approved by J. Morlan



SHAPIRO  
INCORPORATED



# OREGON CITY LOCAL WETLANDS INVENTORY

Item #1.

## - Stream Summary Sheet -

**Date(s) of Field Verification:** 07/16/98

**Mapping Code:** JA-2

**Investigator(s):** KC/ES

**Size (acres):** 0.1

### Location

**Legal:** T2S R2E S32

**Other:** SW of 15th and Madison

**Basin:** John Adams

### Comments:

OFF-SITE DETERMINATION. A stream flows through a deep ravine (an estimated 100 feet deep) from the east. The slopes of the ravine are dominated by English ivy (*Hedera helix*) and bigleaf maple (*Acer macrophyllum*). Trees provide substantial shading to the stream (>75% closure). There is minimal herbaceous coverage from the stream edge out to approximately 10 feet on both sides. The stream enters a culvert beneath Madison St. flowing west. The ravine west of Madison is similar in character to the eastern side, though bigleaf maple is more dense. The stream was not visible in the western side ravine from the viewpoint on Madison St.



# 1404 Jackson Street NROD Type I Verification

PREPARED FOR: Jane Littlefield, 1404 Jackson St. Oregon City.

PREPARED BY: Turnstone Environmental Consultants, Inc. (Turnstone Environmental)

COPIES: None

DATE: May 5, 2023

## Introduction

This memorandum has been prepared in support of a proposed demolition and replacement of an accessory structure at 1404 Jackson Street in Oregon City, Oregon (Appendix A-Figure 1). The subject parcel is tax lot 6400, located on tax map 22E32BA0. The parcel totals approximately 6,603 square feet and the centroid coordinates<sup>1</sup> are 45.358974°, -122.594257°. Structures on the parcel include a single-family home constructed in 1937, and the accessory structure (Image 1). The accessory structure covers about 240 square feet and is bordered by paved areas on its northwest and northeast sides and landscaped yard on its southwest and southeast sides.

*Image 1-Accessory structure at 1404 Jackson proposed for replacement.*



---

<sup>1</sup> NAD 1983 Oregon State Plane North FIPS 3601  
1404 Jackson Street



The home and accessory structure are located within Oregon City's Natural Resource Overlay District (NROD) (Image 2). By way of determining whether the subject parcel contains wetlands or other hydrologic features, this memorandum intends to satisfy a Type I NROD Verification of a NROD boundary. Reporting and associated field work were completed by biologist Joe Bettis of Turnstone Environmental, who has conducted wetland delineations and natural resource assessments in Oregon for over a decade.

*Image 2-Subject parcel highlighted in red with NROD overlay in gray.*



## Site Investigation

### General Existing Conditions

The site investigation was conducted on April 27, 2023. The subject parcel occupies a sloping, northeast-facing terrace in a residential neighborhood on the south side of Jackson Street. The topography of the vicinity is characterized by rolling hillsides occasionally dissected by drainage courses. Subject parcel vegetation includes areas of garden beds and lawn. No areas of natural, unmanaged vegetation are located in the subject parcel. A hedge of cherry laurel (*Prunus laurocerasus*), lilac (*Syringa vulgaris*), hazelnut (*Corylus avellana*), English holly (*Ilex aquifolium*), and English ivy (*Hedera helix*) occupies the unbuilt right of way separating the subject parcel from the lot to the northeast.

1404 Jackson Street

NROD Verification





## Methods

The parameters of field investigation are drawn from the NROD Type I Verification criteria outlined in Oregon City Municipal Code 17.49.255. To identify whether wetlands were present, the site investigation utilized the procedures outlined the *Corps of Engineers Wetlands Delineation Manual* (USACE 1987) along with the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0)* (USACE 2010). Searches for ordinary high-water marks (OHWMs) were predicated upon examining for the physical and biological characteristics associated with water courses outlined in Army Corps of Engineers' Regulatory Guidance letter 05-05 (USACE 2005). Background research included a review of parcel, slope, and natural resource data from Oregon City's GIS mapping application (City of Oregon City 2023), Clackamas County Soil Survey data (NRCS 2023), along with the National Wetland Inventory (NWI) (USFWS 2023) and the Local Wetland Inventory (LWI) of Oregon City (Shapiro and Associates 1999). No wetlands are shown overlapping the subject parcel in either the NWI or LWI (Appendix A-Figure 2). No hydric soils are mapped in the Subject parcel (Appendix A-Figure 3).

*Image 3-Looking northwest towards the southeast side of the accessory structure and landscaped yard*



1404 Jackson Street

NROD Verification





## Findings-Wetlands or Non-wetland waters

No wetlands or non-wetland waters (including ditches) are located in the Subject parcel. A single wetland delineation plot was placed in the proposed location for the replacement accessory structure, resulting in an upland determination (Appendix A-Figure 4). The wetland delineation data form along with ground-level photographs are attached in Appendix B.

## Findings-NROD Type I Verification

The below outline evaluates the various criteria, followed by report findings, by which the site investigation may determine the presence or absence of a NROD resource.

1.No soil, vegetation, hydrologic features have been disturbed.

**Response:** No soil, vegetation or hydrologic features have been disturbed. Structure construction and associated grading of the subject parcel occurred over 75 years ago.

2.No hydrologic features have been changed.

**Response:** No hydrologic features are present in the subject parcel. Any grading or drainage activities that may have historically displaced hydrologic features occurred over 75 years ago.

3.There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.

**Response:** There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation. No streams, ditches or other non-wetland waters are located in the subject parcel.

4.The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.

**Response:** The subject parcel contains no local wetland inventory features or mapped flood management areas.

5.There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or man-made storm or surface water runoff structures or artificial water collection devices.

**Response:** There are no perennial or intermittent stream systems or other protected water features.

1404 Jackson Street

NROD Verification





6.Evidence of prior land use approvals that conform to the natural resource overlay district, or which conformed to the water quality resources area overlay district that was in effect prior to the current adopted NROD (Ord. No. 99-1013).

**Response:** There are no known land use approvals or other decisions that conform to the current adopted NROD area within the subject parcel. It appears that all development within the subject parcel was completed prior to the adoption of the currently adopted NROD.

7.There is an existing physical barrier between the site and a protected water feature, including:

- a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.
- b. Walls, buildings, drainages, culverts, topographic features or other structures which form a physical barrier between the site and the protected water features, as approved by the city.

**Response:** There are no protected water features within or bordering the subject parcel.

## Conclusion

No wetlands or other protected features are within or bordering the subject parcel and removal of the area from the NROD inventory is warranted.

## Attachments

- Appendix A: Figures
  - Figure 1: Overview Map
  - Figure 2: NWI and LWI Map
  - Figure 3: Hydric Soil Map
  - Figure 4: Site Detail Map
- Appendix B: Wetland Delineation Data Form and Photo Points
- Appendix C: Proposed Site Plan





- Appendix A: Figures
  - o Figure 1: Overview Map
  - o Figure 2: NWI and LWI Map
  - o Figure 3: Hydric Soil Map
  - o Figure 4: Site Detail Map



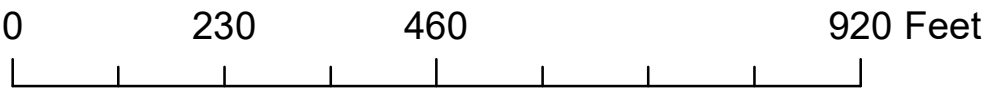
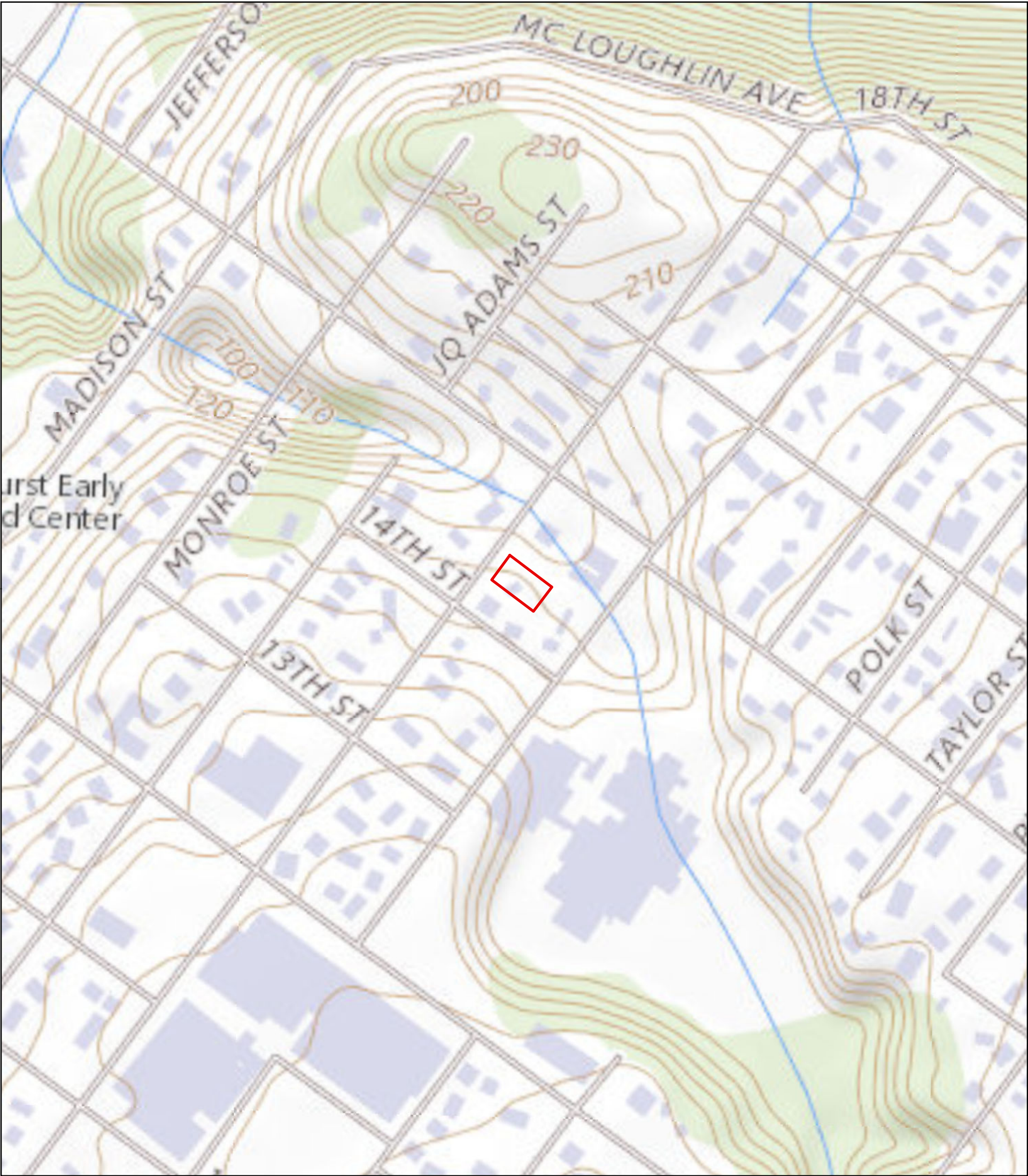
Figure 1:

Overview  
Map

5/5/2023

1404 Jackson Street  
Jane Littlefield  
NROD Verification

Oregon City, Clackamas County, Oregon



Legend

 Study Area

Notes:

- 1. Topographic basemap provided by USGS The National Map, 2023.
- 2. Native size of map layout is 11"x17".



1:2,500



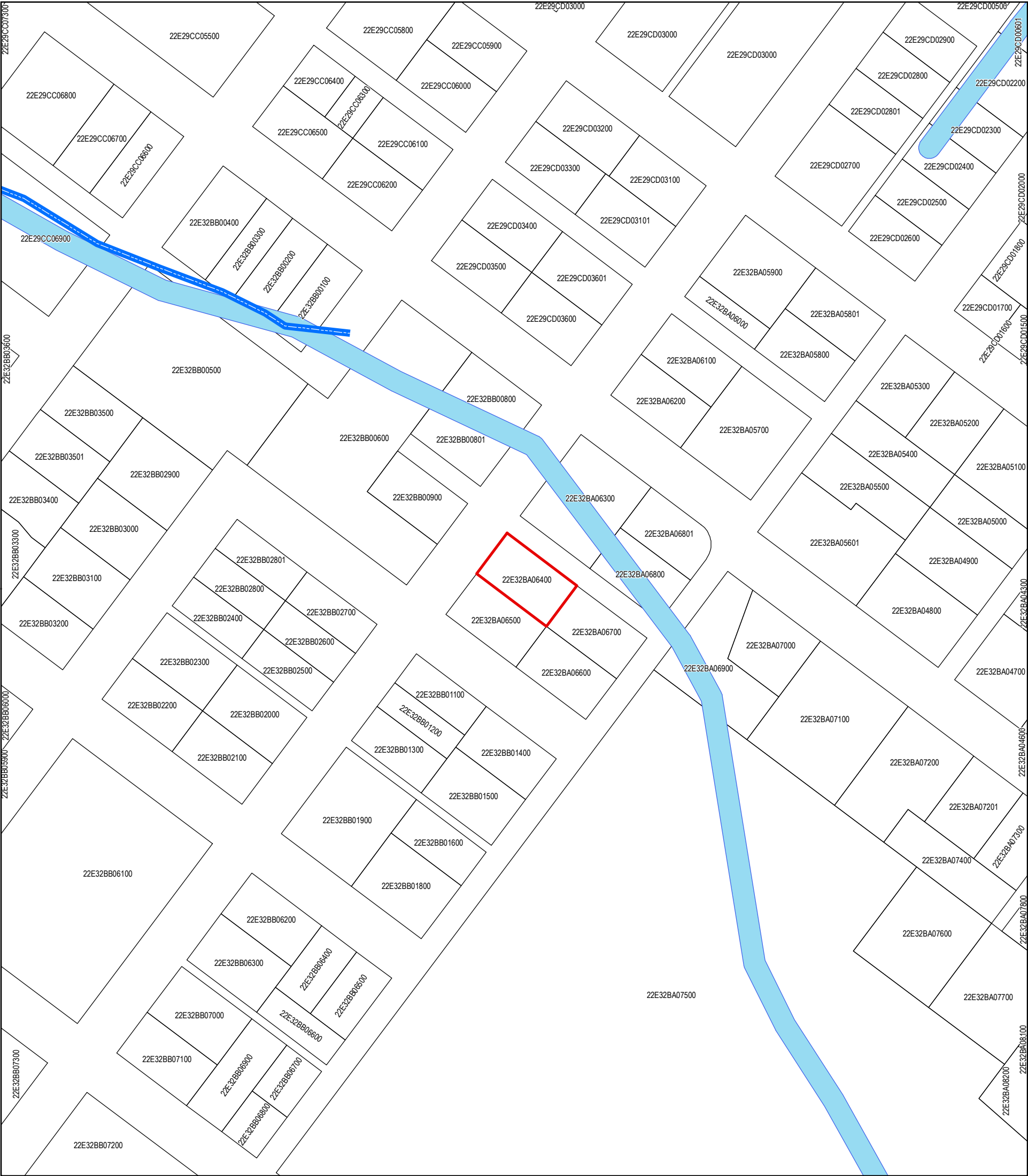
Figure 2:

NWI &  
LWI  
Map

5/5/2023

# 1404 Jackson Street Jane Littlefield NROD Verification

Oregon City, Clackamas County, Oregon



0 137.5 275 550 Feet

## Legend

- Tax Lots
- Study Area
- NWI
- LWI Stream

### Notes:

- NWI data courtesy USFWS, 2023.
- LWI data courtesy Shapiro and Associates, 1999.
- Tax Lot boundaries provided by Metro RLIS assumed accurate to within 1-meter.
- Native size of map layout is 11"x17".



1:1,500



Figure 3:

# 1404 Jackson Street Jane Littlefield NRD Verification

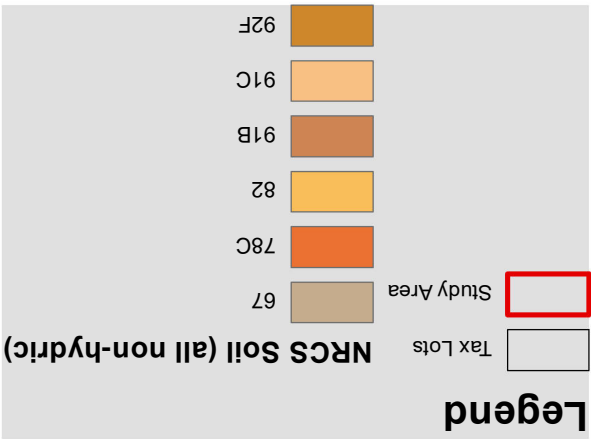
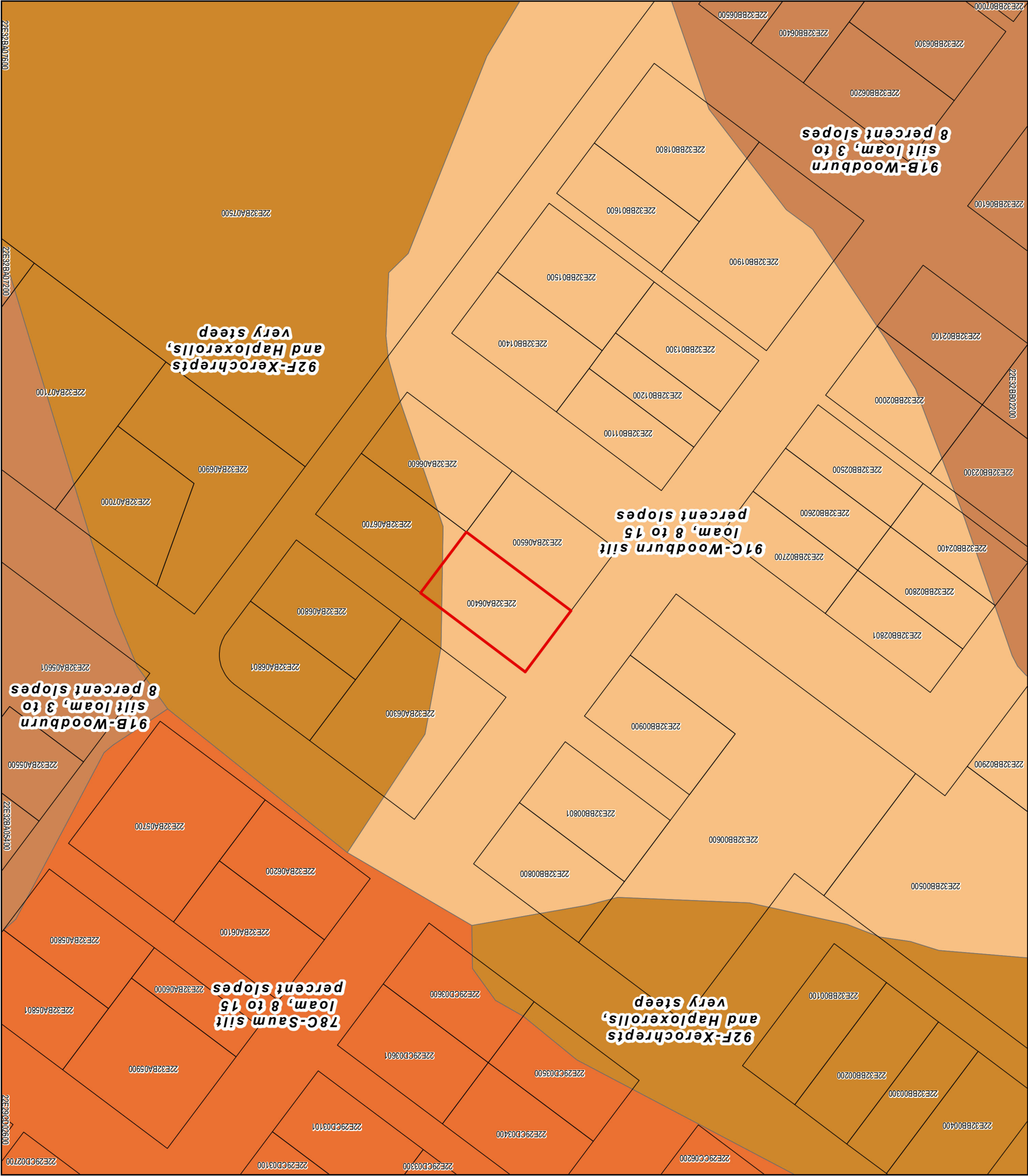
Oregon City, Clackamas County, Oregon

5/5/2023

Map

Soil

NRCS



Notes:

- 1. Soils data courtesy NRCS SSURGO database, 2023.
- 2. Tax Lot boundaries provided by Metro RLIS assumed accurate to within 1-meter.
- 3. Native size of map layout is 11"x17".

1:1,000





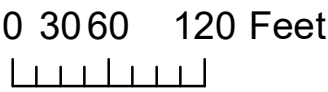
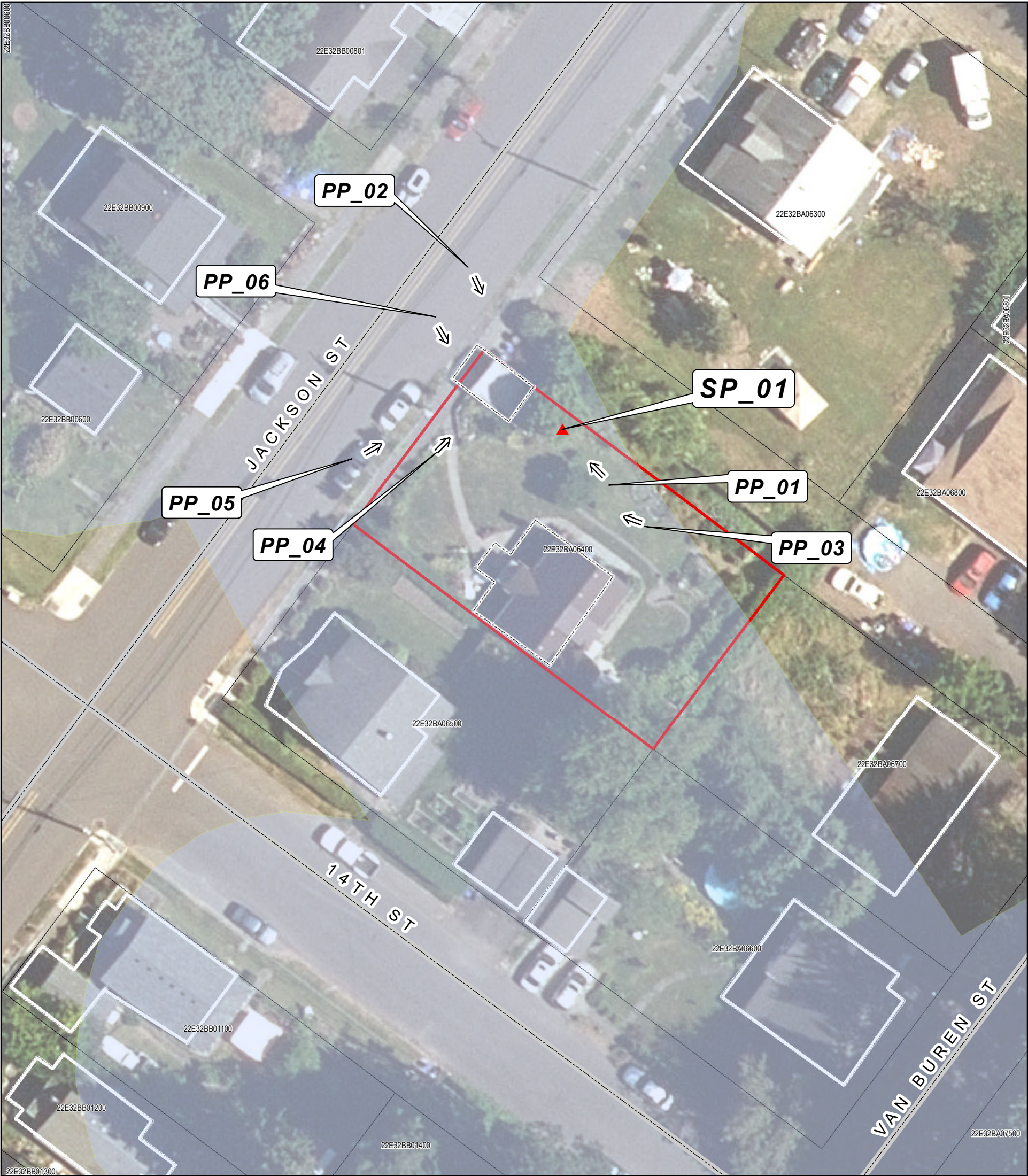
Figure 4:

Site  
Detail  
Map

5/5/2023

1404 Jackson Street  
Jane Littlefield  
NROD Verification

Oregon City, Clackamas County, Oregon



**Legend**

- Tax Lots
- Study Area
- NROD Boundary
- Building Footprint Database

**Sample Plot**

- Upland
- PhotoPoint

**Notes:**

- Sample plot and photo points were collected with a resource grade GPS and have an horizontal accuracy of 0.5 meter or less.
- Tax Lot boundaries provided by Metro RLIS assumed accurate to within 1-meter.
- Aerial imagery courtesy Metro, 2020.
- NROD boundary courtesy OCWebMaps, 2023.
- Building footprints courtesy Metro, 2023.
- Native size of map layout is 11"x17".

**North Arrow**

**1:1,000,000**



## Appendix B: Wetland Delineation Data Form and Photo Points

1404 Jackson Street

NROD Verification





## WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Item #1.

Project/Site: 1404 Jackson St City/County: Oregon City Sampling Date: 27-Apr-23

Applicant/Owner: Jane Littlefield State: OR Sampling Point: SP\_01

Investigator(s): Joe Bettis Section, Township, Range: S 32 T 2 S R 2 E

Landform (hillslope, terrace, etc.): Hillside (graded terrace) Local relief (concave, convex, none): undulating Slope: 7.0 % / 4.0 °

Subregion (LRR): MLRA 2 Lat.: 45.359067 Long.: -122.594266 Datum: NAD 1983

Soil Map Unit Name: Woodburn silt loam, 8 to 15 percent slopes NWI classification:

Are climatic/hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐ , Soil ☐ , or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

## Summary of Findings - Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	
Remarks: Area maintained as lawn and garden.	

## VEGETATION - Use scientific names of plants.

Tree Stratum (Plot size: 10 m )	Absolute % Cover	Dominant Species? Rel.Strat. Cover	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That are OBL, FACW, or FAC: 1 (A) Total Number of Dominant Species Across All Strata: 4 (B) Percent of dominant Species That Are OBL, FACW, or FAC: 25.0% (A/B)
1. _____	0	<input type="checkbox"/> 0.0%		
2. _____	0	<input type="checkbox"/> 0.0%		
3. _____	0	<input type="checkbox"/> 0.0%		
4. _____	0	<input type="checkbox"/> 0.0%		
= Total Cover 0				<b>Prevalence Index worksheet:</b> Total % Cover of: Multiply by: OBL species 0 x 1 = 0 FACW species 0 x 2 = 0 FAC species 85 x 3 = 255 FACU species 0 x 4 = 0 UPL species 50 x 5 = 250 Column Totals: 135 (A) 505 (B) Prevalence Index = B/A = 3.741
<b>Sapling/Shrub Stratum (Plot size: 5 m )</b>				
1. Camellia japonica	25	<input checked="" type="checkbox"/> 50.0%	UPL	
2. Syringa vulgaris	15	<input checked="" type="checkbox"/> 30.0%	UPL	
3. Malus pumila	10	<input checked="" type="checkbox"/> 20.0%	UPL	
4. _____	0	<input type="checkbox"/> 0.0%		
5. _____	0	<input type="checkbox"/> 0.0%		
= Total Cover 50				
<b>Herb Stratum (Plot size: 1 m )</b>				
1. Agrostis capillaris	85	<input checked="" type="checkbox"/> 100.0%	FAC	
2. _____	0	<input type="checkbox"/> 0.0%		
3. _____	0	<input type="checkbox"/> 0.0%		
4. _____	0	<input type="checkbox"/> 0.0%		
5. _____	0	<input type="checkbox"/> 0.0%		
6. _____	0	<input type="checkbox"/> 0.0%		
7. _____	0	<input type="checkbox"/> 0.0%		
8. _____	0	<input type="checkbox"/> 0.0%		
9. _____	0	<input type="checkbox"/> 0.0%		
10. _____	0	<input type="checkbox"/> 0.0%		
11. _____	0	<input type="checkbox"/> 0.0%		
= Total Cover 85				<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrologic Vegetation <input type="checkbox"/> 2 - Dominance Test is > 50% <input type="checkbox"/> 3 - Prevalence Index is ≤ 3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> 5 - Wetland Non-Vascular Plants <sup>1</sup> <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
<b>Woody Vine Stratum (Plot size: )</b>				
1. _____	0	<input type="checkbox"/> 0.0%		
2. _____	0	<input type="checkbox"/> 0.0%		
= Total Cover 0				
% Bare Ground in Herb Stratum: 15				<b>Hydrophytic Vegetation Present?</b> Yes <input type="radio"/> No <input checked="" type="radio"/>

Remarks:  
Bare ground in herb layer=bryophytes and thatch. UPL (upland) status assigned by observer (not in wetland plant list).

\*Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.



Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Redox Features				Texture	Remarks
	Matrix	Color (moist)	%	Type <sup>1</sup>		
0-3		10YR 3/2	100		Silt Loam	many fine roots
3-9		10YR 4/3	100		Silt Loam	lower limit of herb roots
9-20		10YR 5/3	100		Silt Loam	woody plant roots

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains    <sup>2</sup>Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Muck Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) (except in MLRA 1)
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox depressions (F8)

Indicators for Problematic Hydric Soils<sup>3</sup>:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: \_\_\_\_\_  
Depth (inches): \_\_\_\_\_

Hydric Soil Present?    Yes    No    ☒

Remarks:

No hydric signatures

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7) (includes capillary fringe)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres on Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stressed Plants (D1) (LRR A)
- ☐ Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- ☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- ☐ Drainage Patterns (B10)
- ☐ Dry Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-neutral Test (D5)
- ☐ Raised Ant Mounds (D6) (LRR A)
- ☐ Frost Heave Hummocks (D7)

Field Observations:

Surface Water Present?

Yes    No    ☒

Depth (inches):

Water Table Present?

Yes    No    ☒

Depth (inches):

Saturation Present?  
(includes capillary fringe)

Yes    No    ☒

Depth (inches):

Wetland Hydrology Present?    Yes    No    ☒

Describe Recorded Data (stream gauge, monitor well, aerial photos, previous inspections), if available:

Remarks:

dry to bottom of well at 20"



Plot ID:

**SP\_01**

Photo Path: D:\MyDocuments\Projects\Littlefield\_1404\_Jackson\_NROD\

Item #1.



Photo File: **IMG\_5712.JPG**

Orientation:

Northwest -facing

Lat/Long or UTM: Long/Easting: **-122.594266**

Lat/Northing: **45.359067**

Description: PP\_01



Photo File: **IMG\_5714.JPG**

Orientation:

Southeast -facing

Lat/Long or UTM: Long/Easting: **0**

Lat/Northing: **0**

Description: PP\_02





## LAND USE APPLICATION TRANSMITTAL – RESPONSE FORM

 Date: Aug 22, 2023

 Land Use Application File Number: GLUA-23-00022 / VAR-23-00005 / NROD-23-00034

 NAME: James Sayers- Building Offi

 AGENCY: City of Oregon City

 EMAIL ADDRESS: jsayers@orcitey.org

The land use application material is referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return a copy of this form to facilitate the processing of this application and to ensure prompt consideration of your recommendations.

**Please check the appropriate spaces below.**

<input type="checkbox"/>	The proposal does not conflict with our interests.
<input type="checkbox"/>	The proposal conflicts with our interests for the reasons attached. (Please attach additional information)
<input checked="" type="checkbox"/>	The proposal would not conflict our interests if the changes noted below or attached are addressed.

Please add any specific comments below or attach a separate document with more information.  
 This structure is proposed to be constructed less than 3' from the property line. The wall adjacent to the alley will be required, per ORSC Table R302.1, to be constructed of 1- Hour Fire-Resistive construction with exposure from both sides. This includes the underside of the eaves. Openings (doors and windows) are not allowed in this wall. Projections (eaves) are allowed if less than 4".

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



# Oregon City GIS Map

Item #1.



## Legend

Street Names

Taxlots

Unimproved ROW

City Limits

UGB

Basemap

## Notes

## Overview Map



0 200 400 Feet

1: 2,400



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

Map created 8/15/2023

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



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# CITY OF OREGON CITY

## Staff Report

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

**To:** Planning Commission  
**From:** Administrative Assistant Kay Neumann

**Agenda Date:** 09/11/2023

### **SUBJECT:**

Planning Commission Minutes Approval

### **STAFF RECOMMENDATION:**

Staff recommends Planning Commission approve the meeting minutes listed below and attached for your review.

### **BACKGROUND:**

Please find multiple meeting minutes attached for review to be approved at the next meeting.

The City Recorder's office conducted an audit of all minutes for the City's public meetings and found there were a large number of minutes that were not drafted, were drafted but not approved, or were posted on-line and not approved. The City Recorder used the audit to create a tracking log of the disposition of each meeting. Based on this information staff will include minutes from previous meetings on each agenda until all drafted minutes are approved.

Minutes in this packet include:

1. 10/13/2014
2. 10/27/2014
3. 4/12/2021
4. 7/12/2021
5. 7/26/2021
6. 8/9/2021
7. 9/27/2021
8. 10/11/2021
9. 2/28/2022
10. 4/25/2022
11. 4/25/2022 WS
12. 5/23/2022
13. 5/23/2022 WS



NOTE: These can all be approved as a single motion and do not need to be approved individually. There will be additional sessions with multiple meeting minutes. The City is in the process of devising a plan to fill in the many meetings where minutes have not yet been transcribed.





# City of Oregon City

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

Item #2.

## Meeting Minutes - Draft Planning Commission

Monday, October 13, 2014

7:00 PM

Commission Chambers

### Revised Agenda

#### 1. Call to Order

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

**Present:** 6 - Zachary Henkin, Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

**Absent:** 1 - Paul Espe

**Staffers:** 3 - Tony Konkol, Christina Robertson-Gardiner and Laura Terway

#### 2. Approval of the Minutes

- 2a. [14-557](#) Approval of Planning Commission Minutes for May 12, 2014.

**A motion was made by Commissioner Mabee, seconded by Commissioner McGriff, to approve the minutes for May 12, 2014. The motion carried by the following vote:**

**Aye:** 5 - Zachary Henkin, Damon Mabee, Denyse McGriff, Charles Kidwell and Robert Mahoney

#### 3. Public Comments on Non-Agenda Items

*There were no public comments on non-agenda items.*

#### 4. Public Hearing

- 4a. [PC 14-117](#) CU 13-03: Conditional Use and SP 13-22 Site Plan and Design Review for a wireless communication pole on the McLoughlin Elementary School property, located at 19230 South End Road
- Chair Kidwell opened the public hearing and read the hearing script. He asked if the Commission had any conflicts of interest, ex parte contacts, bias, or statements to declare including a visit to the site since the last hearing on this matter.*
- Commissioner McGriff had three contacts through people walking up to her at the store while she was shopping to give her their opinion. She politely thanked them and informed them that the item was going to be continued.*
- Commissioner Henkin said this was one of the schools he was considering sending his child to next year.*



*Commissioner Geil arrived at 7:07 PM.*

*Commissioner McGriff reiterated she was an AT&T wireless customer, but was not bias because she did not live in this area and was not affected by it.*

*Tony Konkol, Community Development Director, entered five emails into the record. The applicant requested a continuance until November 10, 2014.*

*Tom O'Brien, resident of Oregon City, said this item had generated a lot of activity from the neighborhood. The School Board had not let the neighborhood know about it, and when they did find out they invited the AT&T representative to a neighborhood meeting. After listening to all the information, the neighborhood voted on how many wanted the tower at the school and the majority were against it. They did not think this was the proper place to put the tower. This was an elementary school and there were safety concerns. A nearby neighbor had volunteered to put the tower on her property instead of on the school property, but AT&T said they had too much money invested in the engineering and other processes at the school and they were not going to change their mind unless the application was denied by the City. The School District would like to have better coverage, but he did not know if putting a tower on the school grounds would achieve the results the School District was hoping for as the antennas projected out not down. AT&T told the neighborhood the branches of the tower would be built out of fiberglass, which required maintenance on a regular basis and pieces of it would most likely fall off and the pieces were heavy. The total tower weight was 10,000 pounds.*

*Jim Peitz, resident of Oregon City, lived nearby the school and was an AT&T customer. He experienced extremely bad service, but was in opposition to the location of this tower. This had not been a transparent operation and the neighborhood needed to be given a voice. There was an alternative site which would not involve the safety of children, but AT&T would not consider it until this application was denied. He asked that the Commission give AT&T the opportunity to look at that site and deny this application.*

*Peggy Falkenstein, resident of Oregon City, discussed how the children came and went to school and the activities happening on the school grounds. She questioned why they would compromise any space that offered such community livability. Should they allow the cell tower noise pollution to drown out the sounds of birds and children at play? She did not think the tower would add value to the community use and livability. She thought they should find a site on private property.*

*Dennis Gallagher, resident of Oregon City, stated the agreement between the School District and AT&T was negotiated and signed by representatives of the school without formerly being discussed with the School Board. The parents of the students at the school were never officially informed or asked for input prior to the agreement. This application should never have reached the Planning Commission before going out to the larger community. The school grounds were a significant community gathering place and the tower would affect hundreds of people. He suggested the Commission consider the livability for all those who used the school grounds and deny the application.*

*John Falkenstein, resident of Oregon City, was opposed to a cell tower on the school grounds because the property was owned by the community and used by all ages seven days a week. He was also concerned about safety. He did not think the cell tower fit the purpose of why the school was purchased and maintained. There was an agreement between the City and School District that the school would also be used for recreational purposes as well as a school, and as the South End area grew*



*open spaces became more essential to the quality of life. If a cell tower was put in, they would be losing an important part of the open space. If the cell tower was put in it would create a blind spot that made supervision of children difficult as people could hide behind fencing. A cell tower would take away livability in this area.*

*Kathy Hogan, resident of Oregon City, lived in the area. She said the School District had said that safety was their first concern, but she thought if that was the case they would never put a cell tower on school grounds. If they used the neighbor's property, the cell tower could be placed higher than the school property which would allow service to reach more people.*

*Paul Edgar, resident of Oregon City, had talked to a lot of the parents in Canemah and the parents agreed this was not an appropriate site. He did not think the cell tower would add value to the neighborhood or to the children. This would be an attractive nuisance and had the potential for safety issues.*

**A motion was made by Commissioner Geil, seconded by Commissioner McGriff, to continue the hearing for CU 13-03: Conditional Use and SP 13-22 Site Plan and Design Review for a wireless communication pole on the McLoughlin Elementary School property to November 10, 2014. The motion carried by the following vote:**

**Aye:** 6 - Zachary Henkin, Damon Mabee, Denyse McGriff, Charles Kidwell, Tom Geil and Robert Mahoney

## 5. Communications

### 5a. Natural Resource Committee Presentation - Bryon Boyce

*Bryon Boyce, Natural Resource Committee Chair, listed the accomplishments of the NRC in the last year. The NRC wanted to work with the Planning Commission and give input on applications that involved natural resources.*

*Commissioner McGriff thought there should be more work to educate people on the removal of invasive species and noxious weeds at Clackamette Park and removal of Trees of Heaven in the City. She thought a flyer could be included in the water bills. She also wanted to look at the policy for allowing removal of street trees and the option of paying not to put them back in.*

*Mr. Boyce said for the Willamette Falls Legacy Project site, the NRC recommended that native plants be saved in the appropriate locations that did not need to be built on. This was the same approach Metro was taking.*

*The Planning Commission requested Mr. Boyce write a bullet point list of the information he had given the Commission that night.*

## 6. Work Session

### [PC 14-118](#)

#### L 14-01: Sign Code Update

*Laura Terway, Planner, presented information on the Sign Code. She discussed the project goal and public involvement process. The final version would be coming to the Planning Commission on October 27 for approval. She then reviewed the May 12, 2014, draft code, gave examples of the signs allowed in different zones, and discussed signs in the right-of-way, public murals, and prohibited signs. She listed*



*the issues previously identified by the Planning Commission. One was the number of signs in the right-of-way in non-residential areas. The draft code said there could be one sign per frontage, however there could be one for every 50 feet of frontage or allow one per business entrance downtown.*

*There was discussion regarding making different regulations for different zones especially downtown, allowing one sign per property owner, and that clutter was the main issue needing to be resolved.*

*There was consensus to keep it at one sign per property tax lot with the consideration that if there was not more than five feet on the sidewalk there would be no room for a sign.*

*Another issue was the relationship of where the sign was located in relation to where the business was located. The draft code said the sign had to be directly in front of the business. They would not be allowed to put it down the street in front of someone else's property. The rule only applied to those who had a business license with an address associated with it, not for political signs.*

*There was consensus that the property owner could grant permission for the sign even if the business was not directly in front of the property. They would need the abutting property owner's signature only.*

*Another issue was where the A-frame sign was located in the right-of-way. The draft code said it had to be within six inches of the curb. There was discussion regarding locating the signs adjacent to the buildings.*

*There was consensus to keep it within six inches of the curb.*

*The next issue was non-conforming signs. The draft code said all signs that were legally constructed could stay until they were removed by the owner. If it was moved or altered, it would have to comply with the code or if it was damaged more than 50% of the value it would have to comply with the code.*

*There was consensus to leave the Code language as it was, but there was concern about enforcement of this part of the Code. Staff reminded the Commission that the enforcement of the Sign Code would be decided by the City Commission.*

*Another issue was did they want the City to verify if there was a business license when someone submitted a sign permit application. The code said for signs in the right-of-way to verify there was a business license, but not for those on private property.*

*There was consensus that the property owner had the right to put up the sign, and a business license was not a part of it. There was no need for business license verification.*

*The next issue was allowing free standing signs for home occupations. The draft code did allow free standing signs on residential properties.*

*There was discussion regarding whether or not to allow permanent free standing signs in residential zones. There was consensus in favor of changing the language to allow temporary signs in residential, but not allowing permanent signs. There could be a sign on the wall of the house, but permanent free standing would not be allowed.*



*The next issue was were free standing signs allowed as conditional uses in residential zones. There was consensus to allow them on a case by case basis, such as for schools and churches.*

*Ms. Terway discussed the minor edits that would be made to the draft Code. The next public hearing on the Sign Code would be October 27, 2014.*

*There was discussion regarding murals and whether or not they could exclude advertisements and only allow images with no words. Staff would bring back mural standards to the next hearing.*

*Jonathan Stone, representing Main Street Oregon City, discussed how downtown wanted to put overstreet banners up. Downtown was the civic center and they wanted to message the events that were happening. He was concerned about limiting A-frames to a property owner decision as he did not think it was equal for all the businesses. He suggested adding placement requirements for the A-frames or allowing one per business, one per entrance, or one per 50 feet. It would still limit the number of A-frames. Allowing property owners to decide was not consistent with the number of businesses that were there and downtown was different than a Safeway shopping center. He suggested for home occupations, to have a day where all signs were taken down for a day and that way there could not be a concrete construction.*

*Tom O'Brien, resident of Oregon City, said if it was a good sign it would benefit the business, but a negative sign would harm the business. Blade signs on buildings showed they intended to be in business for a while, but a sign on the street seemed more temporary. They needed to educate merchants on how to better project their image. They also needed to put A-frames and street furniture in places where people could navigate the sidewalks. Most at home businesses did not generate business through signs, but through other advertising.*

## **7. Adjournment**

*Chair Kidwell adjourned the meeting at 9:36 PM.*





# City of Oregon City

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

Item #2.

## Meeting Minutes - Draft Planning Commission

Monday, October 27, 2014

7:00 PM

Commission Chambers

### 1. Call to Order

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

**Present:** 5 - Paul Espe, Damon Mabee, Denyse McGriff, Charles Kidwell and Tom Geil

**Absent:** 2 - Zachary Henkin and Robert Mahoney

**Staffers:** 2 - Tony Konkol and Laura Terway

### 2. Public Hearing

#### 2a. [PC 14-127](#) Oregon City Sign Code Update (Planning File: L 14-01)

*Chair Kidwell opened the public hearing.*

*Laura Terway, Planner, presented the staff report. She discussed the project goal, public input process, and changes from the May 12th draft Code. The changes included minor edits and organizational changes, freestanding signs were not allowed in residential zones, projecting signs were allowed in residential zones and for conditional uses, banners on street light poles were allowed, there would be no compensation for public murals, A-frame signs in non-residential zoned right-of-way could be displayed from 9 am to 10 pm, and signs may be changed three times a day. She summarized examples of the Code in different zones, signs in the right-of-way, public murals, and prohibited signs. She entered her presentation and public comments received since the last hearing into the record. Staff recommended approval of the draft Sign Code.*

*Commissioner McGriff suggested for the Arts Commission that was to be formed to have someone who was not an artist on the committee as well. Tony Konkol, Community Development Director, said the Code stated there would be two at-large members.*

*There was discussion regarding the murals list and regulations. Staff had looked into prohibiting advertisements in the mural regulations, and did not see a way in which they could legally look at the content of the mural. They could regulate the size and say there was no compensation. There was further discussion regarding being content neutral and not being able to regulate advertisement or text.*

*Commissioner McGriff suggested calling them "public art murals" instead of "public murals".*

*Commissioner Geil did not think A-frames should be limited to one per property frontage, especially downtown where there were several businesses on one block and they could not put signs on the building due to the awnings. It limited the small businesses to let people know that they were open. He thought the businesses on*



*Main Street needed the A-frame signs.*

*Commissioner McGriff thought there were other ways to show a business was open. Commissioner Espe said too many signs would make it difficult for pedestrians to navigate the sidewalk, especially those in wheelchairs. Chair Kidwell thought there were other sign options besides A-frames that could be used. He did not think A-frames were good for vehicular traffic as people driving by did not have time to read them. They were only good for pedestrian traffic. Commissioner Mabey thought there would be too many signs if every business was allowed a sign. There was continued discussion regarding how many signs would be allowed per property frontage downtown, most which would be five or six per block.*

*Chair Kidwell thought it would be easier to understand and enforce if it was one sign per property frontage. There were other sign types available other than A-frames and businesses could negotiate with their property owners for placement of other signs.*

*Jonathan Stone, Executive Director of Downtown Oregon City, said regarding A-frames most buildings downtown would not be impacted by the one per property frontage but several would be impacted. The tax lots were delineated differently between 7th and 8th in terms of tax lot dimensions, and they would be restricted differently than other businesses in the district. He did not think there would be sign clutter if they changed the measurement to primary business entrance.*

*Daryl Wynan, Governmental Affairs Specialist with Portland Metropolitan Association of Realtors, appreciated the ancillary signs and use of A-frames on private property. He asked that A-frame signs be allowed in the public right-of-way in residential zones for a short period of time for open houses. The Code said they would have to get a permit for those types of signs in the right-of-way, but he preferred not getting a permit as the sign was only there for a short amount of time and sometimes there was no other place to put the sign.*

*Ms. Terway clarified the permit would be site specific, and they could not get a permit and move the sign around to different sites.*

*Mr. Wynan said the open house was for a limited amount of time and for a duration that they would establish, such as 10 am to 3 pm.*

*Ms. Terway said for signs in residential zoning designations, signs could be displayed Thursday, Friday, Saturday, and Sunday between noon and 8 pm and from 6 am to 1 pm on Tuesdays. They could change the language to not require permits in residential zones, but they were still subject to the same Code requirements. For ancillary signs, two were allowed without a permit on residential property. These would be political or for sale signs. A-frames could be placed on private property without a permit, but there would be a fee for signs in the right-of-way.*

*There was discussion regarding allowing temporary signs to not be permitted for the limited hours.*

*Tom O'Brien, resident of Oregon City, thought the sale of homes was very important. He suggested a consideration be given to realtors and thought a floating permit could be established so they did not have to designate where it would be placed. There was a need to have the signs in the right-of-way and it needed to be simple and easy for realtors to do business in the City. There was concern about allowing these signs during limited hours because of garage sale signs going up and never being taken down.*



*Chair Kidwell closed the public hearing.*

*There was consensus that A-frames in the right-of-way in residential zones did not require permits during the restricted hours listed by staff, the property frontage regulations for A-frames in commercial zones would remain, and the name would be changed to "public art mural".*

*Commissioner McGriff asked clarifying questions about the proposed Code.*

*The Commission wanted to have illegal signs either removed or modified to be conforming within a certain timeframe. They recommended to the City Commission that enforcement was implemented along with the Sign Code.*

**A motion was made by Commissioner Mabee, seconded by Commissioner Espe, to recommend to the City Commission approval of the Oregon City Sign Code Update (Planning File: L 14-01) as amended and to strongly recommend the City Commission to fund and implement an enforcement policy in order to make the Sign Code viable. The motion carried by the following vote:**

**Aye:** 4 - Paul Espe, Damon Mabee, Denyse McGriff and Charles Kidwell

**Nay:** 1 - Tom Geil

### **3. Communications**

*Mr. Konkol said AT&T had withdrawn the application for the proposed cell tower at McLoughlin Elementary School. The next Planning Commission meeting would be December 8. Four Planning Commission positions would need to be appointed, and staff would be scheduling interviews.*

*Commissioner McGriff reported on the Willamette Falls Legacy Project meeting with Metro.*

### **4. Adjournment**

*Chair Kidwell adjourned the meeting at 8:48 PM.*





# City of Oregon City

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

## Meeting Minutes - Draft Planning Commission

Monday, April 12, 2021

7:00 PM

Commission Chambers

### 1. Convene Regular Meeting and Roll Call

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

**Present:** 7 - Chair Dirk Schlagenhauer, Commissioner Gregory Stoll, Commissioner Mike Mitchell, Commissioner Daphne Wuest, Commissioner Christopher Staggs, Commissioner Patti Gage, and Commissioner Lisa Novak

**Staffers:** 4 - Community Development Director Laura Terway, City Attorney Bill Kabeiseman, Senior Planner Pete Walter, and Tourism Program Specialist Matthew Weintraub

### 2. Public Comment — None

### 3. Public Hearing

#### **GLUA-21-00008: SP-21-00019 / VAR-21-00001 - Fence Height Variance for McLoughlin Elementary School**

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

*Commissioner Staggs walked by the site, Commissioner Gage had been by the site several times, Commissioners Novak and Mitchell drove by the site, Commissioner Wuest drove and walked by the site, and Chair Schlagenhauer drove by the site.*

*Pete Walter, Senior Planner, presented the staff report. This was a request for a variance to the fence height at McLoughlin Elementary School. He explained the proposal for a new six foot tall ornamental steel fence to provide a secure play area for students. The variance was requested to place a fence taller than 3.5 feet high in the front setback area. He reviewed the variance criteria and recommendation of approval with no conditions.*

*Wes Rogers, Oregon City School District, said this improvement was part of the safety and security upgrades at the school.*

*Mercedes Serra, consultant for the applicant, discussed the site plan, fence variance extent, proposed fencing, and variance criteria.*

*There was discussion regarding the design and location of the fence and compatibility*



*with the new fence and existing chain link fence.*

*Chair Schlagenhauser closed the public hearing.*

**A motion was made by Commissioner Staggs, seconded by Commissioner Novak, to approve GLUA-21-00008: SP 21-00019/VAR-21-0001. The motion carried by the following vote:**

**Aye:** 7 - Chair Dirk Schlagenhauser, Commissioner Mike Mitchell, Commissioner Gregory Stoll, Commissioner Lisa Novak, Commissioner Christopher Staggs, Commissioner Patti Gage, and Commissioner Daphne Wuest

#### 4. General Business

##### OREGON CITY ORIGINAL ART MURAL CODE DISCUSSION

*Laura Terway, Community Development Director, introduced the topic.*

*Matthew Weintraub, Tourism Program Specialist, said the City Commission wanted to explore code amendments to allow art murals on private and public buildings. He discussed the project background, process, feedback overview, and proposed code changes. In lieu of a standing Arts Commission, approval authority would reside with the Planning Commission as the designated governing body.*

*Bill Kabeiseman, City Attorney, said the City Attorney's office had not completed a review of these changes. They were most concerned about content neutrality and the sign code being used as the City's land use system.*

*There was discussion regarding the approval criteria which would not include content, allowing murals in the Institutional zone and on schools, whether or not the Planning Commission needed to review applications since there was not much discretion in the criteria, concerns about the content not being in line with the aesthetic they wanted in the City, how the Arts Commission should be reinstituted as soon as possible and should review the murals rather than the Planning Commission, interest of community organizations to put up murals, murals on conditional or non-conforming uses in residential zones, murals on doors and windows and how that related to the transparency and operational requirements, role of the Planning Commission in this process, zones where murals were allowed, only 2D not 3D murals were allowed, map of the zones that were compatible with murals, and allowing variances for murals in other zones.*

##### APPROVAL OF MINUTES

**A motion was made by Commissioner Mitchell, seconded by Commissioner Gage, to approve the July 27, August 24, and September 28, 2020 minutes. The motion passed by the following vote:**

**Aye:** 6 - Chair Dirk Schlagenhauser, Commissioner Mike Mitchell, Commissioner Gregory Stoll, Commissioner Lisa Novak, Commissioner Christopher Staggs, and Commissioner Patti Gage

**Abstain:** 1 - Commissioner Daphne Wuest

#### 5. Communications

*Ms. Terway reported on the upcoming City Commission Work Session where Commission goals and tree damage from the recent ice storm would be discussed. There was an open City Commission seat. Staff was working on amendments to the annexation code, Compatible Change project, OC2040 community vision, and*



*implementation of HB 2001.*

## **6. Adjournment**

*Chair Schlagenhauser adjourned the meeting at 8:50 PM.*





# CITY OF OREGON CITY

## PLANNING COMMISSION - DRAFT

### MINUTES

Virtual

Monday, July 12, 2021 at 7:00 PM

This meeting will be held online via Zoom; please contact [planning@orccity.org](mailto:planning@orccity.org) for the meeting link. In-person attendance will not be available.

#### CALL TO ORDER

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

**Present:** 6 - Chair Dirk Schlagenhauer, Commissioner Gregory Stoll, Commissioner Mike Mitchell, Commissioner Patti Gage, and Commissioner Daphne Wuest, and Commissioner Christopher Staggs

**Staffers:** 4 - Community Development Director Laura Terway, Assistant Planner Dilia Vassileva, Senior Planner Christina Robertson Gardiner, and City Attorney Carrie Richter

**PUBLIC COMMENT** – None

#### PUBLIC HEARING

1. GLUA-21-00019/CU-21-00002: The Father's Heart Street Ministry Conditional Use Permit for Warming Shelter

*Chair Schlagenhauer opened the public hearing and read the hearing statement. He asked if any Commissioner had ex parte contacts, conflicts of interest, bias, or any other statements to declare. Commissioners Stoll, Mitchell, Wuest, Gage, and Schlagenhauer visited the site.*

*Carrie Richter, City Attorney, explained the Fair Housing Act and Americans with Disabilities Act protections regarding individuals who might seek shelter at Father's Heart.*

*Diliana Vassileva, Assistant Planner, presented the staff report. This was a request for a conditional use to operate a temporary warming shelter at Father's Heart Street Ministry. She discussed the subject site and current facility that was being used as a day shelter. For the past four years, the City had approved an emergency resolution for them to operate as a nighttime warming shelter in the winter months. No alterations to the building were being proposed. She then reviewed the conditional use criteria. Staff requested a continuance to August 9, 2021 in order to re-notice the application. She entered the additional public comments received into the record.*

*Marty Gant, Father's Heart, would delay his comments to the August meeting. They had been operating successfully and cared about the surrounding neighborhood. He explained*



*that if this application was denied, they would continue to request an emergency resolution.*

*Jay Pearce, resident of Oregon City, said the property was not zoned for the Father's Heart use. It had been inappropriate in the beginning and continued to be inappropriate. The neighborhood was opposed to any expansion of services.*

*Richard Kaiser, resident of Oregon City, was a neighbor. He would reserve his comments until the next meeting.*

*Sharon Nicholson, resident of Oregon City, did not think the criteria for a successful completion of the application was met.*

*Clint Nicholson, resident of Oregon City, agreed the application did not meet the criteria.*

*Christine Lefever, resident of Oregon City, explained how the existence of Father's Heart in this location was detrimental to the neighborhood.*

*Mary Stivers, resident of Oregon City, opposed a permanent nighttime shelter at Father's Heart based on the fact that the good neighbor policy had not been actively enforced.*

*Colin Murray read a statement from Allison Famous, resident of Oregon City, who recommended prohibiting growth of Father's Heart at this location.*

*Jessica Murray, resident of Oregon City, said the Father's Heart did not responsibly operate their current day shelter or temporary night shelter and should not expand services. They had not tried to work with the neighbors to address concerns since they moved in in 2012. A warming shelter should be provided in a different location.*

*Tristan Murray, resident of Oregon City, discussed his interactions with the homeless from Father's Heart. He requested that the application be denied.*

*Amanda Alwine, resident of Oregon City, read comments by community members that resided in the McLoughlin neighborhood. Father's Heart had affected livability and adding services would only further the impact. Over 70 residents had signed a petition to deny the application.*

*Heidi McKay, resident of Oregon City, discussed her efforts to create community and increase safety in the neighborhood. Father's Heart had no mental health professionals and did not help people get into transitional housing. It needed to be in a different location.*

*Tyler McKay, resident of Oregon City, said there had been no communication with the neighbors. They needed to be in a different location near services.*

*Dan Kromer, resident of Oregon City, deferred making comments until the August meeting.*

*Teri Poppino, resident of Oregon City, deferred comments to August as well.*



*Pam Kromer, resident of Oregon City, also deferred her testimony to the August meeting.*

*Wendy Marshall, resident of Oregon City, had written the memo for the McLoughlin Neighborhood Association.*

*Robin Keating, Father's Heart, said they were listening to the concerns and would prepare a response on how to better work with the neighborhood.*

*Mr. Gant explained the criteria used for how many people could be accommodated at night.*

**A motion was made by Commissioner Stoll, seconded by Commissioner Mitchell, to continue the hearing for GLUA-21-00019/CU-21-00002: The Father's Heart Street Ministry Conditional Use Permit for a warming shelter to August 9, 2021. The motion carried by the following vote:**

**Aye:** 6 - Chair Dirk Schlagenhauser, Commissioner Mike Mitchell, Commissioner Daphne Wuest, Commissioner Gregory Stoll, Commissioner Christopher Staggs, and Commissioner Patti Gage

2. The North End Master Plan for the Former Rossman Landfill: GLUA 21-000016 (MAS 21-02, CU 21-01, FP 21-03, GEO 21-030)

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

*Commissioner Stoll visited the site. Commissioner Gage drove by the site regularly and had been at the driving range many times in the past. Commissioners Mitchell, Wuest, and Schlagenhauser had driven by the site many times.*

*Christina Robertson-Gardiner, Senior Planner, presented the staff report. This hearing had been continued from the June meeting. She entered items that had been recently received into the record.*

*Ms. Richter said Mr. Edgar raised concerns about the applicant's failure to address the ancillary documents to the Comprehensive Plan. Mr. Boice had raised concerns about the stormwater. Neither of these items warranted a continuance.*

*Ms. Robertson-Gardiner gave options for Commission action tonight. She discussed the purpose of a master plan, overview of the master plan and adjustments to the development standards, outstanding items from the June meeting, and revised conditions of approval.*

*John Replinger, Transportation Engineer, discussed the re-analyzing of key intersections and how the applicant could construct 40% of the total trips without needing transportation mitigation measures. Beyond that, those measures would need to be taken.*



*There were questions regarding the intersection improvements, types of trips, letter from ODOT questioning the annual growth, what was included in the assumptions for the base level of traffic, effect of the application on development of the Jughandle Phase 2, applicant's responsibility to show the transportation system was capable of accommodating the traffic, how most of the intersections had capacity, retaining wall height standard, how these would be privately owned and maintained streets but there would be public access on the sidewalks, and separating tax lots at a future date.*

*Christe White, representing the applicant, addressed the public comments that had been recently submitted. The applicant would meet the City's stormwater guidelines, the End of the Oregon Trail document was not applicable approval criteria, and there would be a shared use path designated across the site which was compliant with the Oregon City Trails Master Plan. The Downtown Community Plan was addressed with the mixed use zoning. She did not think there was need for a continuance.*

*There were questions regarding change to single commercial occupancy percentage, height limits, revisions to the conditions of approval, what was a permitted use and what would come back to be approved by the Planning Commission, and when the pathway would be built.*

**A motion was made by Commissioner Mitchell, seconded by Commissioner Stoll, to continue the meeting until 11:00 p.m. The motion carried by the following vote:**

**Aye:** 6 - Chair Dirk Schlagenhauser, Commissioner Mike Mitchell, Commissioner Daphne Wuest, Commissioner Gregory Stoll, Commissioner Christopher Staggs, and Commissioner Patti Gage

*There were more questions about the all-weather cover for the pathway, parking, public transportation improvements, pedestrian traffic, and projections allowed above building height.*

*There were no public comments.*

*The applicant agreed to extend the 120 day timeline to September 23, 2021.*

*Chair Schlagenhauser closed the public hearing.*

**A motion was made by Commissioner Staggs, seconded by Commissioner Mitchell, to tentatively approve the North End Master Plan for the former Rossman Landfill: GLUA 21-000016 (MAS 21-02, CU 21-01, FP 21-03, GEO 21-030) with the revised conditions. Staff would come back with revised findings for adoption at the next Planning Commission meeting on July 26, 2021. The motion carried by the following vote:**

**Aye:** 6 - Chair Dirk Schlagenhauser, Commissioner Mike Mitchell, Commissioner Gregory Stoll, Commissioner Christopher Staggs, Commissioner Patti Gage, and Commissioner Daphne Wuest



**COMMUNICATIONS**

*Laura Terway, Community Development Director, said in person meetings would begin in August. She thanked Pete Walter, Senior Planner, for his time with the City. The annexation code amendments had been appealed to LUBA.*

**ADJOURNMENT**

*Chair Schlagenhauser adjourned the meeting at 10:20 PM.*





# CITY OF OREGON CITY PLANNING COMMISSION - DRAFT MINUTES

Virtual

Monday, July 26, 2021 at 7:00 PM

This meeting will be held online via Zoom; please contact [planning@orccity.org](mailto:planning@orccity.org) for the meeting link. In-person attendance will not be available.

## CALL TO ORDER

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

**Present:** 6 - Chair Dirk Schlagenhauer, Commissioner Gregory Stoll, Commissioner Mike Mitchell, Commissioner Patti Gage, and Commissioner Daphne Wuest, and Commissioner Christopher Staggs

**Staffers:** 4 - Community Development Director Laura Terway, Senior Planner Christina Robertson Gardiner, and City Attorney Carrie Richter

## PUBLIC COMMENT

*Catherine Pieslewicz, resident of Oregon City, was representing the Barclay Hills Neighborhood Association. They were concerned about the large concentration of R-2, high density residential, within the neighborhood association boundaries. They would like to schedule a work session to review the zoning with the Planning Commission. She referred to the maps that had been submitted along with the letter from the association.*

*Chair Schlagenhauer suggested forwarding these comments to the OC2040 citizen advisory group.*

## PUBLIC HEARING

1. The North End Master Plan for the Former Rossman Landfill: GLUA 21-000016 (MAS 21-02, CU 21-01, FP 21-03, GEO 21-030)

*Chair Schlagehauer said the public record was closed on this item.*

*Carrie Richter, City Attorney, asked if the Commission had any ex parte contacts, conflicts of interest, bias, or any other statements to declare since the last meeting. There was none.*

*Christina Robertson-Gardiner, Senior Planner, said at the last meeting, the Planning Commission closed the record and tentatively approved the application. Staff had returned with a consolidated revised staff report that incorporated the revised conditions of approval and additional findings provided by the applicant. She reviewed the revised conditions and findings.*



*There was discussion regarding the conditions for the retaining wall.*

**A motion was made by Commissioner Stoll, seconded by Commissioner Mitchell, to approve the North End Master Plan for the former Rossman Landfill: GLUA 21-000016 (MAS 21-02, CU 21-01, FP 21-03, GEO 21-030) including the items in the revised staff report. The motion carried by the following vote:**

**Aye:** 6 - Chair Dirk Schlagenhauser, Commissioner Mike Mitchell, Commissioner Gregory Stoll, Commissioner Christopher Staggs, Commissioner Patti Gage, and Commissioner Daphne Wuest

*Commissioner Mitchell suggested the applicant hold an open house for any proposed DDPs for more public engagement.*

## MINUTES

**A motion was made by Commissioner Mitchell, seconded by Commissioner Stoll, to approve the October 26 and November 23, 2020 minutes. The motion carried by the following vote:**

**Aye:** 6 - Chair Dirk Schlagenhauser, Commissioner Mike Mitchell, Commissioner Gregory Stoll, Commissioner Christopher Staggs, Commissioner Patti Gage, and Commissioner Daphne Wuest

## COMMUNICATIONS

*Ms. Robertson-Gardiner said Planning Commission interviews would be held on August 9.*

## ADJOURNMENT

*Chair Schlagenhauser adjourned the meeting at 7:38 PM.*





# CITY OF OREGON CITY PLANNING COMMISSION - DRAFT MINUTES

**Monday, August 9, 2021 at 7:00 PM**

## CALL TO ORDER

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

**Present:** 5 - Chair Dirk Schlagenhauer, Commissioner Mike Mitchell, Commissioner Patti Gage, Commissioner Daphne Wuest, and Commissioner Christopher Staggs

**Absent:** 1 - Commissioner Gregory Stoll

**Staffers:** 3 - Community Development Director Laura Terway, Assistant Planner Dilia Vassileva, and City Attorney Carrie Richter

## PUBLIC COMMENT

*None*

## PUBLIC HEARING

1. GLUA-21-00019/CU-21-00002: The Father's Heart Street Ministry Conditional Use Permit for Warming Shelter

*Chair Schlagenhauer opened the public hearing and read the hearing statement. He asked if any Commissioner had conflicts of interest, ex parte contacts, bias, or any other statements to declare including a visit to the site. Commissioner Wuest was a resident of the McLoughlin neighborhood. Commissioner Mitchell visited the site and noted there were homes close by. Commissioner Gage visited the site and noticed the proximity to the park and homes. Commissioner Staggs knew where the site was and had visited previously. Chair Schlagenhauer visited the site and also noticed the nearby homes.*

*Diliana Vassileva, Assistant Planner, presented the staff report. She described the subject site, applicant's proposal, scope of review, applicable criteria, staff's response to public comments, and additional comments received. Staff recommended approval with conditions.*

*Carrie Richter, City Attorney, explained recent state legislation for shelters through HB 2006. It was a separate process that was not before the Planning Commission. They had to move forward with this application. She explained the narrow scope of the review was on the Conditional Use criteria for a warming shelter only. She described the process if the Planning Commission approved or denied the application.*



*There was discussion regarding the good neighbor agreement and reasons to revoke the Conditional Use.*

*Marty Gant, President of Father's Heart, explained how they served the homeless in the City and the organizations that they partnered with. The warming shelter was needed for at risk individuals when temperatures were cold. They were saving lives and had been operating as a warming shelter since 2009. They worked with other agencies when they reached capacity.*

*There was discussion regarding criteria for guests and rules for the shelter, answering the phones at night if neighbors called, 10 PM curfew, advertising when the shelter would be open, and how Father's Heart had no authority over a client once they left the property.*

*Dan Fowler, resident of West Linn, thought they had met the criteria for a warming shelter and encouraged the Commission to approve the application. Having a shelter was a way to know the homeless and better meet their needs. Churches and non-profits should be allowed to have cooling and warming shelters.*

*Jessica Murray, resident of Oregon City, discussed the impact to the neighborhood. She thought the question about the suitability of the location was part of the criteria.*

*Kevin Dahlgren, resident of Portland, discussed his role as a homeless consultant who worked with Father's Heart. He was in support of the shelter.*

*Mary Robles, resident of Vancouver, WA, told her story of how she was a product of the Father's Heart ministry. She asked that the Commission support the application.*

*Allison Foster, resident of West Linn, discussed the actions of Father's Heart guests outside of the shelter setting. She did not think people were being helped and the neighborhood was suffering. She urged the Commission to deny the application.*

*Richard Keiser, resident of Oregon City, discussed the location of Father's Heart and negative impact to the neighborhood. He did not think they should increase the problem by adding a warming shelter.*

*Clint Nicholson, resident of Oregon City, was in opposition to the application. Management of Father's Heart had not communicated with neighbors. He refuted the applicant's response regarding neighborhood concerns and how the applicant stated some standards did not apply because it was an existing use.*

*Sharon Nicholson, resident of Oregon City, discussed the significant impact of Father's Heart to the neighborhood. This facility was not in the right location and approving a warming shelter would increase the issue.*

*Colin Murray, resident of Oregon City, expressed concerns of the immediate neighbors and the issues they had experienced with the temporary warming shelter.*



*Amy Haw, resident of Oregon City, discussed how her family had been directly affected by the temporary warming shelter. The Police Department was understaffed and Father's Heart was not equipped to provide the services needed. The neighbors had not seen the Good Neighbor Agreement and she was concerned about capacity and Covid mandates.*

*Monica Wright, resident of Oregon City, was concerned about the location and that a permanent warming shelter would alter the character of the surrounding area. Neighborhood complaints had been ignored and behaviors had gone unchecked. She asked for denial of the application.*

*Max White, resident of Oregon City, was concerned about the effects of the permanent warming shelter to the neighborhood. There were many children in the neighborhood and he was also concerned about safety.*

*Amanda Alwine, resident of Oregon City, said there was a neighborhood petition opposing the application. The current location was impacting the neighborhood and downtown. She read comments from neighbors.*

*Jay Pierce, resident of Oregon City, thought the application did not meet the code. There were direct negative impacts to the neighborhood and Father's Heart employees were not trained to deal with the issues, especially with an added warming shelter. He asked that the application be denied.*

*Terri Poppino, resident of Oregon City, gave an example of a homeless person in the neighborhood with no one to help her because Father's Heart was closed. She did not think they were following the Good Neighbor Agreement and the neighborhood had not participated in its creation.*

*Crystal Bassler, resident of Portland, shared the story of how Father's Heart helped change her life. She was now a case manager at Father's Heart and helped others the way she had been helped.*

*Diane Kintz, resident of Clackamas, volunteered at Father's Heart. She thought behaviors were addressed and that Covid had challenged their ability to serve this population. The warming shelter was needed.*

*Ed Reboff, resident of Clackamas, explained how Father's Heart helped him and how he had used their warming shelter in the past. Clients were limited in the amount of time they could be there before it opened and had to leave the area when it closed. It had saved his life.*

*Trevor Deport, resident of Gladstone, had learned from Father's Heart how to run a night shelter. He thought they kept their people under control.*

*Steven Morris, resident of Oregon City, was concerned about Father's Heart expanding services that would increase homeless traffic in the community. There was already impact on the neighborhood and he thought the application should be denied. They had heard*



*nothing about the Good Neighbor Agreement and he thought it should be in place before anything was approved.*

*Shawn Goodlow, resident of Happy Valley, discussed his story of how Father's Heart had helped him. There were no easy answers to solving the homeless problem, but it would not go away.*

*Heidi McKay, resident of Oregon City, discussed the livability and safety in the neighborhood which had continued to go down due to Father's Heart. She did not think this was the right location.*

*Kristina Lugo, resident of Oregon City, thought the City needed to take steps to deal with the homeless issue. The homeless had a right to the opportunity to make their lives better, and Father's Heart gave them that opportunity.*

*Patti Clar, resident of Oregon City, said the conditional use was for the night warming shelter only. This was a humanitarian need and there was no cost to the City for providing this needed emergency service. She proposed that the application fee be waived or reduced in recognition of the service this non-profit provided.*

*John Cantosh, resident of Oregon City, thought the facility needed to be sited in a different location. He suggested the City help Father's Heart with a low rent lease on an appropriate property.*

*Mr. Gant provided rebuttal. They had not intended to cause any neighbors harm. They had applied for this conditional use at the urging of the City Commission and because it was an emergency need. They had rules and a process and they were willing to look at a different location. He was open to community dialogue. They were saving lives and getting people off the streets. They needed to continue with that mission.*

*There was discussion regarding an on-call number when the facility was closed and continuing the hearing for the applicant to meet with the neighbors to work through the Good Neighbor Agreement.*

*Mr. Gant clarified they did not have the capacity to expand the current facility.*

*Chair Schlagenhauer closed the public hearing.*

*Chair Schlagenhauer suggested adding a condition for accountability on the Good Neighbor Agreement.*

*Commissioner Wuest thought there should be quarterly community meetings instead of once per year.*

**A motion was made by Commissioner Mitchell, seconded by Commissioner Staggs to continue the meeting past 10 p.m. The motion carried by the following vote:**

**Aye:** 5 - Chair Dirk Schlagenhauer, Commissioner Mike Mitchell, Commissioner Christopher Staggs, Commissioner Patti Gage, and Commissioner Daphne Wuest



*Commissioner Staggs thought they should clarify the reasons the conditional use could be revoked. He noted the building would have to be used in the proper way according to City code.*

*Commissioner Mitchell said Father's Heart had no control over clients once they left the property. That was where the issues for the neighborhood began. He did not think they could get there with conditions. He did not think the conditional use met the criteria for suitable location and that it substantially limited and impaired the normal use of the surrounding properties.*

*There was further discussion regarding changes to the conditions. There was consensus that a neighborhood meeting would occur prior to the first night of operation of the warming shelter every year and another meeting after the winter season was over every year.*

**A motion was made by Commissioner Staggs, seconded by Commissioner Gage, to recommend approval of GLUA-21-00019/CU-21-00002: The Father's Heart Street Ministry Conditional Use Permit for a Warming Shelter with the amended conditions. The motion carried by the following vote:**

**Aye:** 4 - Chair Dirk Schlagenhauser, Commissioner Christopher Staggs, Commissioner Patti Gage, and Commissioner Daphne Wuest

**Nay:** 1 - Commissioner Mike Mitchell

## MINUTES

**A motion was made by Commissioner Mitchell, seconded by Commissioner Wuest, to approve the May 10, 2021 minutes. The motion carried by the following vote:**

**Aye:** 5 - Chair Dirk Schlagenhauser, Commissioner Mike Mitchell, Commissioner Christopher Staggs, Commissioner Patti Gage, and Commissioner Daphne Wuest

## COMMUNICATIONS

*Commissioner Mitchell suggested when items were continued and an updated staff report was done, that it be noted which items were added or revised.*

## ADJOURNMENT

*Chair Schlagenhauser adjourned the meeting at 10:47 PM.*





# CITY OF OREGON CITY PLANNING COMMISSION - DRAFT MINUTES

**Monday, September 27, 2021 at 7:00 PM**

## CALL TO ORDER

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

**Present:** 4 - Chair Dirk Schlagenhauer, Commissioner Mike Mitchell, Commissioner Gregory Stoll, and Commissioner Christopher Staggs

**Absent:** 2 - Commissioner Patti Gage and Commissioner Daphne Wuest

**Staffers:** 3 - Community Development Director Laura Terway, Planner Kelly Reid, and Assistant City Engineer Josh Wheeler

## PUBLIC COMMENT

*None*

## PUBLIC HEARING

1. LEG-21-00003: Adoption of Park Place Urbanization Study, an amendment to the Transportation System Plan

*Chair Schlagenhauer opened the public hearing and read the hearing statement. He asked if any Commissioner had potential conflicts of interest. There were none.*

*Kelly Reid, Planner, presented the staff report. This was a request to adopt the Park Place Urbanization Plan as part of the Transportation System Plan. She described the process, proposal, what the plan included, approval criteria, and Planning Commission review.*

*Josh Wheeler, Assistant City Engineer, gave a project overview. He discussed gaps in existing sidewalks, pedestrian, bicycle, and vehicular challenges, neighborhood surveys, Roadway Classification Plan, roadway specific cross sections, sidewalk priorities, and next steps/options.*

*There was discussion regarding the survey responses, travel lane width, improvements to Holcomb, sidewalk prioritization, lack of funding for the road improvements, purpose of the plan, and what was a corridor and corridor plan.*

*Linda Smith, resident of Oregon City, discussed the survey responses and how Holcomb was the priority of the neighborhood.*

*Richard Guerrero, resident of Oregon City, agreed Holcomb should be the priority. The linear square footage for the sidewalks didn't make sense.*



*Geneva Butterfield, resident of Oregon City, said her mother did not receive the first survey and had to ask for the second one. The construction would impact her mother's property. Speeding was an issue and the street was very narrow and she questioned being able to put sidewalks and parking on both sides.*

*Ray Lester, resident of Oregon City, did not receive the second survey. He wanted more details on the construction plans as they would impact his property.*

*Chair Schlagenhauer closed the public hearing.*

*Mr. Wheeler explained the future improvements to Holcomb. There was no current funding for the Park Place plan, but there would be more discussions with property owners when it came time for design. He recommended a speed bump application process to deal with the speeding.*

*There was discussion regarding survey response errors in the document, traffic calming options, how parking would not be restricted, need for bike lanes, reason for the plan, weight of the surveys in the decision making, development scenarios, options for Commission action, and continuing the hearing for staff to address concerns.*

**A motion was made by Commissioner Mitchell, seconded by Commissioner Staggs, to continue LEG-21-00003: Adoption of Park Place Urbanization Study, an amendment to the Transportation System Plan to October 11, 2021. The motion carried by the following vote:**

**Aye:** 4 - Chair Dirk Schlagenhauer, Commissioner Christopher Staggs, Commissioner Mike Mitchell, and Commissioner Gregory Stoll

2. CONTINUANCE OF GLUA-21-00029: Serres Farm Planned Unit Development: MAS-21-00003 – Master Plan/Planned Unit Development, MAS-21-00004 – Detailed Development Plan – Phase I, MAS-21-00005 - Detailed Development Plan – Phase II, SUB-21-00001 – Subdivision – 124 lots, & NROD-21-00006 – Natural Resources Overlay District

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

*Commissioner Mitchell said the applicant had built his home and the owner of the company contributed to his campaign when he ran for City Commission.*

*Chair Schlagenhauer had visited the site in the past.*

**A motion was made by Commissioner Stoll, seconded by Commissioner Mitchell, to continue GLUA-21-00029: Serres Farm Planned Unit Development: MAS-21-00003 – Master Plan/Planned Unit Development, MAS-21-00004 – Detailed Development Plan – Phase I, MAS-21-00005 - Detailed Development Plan – Phase**



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**II, SUB-21-00001 – Subdivision – 124 lots, & NROD-21-00006 – Natural Resources Overlay District to October 25, 2021. The motion carried by the following vote:**

**Aye:** 4 - Chair Dirk Schlagenhauser, Commissioner Christopher Staggs, Commissioner Mike Mitchell, and Commissioner Gregory Stoll

## **COMMUNICATIONS**

OC2040 Project Update

*Laura Terway, Community Development Director gave an update on the OC2040 project.*

*There was discussion regarding filling Planning Commission positions.*

## **ADJOURNMENT**

*Chair Schlagenhauser adjourned the meeting at 8:44 PM.*





# CITY OF OREGON CITY PLANNING COMMISSION - DRAFT MINUTES

**Monday, October 11, 2021 at 7:00 PM**

## CALL TO ORDER

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

**Present:** 4 - Chair Dirk Schlagenhauer, Commissioner Mike Mitchell, Commissioner Daphne Wuest, and Commissioner Christopher Staggs

**Absent:** 2 - Commissioner Patti Gage and Commissioner Gregory Stoll

**Staffers:** 3 - Community Development Director Laura Terway, Planner Kelly Reid, and Assistant City Engineer Josh Wheeler

## PUBLIC COMMENT

*None*

## PUBLIC HEARING

1. LEG-21-00003: Adoption of Park Place Urbanization Study, an amendment to the Transportation System Plan

*Chair Schlagenhauer opened the public hearing and read the hearing statement. He asked if any Commissioner had potential conflicts of interest. There were none.*

*Kelly Reid, Planner, said this was a continuance from the last hearing. She briefly reminded the Commission of the purpose of the plan and changes to the plan since the last meeting.*

*Josh Wheeler, Assistant City Engineer, gave more details on the changes that were made and how they responded to the public comments that were received.*

*The Commission reviewed the issues matrix.*

*Commissioner Mitchell pointed out a revision to the chart on page 26.*

*There was clarification about sidewalks proposed on both sides of the street, locations of the flashing beacons, classification of streets, triggers for paying for improvements, and implementing HB 2001.*

*Commissioner Mitchell was still concerned about too much space dedicated to parking and not enough dedicated to bike lanes.*



*Chair Schlagenhauer thought any road with a sharrow should not be over 25 mph.*

*Linda Smith, resident of Oregon City, did not think the surveys from people living outside of this area should be included in the survey results. She requested a safety study be done on Holcomb Boulevard immediately. She still did not understand the changes to the linear feet.*

*Geneva Butterfield was speaking on behalf of her mom who was an Oregon City resident. She wondered why the Oregon City View Manor development had not put in sidewalks yet. She requested Cleveland Street be changed to Priority 2 for sidewalks. She agreed with Ms. Smith's comments about the surveys. She did not think the current residents in Park Place should pay for the sidewalks.*

*Mr. Wheeler said the View Manor development was done many years ago under different criteria. If redeveloped, they would have to comply with today's code. Regarding the priority of streets, they were trying to get the biggest bang for the buck and if the funding became available, the City would work with property owners. Property owners were not expected to do the improvements unless they chose to develop the property. He explained people who owned property but did not live in the area also received postcards. He knew Holcomb was a concern and there were alternate routes planned in the future for emergency evacuation. The City Commission planned to look at the prioritization of the Transportation System Plan projects for possible re-prioritization.*

*Chair Schlagenhauer closed the public hearing.*

*Commissioner Mitchell was not in favor of the application due to the absence of dedicated bike lanes.*

*Commissioner Wuest was in favor of moving forward with the application with the revised changes.*

*Commissioner Staggs shared the interest in more pedestrian/bicycle friendly streets, but thought they should recommend approval with comments that the Planning Commission would like to see more pedestrian/bicycle friendly neighborhoods.*

*Chair Schlagenhauer agreed to recommend approval with the Commission's concerns.*

**A motion was made by Commissioner Staggs, seconded by Commissioner Mitchell, to recommend the City Commission approve LEG-21-00003: Adoption of Park Place Urbanization Study, an amendment to the Transportation System Plan with the added conditions for more bike lanes in general in the neighborhood and to give more weight to traffic calming measures in the neighborhood. The motion carried by the following vote:**

**Aye:** 4 - Chair Dirk Schlagenhauer, Commissioner Christopher Staggs, Commissioner Mike Mitchell, and Commissioner Daphne Wuest

## COMMUNICATIONS



*Laura Terway, Community Development Director, said they were recruiting for a Planning Manager. She gave an update on the OC2040 project. She then discussed the upcoming meeting schedule.*

**ADJOURNMENT**

*Chair Schlagenhauser adjourned the meeting at 8:35 PM.*





# CITY OF OREGON CITY PLANNING COMMISSION - DRAFT MINUTES

Monday, February 28, 2022 at 7:00 PM

## CALL TO ORDER

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

**Present:** 7 - Chair Dirk Schlagenhauser, Commissioner Daphne Wuest, Commissioner Patti Gage, Commissioner Mike Mitchell, Commissioner Christopher Staggs, Commissioner Gregory Stoll, and Commissioner Bob La Salle

**Staffers:** 2 - Community Development Director Aquila Hurd-Ravich and Senior Planner Christina Robertson-Gardiner

## PUBLIC COMMENT

*None*

## PUBLIC HEARING

*None*

## COMMUNICATIONS

### **OC2040 Comprehensive Plan Update – Input on Draft Goals and Policies**

*Aquila Hurd-Ravich, Community Development Director, discussed Comprehensive Plan streamlining, understanding equity in the context of planning, and Comp Plan application during land use reviews. She reviewed the draft goals and policies with the Commission along with Sarah Breakstone from OTAK.*

*The Commission made suggestions for changes to the goals and policies.*

### **Oregon City Economic Development Strategic Plan (Executive Summary)**

*This item was not discussed.*

### **Middle Housing Code Update- Next Steps**

*Christina Robertson-Gardiner, Senior Planner, gave an overview of HB 2001, middle housing types, what was included in the legislative package, example policy questions, next steps, and other tools to help with middle housing. The code would be discussed further at the March 14 Planning Commission Work Session.*



**ADJOURNMENT**

*Chair Schlagenhauser adjourned the meeting at 9:52 PM.*





# CITY OF OREGON CITY PLANNING COMMISSION DRAFT MINUTES

**Monday, April 25, 2022 at 7:00 PM**

## CALL TO ORDER

*Chair Schlagenhauer called the meeting to order at 7:08 PM.*

**Present:** 5 - Chair Dirk Schlagenhauer, Commissioner Patti Gage, Commissioner Mike Mitchell, Commissioner Christopher Staggs, and Commissioner Bob La Salle

**Absent:** 2 - Commissioner Daphne Wuest and Commissioner Gregory Stoll

**Staffers:** 3 - Community Development Director Aquila Hurd-Ravich, Senior Planner Christina Robertson-Gardiner, and City Attorney Carrie Richter

## PUBLIC COMMENT

*None*

## PUBLIC HEARING

1. CONTINUANCE OF GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.

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

*Commissioner La Salle had ex parte contacts due to being the land use chair of the Park Place Neighborhood Association and presenting the Association's opinions and desires to both the Planning and City Commissions on several occasions. He had also discussed the development on several occasions during conversations with members of the community and had been involved with the development since its first application for annexation. He thought he could maintain a neutral position on the matter before them.*

*Commissioner Mitchell said members of the neighborhood had spoken to him in the past, but nothing specifically about this application. He visited the site and surrounding subdivisions. The applicant, ICON Construction, had built his home 15 years ago and when he ran for City Commission they contributed to his campaign.*

*Commissioner Gage had been to nearby subdivisions, but not on the property itself.*



*Chair Schlagenhauer had attended the Beavercreek hamlet board meeting where this development was discussed. He left as soon as he realized what they were talking about. He had seen photos of the site.*

*Jed Peterson, resident of Oregon City, thought Commissioner Mitchell should be recused given his connection to ICON. He asked how much was donated to Commissioner Mitchell's campaign.*

*Commissioner Mitchell thought he could base his decision on the materials submitted in the record and evaluate them against the approval criteria. He did not think there was a conflict of interest. ICON contributed \$1,000 to his campaign.*

*Kelly Reid, Planner, presented the staff report. This was a request for a General Development Plan and a variance. A continuance was needed to incorporate new information from the applicant into the staff report. She discussed the subject site, history of the property, Park Place Concept Plan, zoning, overlay zones, existing conditions, project summary, proposed General Development Plan, General Development Plan process, next hearing, and Planning Commission options.*

*There was discussion regarding a letter from Metro that disputed one of the parcels had not been annexed into the Metro boundary. It was clarified the parcel was in the Urban Growth Boundary.*

*Linda Smith, representing the Park Place Neighborhood Association, said the Association was involved in the Park Place Concept Plan and they thought this plan was not what they had envisioned. The application would impact livability due to traffic and circulation.*

*Enoch Huang and Roya Mansouri, residents of Oregon City, discussed their relation to the proposed development, Land Use Planning Goal 1 and lack of citizen engagement, request for a setback of 100 feet at the southeastern portion of the development to maintain privacy and security, and that the tall trees at the border be left in place for privacy. They also discussed the street modification/variance and need for an alternative to the Holly Lane extension. They thought the development should be separated into two detached developments. They continued discussing the future streets and how the City needed to explain why they would allow the developers to plan for a road through property that was not in their possession. They were concerned about Land Use Planning Goal 5 and natural resources, deforestation, and loss of habitat. They requested the developer and City to initiate a periodic review of Goal 5 rules to ensure that they were up to date and appropriate and conduct a local inventory of all natural resources on the property before approval was granted. They were also concerned about Goal 6 and environmental impact. They requested the developer show no damage to adjacent water supplies, consideration of natural approaches to stormwater management, and reduce the percentage of land that was covered by impervious material. They also requested the developer provide more detail on how this project would minimize light and noise pollution.*

*Pavel Olaru, resident of Oregon City, was concerned about his well and if he would have to hook up to City water. He was also concerned about stormwater runoff and flooding on his property.*



*Jed Peterson, resident of Oregon City, said notification was inadequate to comply with Goal 1. He discussed Goal 12, transportation. He thought the traffic impact study was flawed and bottlenecks would be created by the increased traffic.*

*Elizabeth Peterson, resident of Oregon City, discussed Goal 7, natural hazards. The site had a number of documented hazards and clearcutting to put in houses would cause risks to other properties and possible flooding or landslides. She was also concerned about the amount of impervious surface and loss of habitat as well as the traffic bottlenecks and inadequate infrastructure.*

*Tom Geil, resident of Oregon City, discussed his newspaper article and the history of the property including its contentious annexation and traffic concerns. He extended an invitation to the Commission to come to the Holcomb area to see these issues for themselves and walk the property.*

*Aaron Wahnstall, resident of Oregon City, discussed his concerns about citizen involvement and minimum lot size. He described his neighborhood on Edenwild Lane, Goal 1, objections to the application, and request to keep the record open past May 9 to inform everyone in Park Place who would be impacted by the development and allow members of the community to familiarize themselves with the issues. Regarding the variance request, he thought the developer needed to define "common-sense construction" and the City should exercise its right to maintain minimal lot sizes and require the developer to redesign their master plan to minimize the impact on supporting infrastructure, environment, and neighbors.*

*Linda Smith, resident of Oregon City, thought a 20% reduction in lot size was egregiously small in her opinion. They just set standards for street widths and new construction ought to be held to them. She discussed the number of units and denser population, which would increase the number of trips and impact services that the current infrastructure was inadequate to handle.*

*Kenneth Niche, resident of Oregon City, discussed the amount of water that came down the hills and erosion and movement of soil. There was no landslide insurance for homeowners.*

*Steve Mundall, resident of Oregon City, thought the notification needed to be sent more than the 300 feet as the project affected the whole community, especially on Livesay. He also was concerned about the traffic and small lots, which did not fit with the area. This was a rural area, but that would change with this development.*

*Adella Bell, resident of Oregon City, said she had not been aware of this application until recently. There would be lots in direct contact with her property and the plans were difficult to understand. There were future off-site streets and one would go across her property. She was unclear on what was a street and paved walkway as well as preservation plans for the trees. She did not think they should allow the reduction of lot sizes by 20%. She was concerned about livability, increased traffic, and impact to her well.*



*Chris Goodell, AKS Engineering, representing the applicant, supported staff's recommendation to continue the hearing to May 9 at which time they would present the project.*

*There was discussion regarding HB 2001 and code revisions, making clear additional or revised items in the record, and need for printed maps for the Commission.*

**A motion was made by Commissioner La Salle, seconded by Commissioner Mitchell, to continue the hearing for GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan to May 9, 2022. The motion carried by the following vote:**

**Aye:** 5 - Chair Dirk Schlagenhauser, Commissioner Christopher Staggs, Commissioner Patti Gage, Commissioner Mike Mitchell, and Commissioner Bob La Salle

## **COMMUNICATIONS**

*None*

## **ADJOURNMENT**

*Chair Schlagenhauser adjourned the meeting at 8:32 PM.*





# CITY OF OREGON CITY PLANNING COMMISSION WORK SESSION DRAFT MINUTES

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Monday, April 25, 2022 at 6:00 PM

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## CALL TO ORDER

*Chair Schlagenhauer called the meeting to order at 6:00 PM.*

**Present:** 5 - Chair Dirk Schlagenhauer, Commissioner Patti Gage, Commissioner Christopher Staggs, Commissioner Mike Mitchell, and Commissioner Bob La Salle

**Absent:** 2 - Commissioner Daphne Wuest and Commissioner Gregory Stoll

**Staffers:** 3 - Community Development Director Aquila Hurd-Ravich, Assistant City Engineer Josh Wheeler, and City Attorney Carrie Richter

## WORK SESSION ITEM

### 1. Traffic Engineering 101

*Josh Wheeler, Assistant City Engineer, introduced the topic.*

*Reah Flisakowski, DKS & Associates, gave a presentation on traffic engineering. She introduced the team and discussed long-term transportation planning including transportation plans, planning context, estimated growth, and outcomes of the TSP.*

*She then reviewed the transportation analysis for development review including a transportation impact study, TIS guidelines and procedures, trip generation, intersection volumes, mobility standards, safety assessment, access evaluation, conditions of approval, and transportation analysis letter.*

*There was discussion regarding how traffic data was collected, impact of autonomous vehicles and ridesharing, street standards, capacity numbers, emergency evacuation standards, mitigation process, intersection standards, balancing traffic data and safety, impact of growth, counts for middle housing, development restrictions, and cumulative effect of development on intersections.*

## ADJOURNMENT

*Chair Schlagenhauer adjourned the meeting at 7:03 PM.*





# CITY OF OREGON CITY PLANNING COMMISSION - DRAFT MINUTES

Monday, May 23, 2022 at 7:00 PM

## CALL TO ORDER

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

**Present:** 6 - Chair Dirk Schlagenhauer, Commissioner Patti Gage, Commissioner Mike Mitchell, Commissioner Gregory Stoll, Commissioner Christopher Staggs, and Commissioner Bob La Salle

**Absent:** 1 - Commissioner Daphne Wuest

**Staffers:** 3 - Community Development Director Aquilla Hurd-Ravich, Planner Kelly Reid, and City Attorney Carrie Richter

## PUBLIC COMMENT

*Jim Nicita, resident of Oregon City, spoke about state law and City code that created the Planning Commission's authority in quasi-judicial hearings. There was no authority from the City Manager or staff to set time limits and decide whether the public could participate. That was the Planning Commission Chair's decision that had to be made during a public meeting.*

## PUBLIC HEARING

1. GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan.

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

*Commissioner Gage visited the site and drove through the streets, noticing the congestion and bottlenecks.*

*Commissioner Staggs had a general understanding of the area.*

*Kelly Reid, Planner, said the applicant had requested a continuance to July 11, 2022 and would extend the 120 day deadline to September 23. She explained the procedure for the hearing tonight, the 120 day deadline, and new items that had been added to the record.*

*Karla Laws, representing the Elyville Neighborhood Association, discussed concerns regarding traffic safety and wetlands.*



*Ron Standish, resident of Oregon City, discussed needed road and school upgrades, buffer between the larger and smaller lots, traffic backups, improvements to Holcomb, increased traffic on neighborhood streets, and water supply.*

*Jan Grady, resident of Oregon City, spoke about her concerns regarding increased traffic through the neighborhoods, size of the lots, and the design not being compatible with the surrounding neighborhoods.*

*Michael Doran, resident of Oregon City, discussed safety and livability of their neighborhoods. The infrastructure needed to be built first.*

*Jim Nicita, resident of Oregon City, explained how the application did not follow the Park Place Concept Plan, especially for the parkland and main street village. The parkland needed to be pushed away from the Neighborhood Commercial zone.*

*Emily Lisborg, resident of Oregon City, spoke about preserving the wetlands and wildlife, poor workmanship of the developer, and community trust.*

*Darin Shoup, resident of Oregon City, discussed the issues of increased traffic and emergency response.*

*Steve VanHaverbeke, resident of Oregon City, said this proposal did not correspond well to the Park Place Concept Plan, especially connectivity from Holcomb to Redland.*

*Wendy Nelson, resident of Oregon City, was opposed to the application due to traffic safety on Holly Lane.*

*Dorothy Dahlsrud, resident of Oregon City, said the proposed park was small with an easement running through the middle of it that could potentially be a road in the future. She thought the development should be built around trees in order to preserve them.*

*Jenny Rhiner, resident of Oregon City, discussed how the area was trapped by only one street in and out. Traffic was already heavy and this project would add to the problem.*

*Adam Halverson, resident of Oregon City, discussed concerns about the density of the development and mental health of children that had no place to play. He was also concerned about the aquifers and preservation of the trees.*

*Ali Mudlog, resident of Oregon City, expressed concern about safety, especially with only one way out of the area.*

*Brenda Marx, resident of Oregon City, was concerned about environmental impacts, which she did not think had been sufficiently addressed. She was also concerned about the process for public comment.*

*Sharon Nation, resident of Oregon City, discussed what Clackamas County said about this development and the connection of Holcomb to Holly Lane. She was concerned about dangerous traffic and aquifers.*



*Aaron Wonstall, resident of Oregon City, discussed the impacts of the development to the neighborhoods.*

*Garret Stephenson, representing the applicant, said they had requested a continuance to respond to all the information received. They would extend the 120 day deadline.*

*Commissioner Mitchell asked if the applicant would be open to extending the deadline again if they ran out of time on July 11. Mr. Stephenson thought they would.*

*Commissioner Stoll asked about adding to the environmental evidence. Mr. Stephenson said he would analyze what would be needed.*

**A motion was made by Commissioner La Salle, seconded by Commissioner Gage, to continue the hearing for GLUA-21-00045 / MAS-21-00006 / VAR-22-00001 Park Place Crossing General Development Plan to July 11, 2022. The motion carried by the following vote:**

**Aye:** 6 - Chair Dirk Schlagenhauser, Commissioner Gregory Stoll, Commissioner Christopher Staggs, Commissioner Patti Gage, Commissioner Mike Mitchell, and Commissioner Bob La Salle

*Commissioner La Salle wanted to add a condition that required the Detailed Development Plans for each phase to come to the Planning Commission as a Type III review.*

*Ms. Richter noted the hearing had been continued and it would not be appropriate to discuss adding a condition at this time.*

## COMMUNICATIONS

*None*

## ADJOURNMENT

*Chair Schlagenhauser adjourned the meeting at 9:17 PM.*





# CITY OF OREGON CITY PLANNING COMMISSION - DRAFT WORK SESSION MINUTES

Monday, May 23, 2022 at 6:00 PM

## CALL TO ORDER

*Chair Schlagenhauser called the meeting to order at 6:00 PM.*

**Present:** 6 - Chair Dirk Schlagenhauser, Commissioner Patti Gage, Commissioner Christopher Staggs, Commissioner Mike Mitchell, Commissioner Gregory Stoll, and Commissioner Bob La Salle

**Absent:** 1 - Commissioner Daphne Wuest

**Staffers:** 3 - Community Development Director Aquilla Hurd-Ravich, Planner Kelly Reid, and City Attorney Carrie Richter

## WORK SESSION ITEM

### 1. Review Draft OC 2040 Comprehensive Plan

*Aquilla Hurd-Ravich, Community Development Director, presented the draft Comprehensive Plan. She discussed the project objectives, development of the plan, vision statement, Statewide Planning Goals matrix, Comprehensive Plan guide, Comp Plan application during land use reviews, how to use the document, and what each chapter included. She then reviewed the draft document and next steps.*

*Sarah Brinkstone, OTAK, was there to answer questions.*

*There was discussion regarding typos and clarifications to the document, adding the total number of neighborhood associations active or not, changing non-motorized to non-automobile or reduction in internal combustion engine, clarifying the references to the 2004 plan, how the document was too high level and did not provide enough policy direction, policies vs. strategies, need for more specificity, adding a strategy to implement the Climate Action Plan, how to implement the strategies, code audit, and adding objectives for implementation.*

*Staff would come back to the Commission with an implementation plan.*

## ADJOURNMENT

*Chair Schlagenhauser adjourned the meeting at 6:45 PM.*



# **VARIANCE TO GARAGE SETBACK AND SITING REQUIREMENTS**

**1404 JACKSON ST.**

**GLUA-23-00022 VAR-23-00005**

**Planning Commission Hearing  
September 11, 2023**





# Subject Site

- Address: 1404 Jackson St.
- Site Area: 6,603 SF



**GLUA-23-00022 VAR-23-00005**



# Zoning District

“R-6” low-density residential



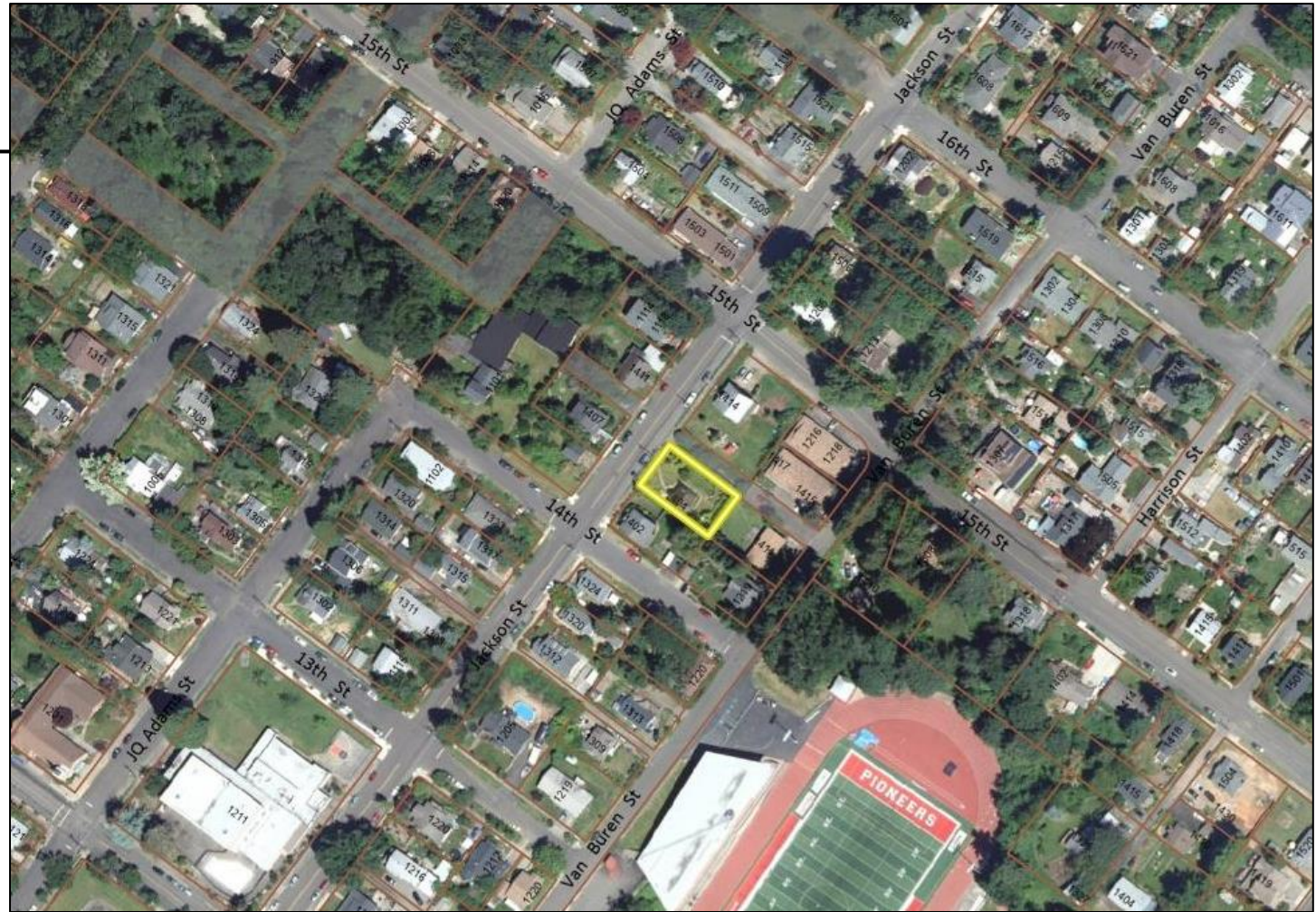
**GLUA-23-00022 VAR-23-00005**





# Vicinity

- Mcloughlin Neighborhood
- Predominantly single-family and medium-density residential uses, with some institutional uses



**GLUA-23-00022 VAR-23-00005**





**GLUA-23-00022 VAR-23-00005**



# Applications and Review Types

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VAR-23-00005: Planning Commission Variance to garage setbacks and accessory structure siting standards

***Previously approved:***

NROD-23-00034: Natural Resource Overlay District Review – Type I Verification

- Staff found the property meets the criteria to exempt this project from further Natural Resources Overlay District review, as provided in the NROD-23-00034 Staff Report.



**GLUA-23-00022 VAR-23-00005**



# Planning Commission Options

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1. Approval of GLUA-23-00022 VAR-23-00005.
2. Denial of GLUA-23-00022 VAR-23-00005 and provide staff supplemental findings.
3. Continue GLUA-23-00022 VAR-23-00005 to a date certain and obtain the needed 120-day waiver from the applicant.



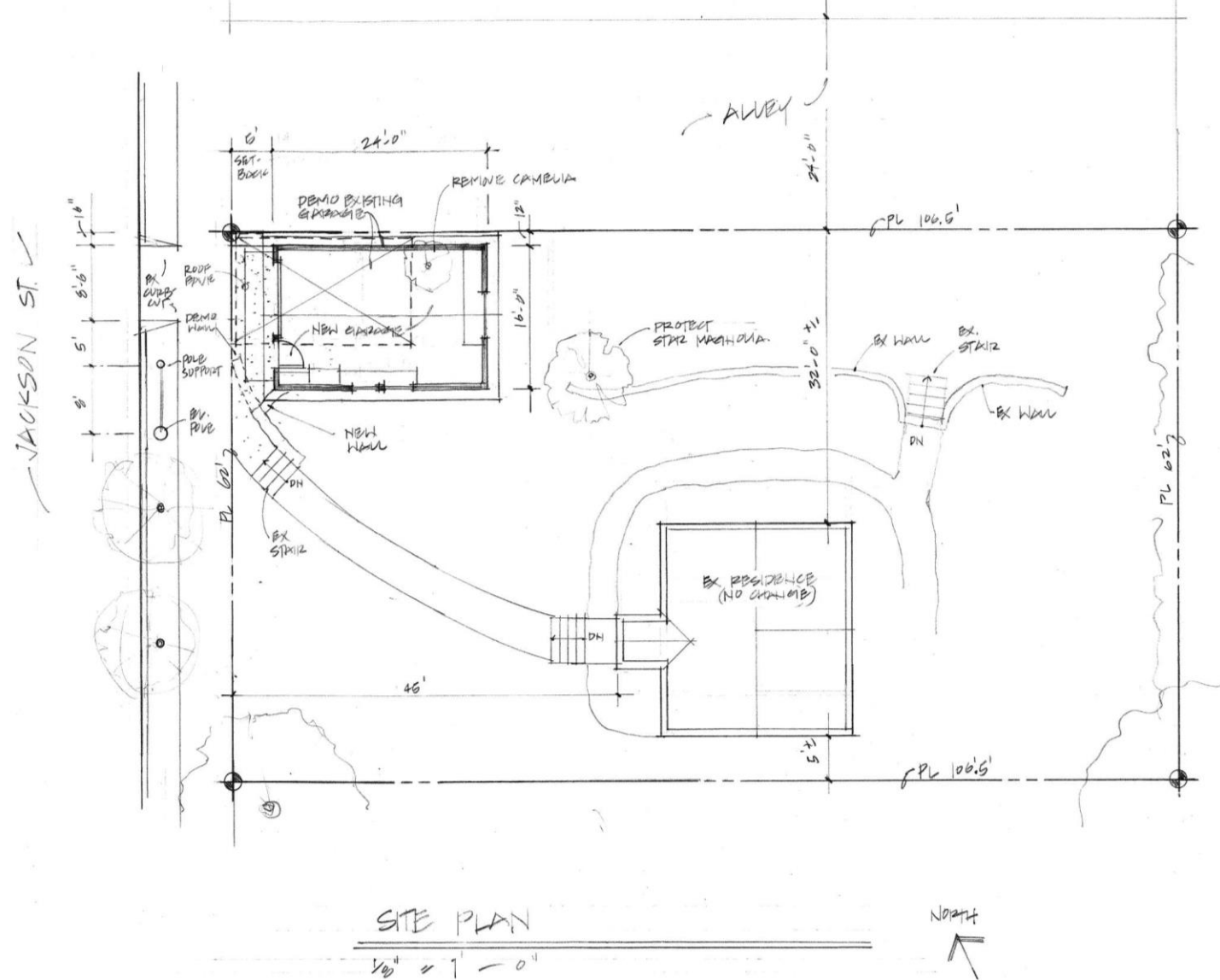
**GLUA-23-00022 VAR-23-00005**



# Applicant's Proposal

Variance to the garage setback and accessory structure siting requirements to allow a detached garage to be placed in the front and side yard of a residential property.

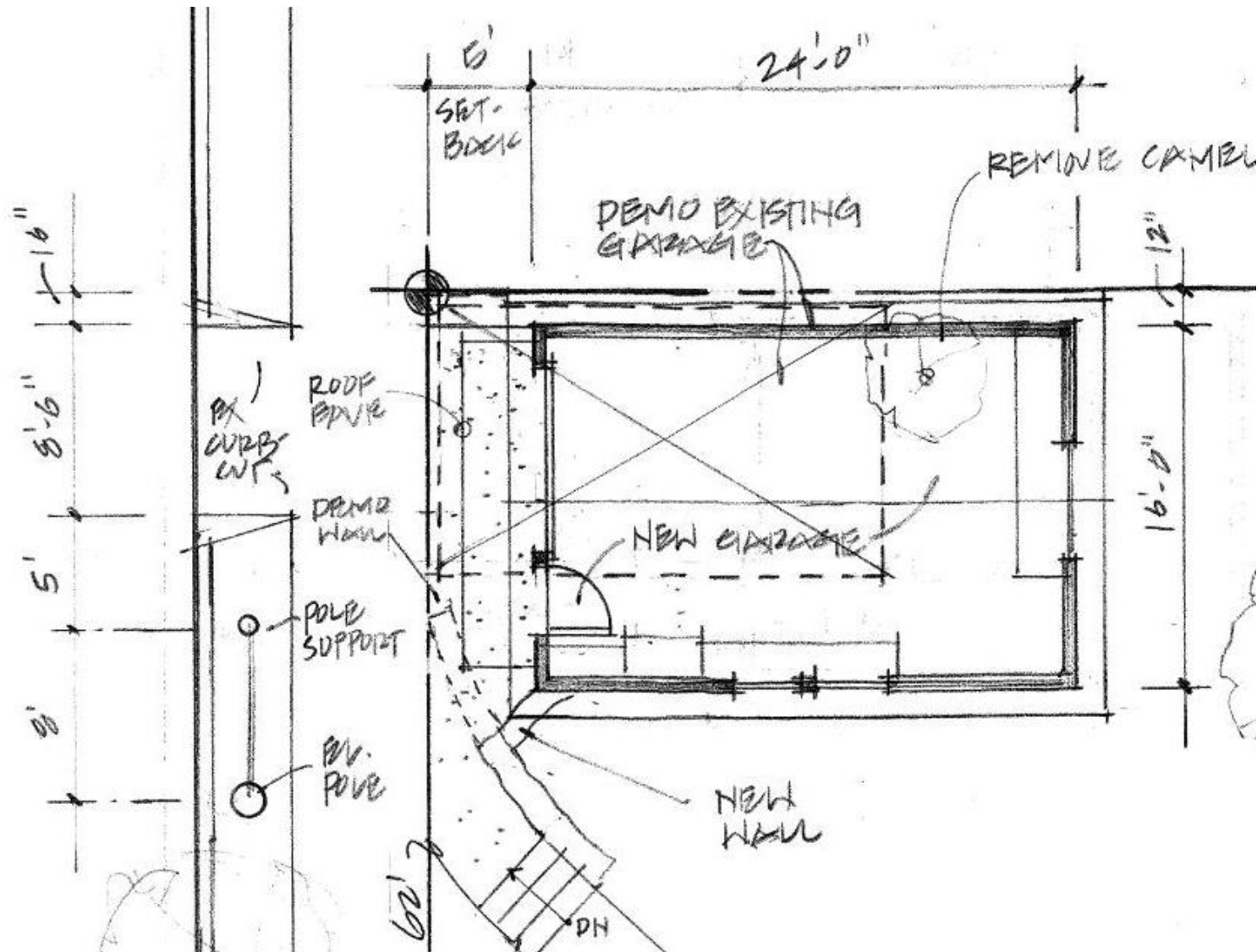
The proposed siting is 5 feet from the front property line and 1 foot from the north side property line.



**GLUA-23-00022 VAR-23-00005**



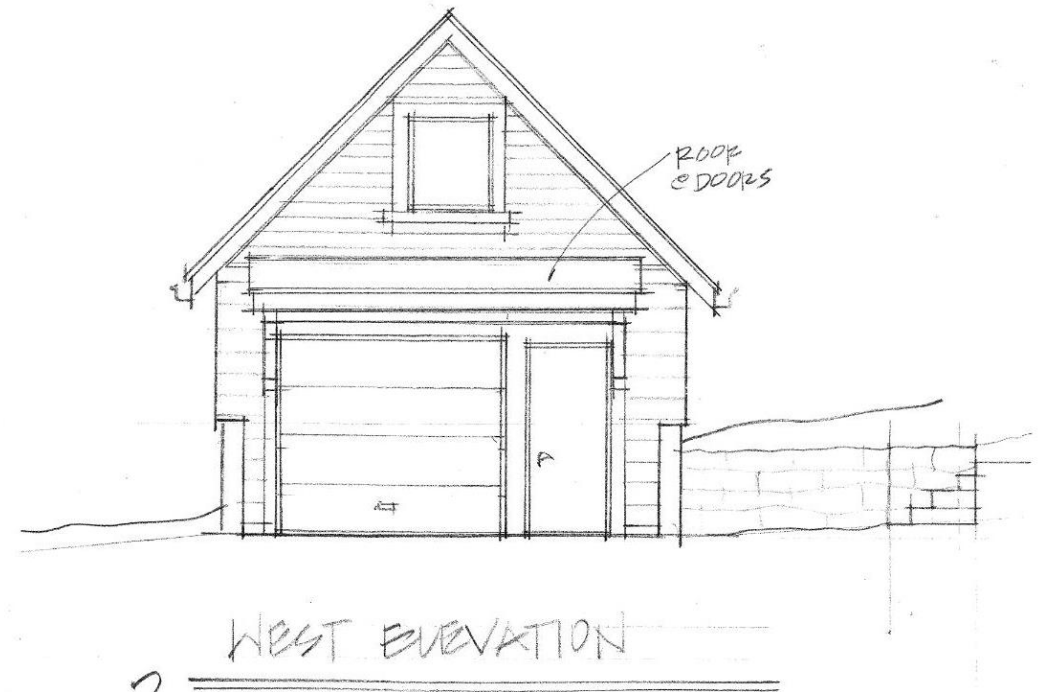
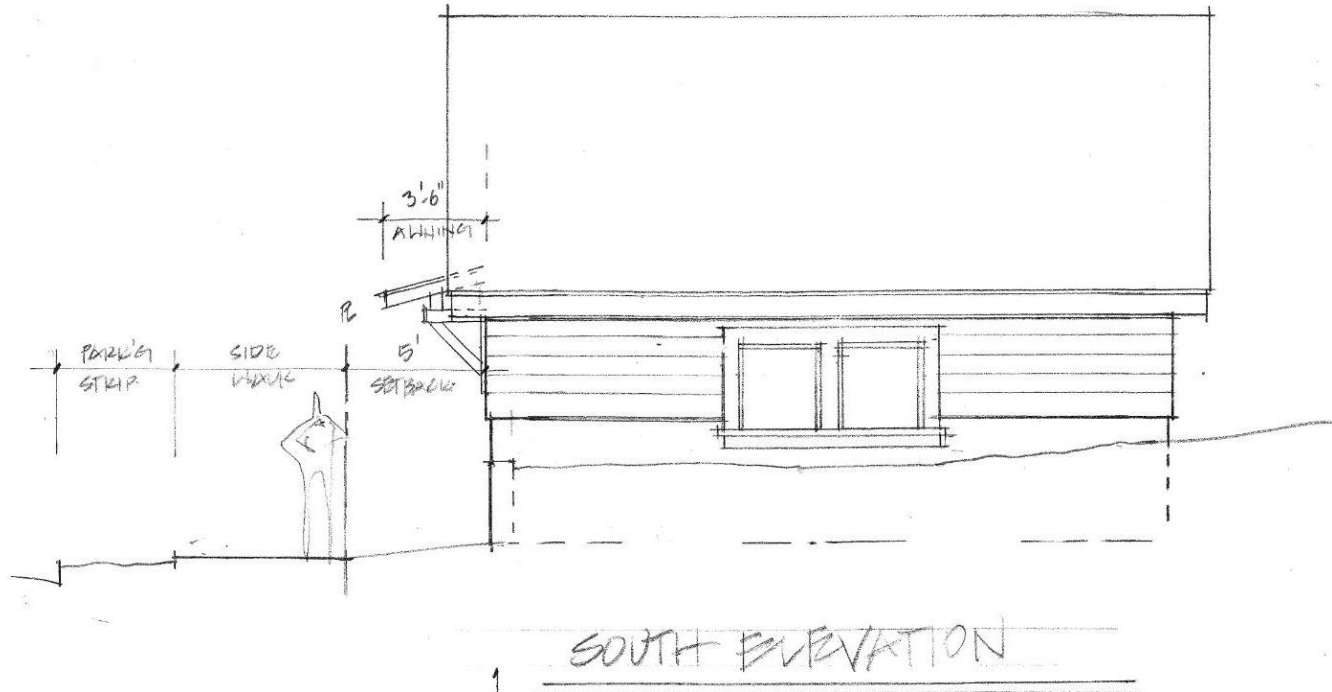
Applicant's Proposal -  
Enlarged



GLUA-23-00022 VAR-23-00005

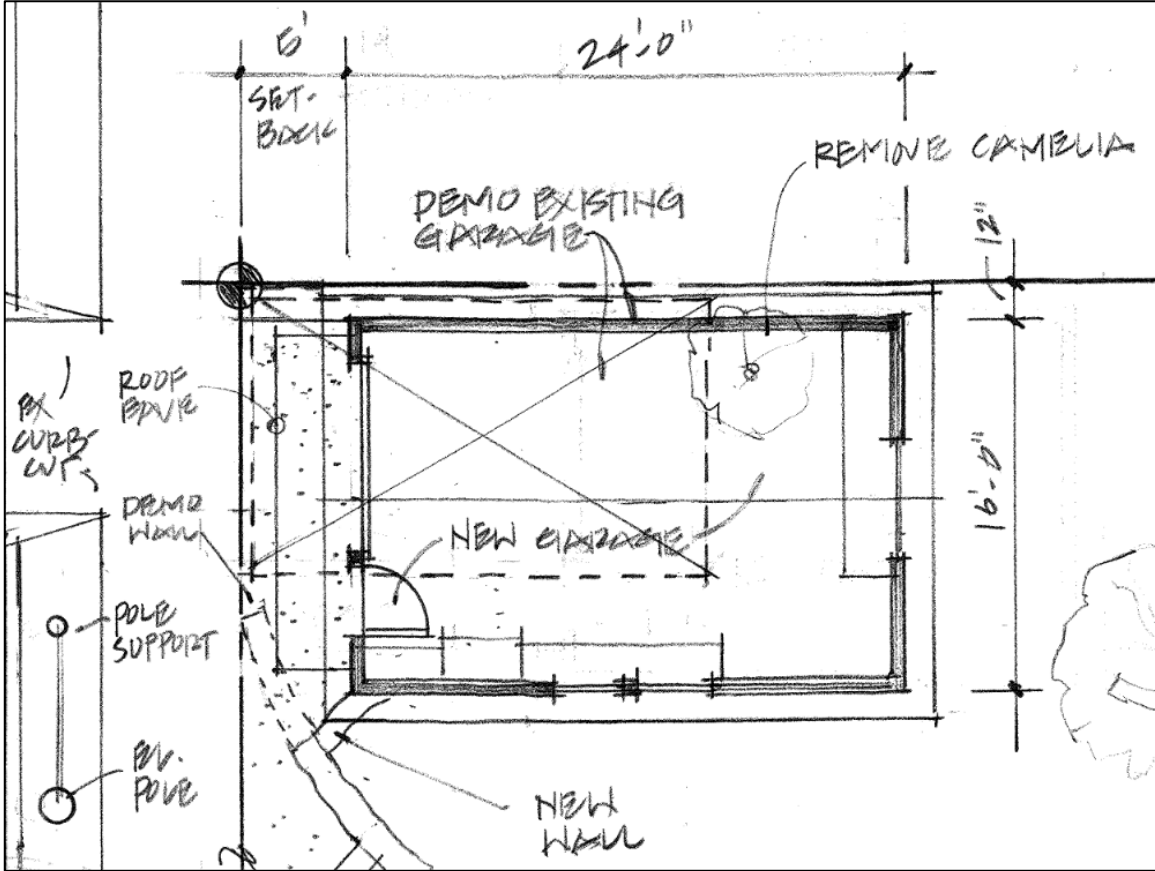


# Applicant's Proposal



**GLUA-23-00022 VAR-23-00005**





## 17.08.040 - Dimensional standards.

Standard	R-10	R-8	R-6
Garage setback	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley

### Notes:

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

## 17.54.010 - Accessory structures and uses.

- B. Residential Accessory Structures, Not Including Accessory Dwellings Units. The section applies to all accessory structures within the R-10, R-8, R-6, R-5 and R-3.5 zoning districts and accessory structures on properties with a residential use with less than five units within a zoning designation not listed above.
  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;
    - b. Shall comply with the dimensional standards of the zoning designation, including height setbacks, and lot coverage unless modified pursuant to subsection c; and
    - c. Side and rear setbacks may be reduced to not less than three feet for one accessory structure and its projections if the height does not exceed seventeen feet as defined in OCMC [17.04.550](#).



# GLUA-23-00022 VAR-23-00005



# Public Work's Recommendation for Front Setback

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“The original request for a 14 ft. setback would most likely encourage guests and future homeowners to try and park in front of the garage and block the existing sidewalk. The setback variance recommended is then 5 feet from the property line in this instance. This will preserve the features requested for preservation and conform more with City standards, compared to existing, by providing space away from the existing sidewalk.”

EXHIBIT B, PUBLIC WORKS MEMO



**GLUA-23-00022 VAR-23-00005**



# Applicant's Options to Meet Standards

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1. Submit plans for the garage, as approved by Planning Staff, that meet the setback and siting requirements in OCMC 17.08.040 and 17.54.010.B.2.
2. Obtain a Planning Commission Variance.



**GLUA-23-00022 VAR-23-00005**



# Variance Approval Criteria

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1. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title.
2. That the request is the minimum variance that would alleviate the hardship;
3. Granting the variance will equal or exceed the purpose of the regulation to be modified.
4. Any impacts resulting from the adjustment are mitigated;
5. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
6. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.



**GLUA-23-00022 VAR-23-00005**



# Staff's Recommendation and Findings

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- The structure, including any projections, is proposed to be sited entirely on the subject property.
- The proposed garage would abut an unimproved right-of-way and would be approx. 25 feet from the nearest neighbor's property line.
- **Stated hardships include:**
  - The applicant wishes to protect established trees and other vegetation during this project.
  - A PGE power pole located in the abutting planting strip restricts the location of the driveway approach.
  - Extensive excavation and grading would be required if the structure complied with the required setbacks and siting due to the slope of the property.



**GLUA-23-00022 VAR-23-00005**



# Staff's Recommendation and Findings

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- The proposed placement of the garage would not obscure the view of the existing home from the street.
- Approval of the variance would allow the Applicant to meet the intent of the Comprehensive Plan and the zoning code by effectively utilizing the subject property for single-family residential use.
- The placement of the garage within the setbacks would not negatively impact neighborhood appearance or livability.



**GLUA-23-00022 VAR-23-00005**



# Staff's Recommendation and Findings

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Based on the findings for the variance request, Staff recommends that the Planning Commission approve files GLUA-23-000022 and VAR-23-000005



**GLUA-23-000022 VAR-23-000005**



# Questions?

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**GLUA-23-00022 VAR-23-00005**