

PLANNING COMMISSION AGENDA
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
May 10, 2010 at 7:00 p.m.

The Planning Commission agendas, including staff reports, memorandums, and minutes are available from the Oregon City Web site home page under meetings. (www.orcity.org)

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
- 3. ADOPTION OF PLANNING COMMISSION MINUTES**
 - a. March 22, 2010 Draft Minutes
- 4. PLANNING COMMISSION HEARING**
 - a. Conditional Use for Oregon City Farmers Market
- 5. COMMUNITY DEVELOPMENT DIRECTOR UPDATE**
- 6. ADJOURN**

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**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

March 22, 2010, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Roll Call:

Chair Tim Powell

Commissioner Dan Lajoie

Commissioner Carter Stein

Commissioner

Groener

Staff Present:

Tony Konkol, Senior Planner

Laura Butler, Assistant Planner

Christina Robertson Gardiner, Associate

Planner

Pete Walter, Associate Planner

Carrie Richter, Assistant City Attorney

Chair Powell called the meeting to order at 7 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment on items not listed on the agenda.

ADOPTION OF PLANNING COMMISSION MINUTES

February 22, 2010 Minutes

Motion by Commissioner Dan Lajoie, second by Commissioner Chris Groener to to adopt the minutes of the February 22, 2010 Planning Commission minutes as written.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener voting aye. [4:0:0]

4. PLANNING COMMISSION HEARING

L 10-01

L 10-01 Commission Report

L 10-01 Staff Report

Chair Powell asked the Commission if they had any conflict of interest to declare. There was none.

Chair Powell said they brought this topic up years ago and the Commission had a discussion about it then.

Tony Konkol, Community Development Director, said this was a proposal to reduce the number of Planning Commissioners from seven to five members. The Planning Commission had been functioning with five members for at least seven years. They had difficulty recruiting individuals to commit to the job. The City Commission had requested this change be brought forward. He entered into the record an email from Mr. O'Brien and email response from Mayor Norris as Exhibits 1 and 2. This proposal had to be consistent with the goals and policies of the Comprehensive Plan and staff thought it did not conflict with these. Notice had been given to the Citizen Involvement Council and Neighborhood Associations as well as posting the information and no other comments had been received. Staff recommended approval of the amendment to the Code for consideration of the City Commission at their April 7, 2010 meeting.

Chair Powell opened the public hearing. There was no public comment.

Chair Powell closed the public hearing.

Commissioner Stein discussed the claims made in Mr. O'Brien's letter, and he emphasized that decisions had not been made without a quorum, no Commissioner was affiliated with any developers, and their decisions were based on the findings.

Commissioner Groener said he never had any concerns that the Commission had relationships that biased their opinion that they didn't claim before a hearing.

Commissioner Stein thought it made sense to change the number and did not compromise the integrity of the Commission.

Commissioner LaJoie said they were volunteers and working on the public's behalf to see the City was designed and moved forward in a way that was reflective of good growth.

Chair Powell thought it made sense and he was proud of the job the Planning Commission had done.

Motion by Commissioner Dan Lajoie, second by Commissioner Carter Stein to to approve L 10-01.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener voting aye. [4:0:0]

5. GENERAL BUSINESS

Resolution 10-01

Resolution 10-01 Commission Report

Resolution 10-01

Mr. Konkol said this was a request for the Planning Commission's support of a resolution to be submitted to ODOT as part of the grant application to update the City's Transportation System Plan. The City Commission also approved a resolution of support at their last meeting.

Motion by Commissioner Carter Stein, second by Commissioner Chris Groener to to adopt Resolution 10-01, a Resolution supporting the City of Oregon City's application for a Transportation and Growth Management Grant to update the Oregon City Transportation System Plan.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener voting aye. [4:0:0]

WORK SESSION

Natural Step Presentation

Natural Step Commission Report

Sustainability Presentation

Duke Castle of The Natural Step Network gave the Commission a

presentation regarding sustainability. There was discussion regarding green vs. sustainability, basic scientific principles for sustainability, how humans influence cycles, incentives in the Code to get other jurisdictions and businesses on board, how to measure success, examples of businesses and communities that have implemented sustainability, sustainability planning process, and keys to success.

Chair Powell thought the Commission and staff already were in philosophical agreement. This was a long term strategic look and they needed to know how to implement it and educate the community.

Commissioner Groener thought they needed to discuss how to institutionalize these ideas and create the programs. He suggested a Work Session to discuss ideas of how to move forward.

Commissioner Stein said they could use the updating of the Comprehensive Plan to institutionalize some of these principles and they could educate citizens during that process as well. They could also discuss them in the Transportation System Plan update. Mr. Konkol said staff would come back with steps to proceed.

Mr. Konkol updated the Commission on upcoming meetings and projects such as the Cove dredging, Farmer's Market downtown, Thayer Road subdivision application, conditional use permit for Atkinson Church, delay in the Cove project, potential Planning Commissioner, and the new City Manager, David Frasier, would start April 7.

6. ADJOURN

Chair Powell adjourned the meeting at 9:20 p.m.



Agenda Item No. 4a
Meeting Date: 10 May 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Planning Commission
FROM:	Laura Butler, Assistant Planner
PRESENTER:	Laura Butler, Assistant Planner
SUBJECT:	Conditional Use for Oregon City Farmers Market
Agenda Heading: Public Hearing	
Approved by: David Frasher, City Manager	

RECOMMENDED ACTION (Motion):

Approve with Conditions.

BACKGROUND:

The applicant is requesting approval of a conditional use permit to operate a farmers market every Wednesday in the summer on 8th Street in downtown Oregon City, from Railroad Avenue to Main Street. In addition, the applicant would like to use the vacant lot at 12th and Main Street for a vendor staging area and the City parking lot at 13th and Main for patron parking.

BUDGET IMPACT:

FY(s): N/A
Funding Source: N/A

ATTACHMENTS:

CU 10-02 Staff Report



OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

FILE NO.: CU 10-02 – Conditional Use Permit

HEARING DATE / May 10, 2010
LOCATION: Oregon City City Hall – Chambers
625 Center Street
Oregon City, Oregon 97045

APPLICANT: J. Hammond-Williams
Oregon City Farmers Market
P.O. Box 2931
Oregon City, Oregon 97045

OWNER: City of Oregon City
P.O. Box 3040
Oregon City, Oregon 97045

REQUEST: The applicant is requesting approval of a conditional use permit to operate a farmers market every Wednesday in the summer on 8th Street in downtown Oregon City, from Railroad Avenue to Main Street.

LOCATION: 8th Street in downtown Oregon City from Railroad Avenue to Main Street

REVIEWER: Laura Butler, Assistant Planner, AICP, (503) 496-1553

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, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. 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 and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 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 historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

I. BACKGROUND:

The applicant submitted this application to operate a farmers market on Wednesdays from 3pm to 7pm in downtown Oregon City, from May through October. The market will be held in addition to the Saturday Oregon City Farmers Market which currently operates at Red Soils during the summer. The Farmers Market would be held on 8th Street in downtown Oregon City, between Railroad Avenue and Main Street and will not include any activities on private property. The proposed location was the historical site of the first "Producers Market" in Oregon City, which opened in 1924. The applicant proposed a vender staging area at the vacant lot at 12th and Main Street, which is owned by the City, and customer parking at the City lot at 13th and Main as well as on street throughout downtown.

The site may accommodate up to 30 vendors at full capacity, though 20-23 vendors are anticipated for the first year of operation. The vendors will line the sidewalks on both sides of the street and face inward to the middle of the street. A 20-foot open space between the booths in the middle of the street and the sidewalks at the back of the booths will remain clear.

All vendors in the Farmers Market will be approved by the market. The vendors will be permitted via the market's business license and will be included in the market's \$2,000,000 liability insurance policy. Vendors setting up adjacent to the market will be strongly discouraged by the market staff. The vendors would include:

1. Farmers and growers;
2. Processed food vendors such as a bakery, canned or value-added processed foods;
3. Local handmade garden related products and services and canning/preserving equipment; and
4. Food and beverages to be consumed at the market.

As the market will be located in the public right-of-way, 8th Street would be closed to automobile traffic from 1pm until 8pm to allow time to set up and deconstruct the market. The applicant proposed to obtain all necessary permits for closure of the street. The road closure will be initiated with the placement of barriers at the intersection of 8th and Main and the intersection of 8th and Railroad Avenue at 1pm. The barriers will be approved by Public Works and stored by the market while they are not being used. If a vehicle is parked within the market area when the market begins, the market manager will contact Code Enforcement for removal of the car, unless the car is parked outside of the market footprint and can safely leave the market.

The market manager and a minimum of 2 additional board members will be onsite to facilitate the vendors during the hours of the market. The market manager will be located at 8th and Main to remove the barricade to allow vendors to enter the market area to unpack their vehicles and direct them to their assigned location. All vendor vehicles will be removed 30 minutes before the market opens and are not permitted within the market area until 7:15 or later if customers are still present.

The market proposed to maintain a clean and safe space. Although no trash cans will be provided in excess of those provided by the City, the demand for additional trash cans and restrooms will be monitored by the market. All vendor associated trash will be packed out by the vendors. The market will assure the site is swept clean before the road is reopened. The market would not utilize any public utilities. Power for the market would potentially be provided from a City-owned power box on the corner of the Busch's Home Furnishings building.

The market will include a variety of advertising. Notices will be placed in several newspapers, a banner will be placed at 213 and Washington Street and a series of A-frame signs placed near to the market area on Wednesday mornings. In addition, the applicant agreed to install permanent signage on 21 parking meters along 8th Street to alert the public of the road closure. The applicant is responsible of obtaining all necessary

approvals for the signage. Main Street Oregon City will assist the operation in sending out email reminders the Tuesday before the Wednesday market reminding businesses of the upcoming event.

The market will strive to work with the adjacent businesses. The market representative will canvass the nearby business in the beginning and middle of the market season to assure the market operations are not negatively affecting neighbors and businesses.

The market may additionally operate on Saturdays. The Oregon City Municipal Code requires Conditional Use approval for markets on weekdays before 6pm. After 6pm on the weekdays and on the weekends, the market is a permitted use.

II. BASIC FACTS:

A. Location and Current Use

The Oregon City Farmers Market submitted this Conditional Use application to operate a farmers market every Wednesday in the summer on 8th Street in downtown Oregon City, from Railroad Avenue to Main Street. All of the market will be within the public right-of-way. In addition, the applicant would like to use the vacant lot at 12th and Main Street for a vendor staging area and the City parking lot at 13th and Main for patron parking.

B. Zoning

The property is zoned "MUD" Mixed Use Downtown District. The properties adjacent to the site are zoned "MUD" Mixed Use Downtown District.

C. Public Comment

Notice of the public hearings for the proposal was mailed to property owners within 300 feet of the subject site and the Citizen Involvement Council. The notice was advertised in the Clackamas Review and the site was posted with land use notification signs. The notice requested comments and indicated that interested parties could testify at the public hearing or submit written comments prior to or at the hearing. A second notice was sent after additional information was added to the application. The following public comments were submitted:

Mike Conrad, Chief of Police for the City of Oregon City submitted comments noting that the proposal does not conflict with departmental interests (Exhibit 3).

Guy Sperb, Building Official for the City of Oregon City submitted comments noting that the proposal does not conflict with departmental interests (Exhibit 4).

Robert Cullison, Development Services Manager for the City of Oregon City submitted comments stating that the proposal does not conflict with departmental interests if the applicant obtains a right-of-way permit, and coordinates with the Public Works Department on the use of the City property and signage (Exhibit 5).

1. Prior to use of the City properties, the applicant shall submit an approved lease agreement for the parking and staging areas at 12th and Main and 13th and Main. The lease agreement shall be approved by the City and include such details as the hours the City parking lots may be utilized for the Farmers Market, the condition of the property subsequent to the use by the applicant, access to the property by the city at all times, maintenance for impacts of their use, insurance of the property, termination rights, terms, etc. *The applicant can meet this standard by complying with condition of approval 1.*
2. Prior to use of the site, the applicant shall obtain a right-of-way permit from the City. *The applicant can meet this standard by complying with condition of approval 2.*
3. The applicant shall receive approval for all signage associated with the Farmers Market by the City prior to installation. *The applicant can meet this standard by complying with condition of approval 3.*

Nancy Kraushaar, Public works Director and City Engineer for the City of Oregon City submitted comments suggesting the city and the applicant enter a lease for the use of the land at the corner of 12th and Main and 13th and Main (Exhibit 6).

- Prior to use of the City properties, the applicant shall submit an approved lease agreement for the parking and staging areas at 12th and Main and 13th and Main. The lease agreement shall be approved by the City and include such details as the hours the City parking lots may be utilized for the Farmers Market, the condition of the property subsequent to the use by the applicant, access to the property by the city at all times, maintenance for impacts of their use, insurance of the property, termination rights, terms, etc. *The applicant can meet this standard by complying with condition of approval 1.*

Nancy Busch, Code Enforcement Manager for the City of Oregon City submitted comments noting that the City parking lot at 13th and Main is a pay lot on Wednesdays (Exhibit 7).

John Lewis, Public Works Operations Manager for the City of Oregon City submitted comments noting that the proposal does not conflict with departmental interests (Exhibit 8).

No additional public comments were received prior to the release of this staff report.

III. DECISION-MAKING CRITERIA:

Chapter 17.56 Conditional Uses

17.56.010 Permit--Authorization--Standards--Conditions.

The planning commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

1. The use is listed as a conditional use in the underlying district;

Finding: Complies as Proposed. The subject site is within the “MUD” Mixed Use Downtown District zoning designation which identified permitted and conditional uses in chapter 17.34 of the Oregon City Municipal Code (OCMC). OCMC chapter 17.34.030.D identifies outdoor markets that do not meet the criteria of section 17.34.020 as a conditional use. OCMC Chapter 17.34.020 lists any use permitted in OCMC Chapter 17.29.020 including outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday. The proposed outdoor farmers market would operate before 6pm during the week and thus conditional use approval is required.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

Finding: Complies as proposed. The proposed location of the farmers market (on 8th Street from Railroad Avenue to Main Street) would complement the adjacent downtown area. The site is a paved, relatively flat, one-way street in downtown Oregon City, lined with on street metered parking, sidewalks (which would remain open) and adjacent businesses. The adjacent buildings and street intersections act as a natural containment system to limit the size of the market within a single city block.

3. The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use;

Finding: Complies as proposed. The market would operate along 8th Street, requiring closure of the road at the intersections of Main and Railroad Avenue. A review of the proposal by John Replinger, the City's transportation engineer from Replinger and Associates, concluded that the development would not result in a dangerous or hazardous transportation system. Based upon last year's winter farmers market in the same location, the proposal is not expected to cause significant automobile congestion and thus a transportation impact analysis is not required. The street connectivity of the downtown Oregon City street system provides

alternative transportation routes for automobiles, pedestrian and cyclists to safely navigate around the closed street. The proposal does not include constructing any permanent transportation system improvements.

4. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district;

Finding: Complies as Proposed. The farmers market would not alter the character of downtown, as it promotes the adopted fundamental goals for downtown Oregon City such as economic opportunities, a diverse business climate, social interaction and efficiently utilizing space. The location was used as the first “Producers Market” in Oregon City, which began operations in 1924. Approval of the market would not result in any permanent physical changes to the site.

The market has already begun working with nearby businesses to inform them of the market proposal and to understand and concerns they may have. A meeting with the businesses and the Citizen Involvement Council (CIC) revealed excitement and support for the market. The development proposal included canvassing the nearby business after the first and second markets as well as after the midsummer season, for feedback from adjacent businesses to assure the market operations are not negatively affecting neighbors.

5. The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use. The applicable Comprehensive Plan policies are as follows:

Goal 2.1 Efficient Use of Land

Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Finding: Complies with condition. The market would result in an efficient use of land by locating within the existing public right-of-way on 8th Street, from Railroad Avenue to Main Street. Because the market is temporary in nature, no permanent land or structures are dedicated to the proposed use. Patrons will utilize existing on-street downtown parking as well as the off-street public parking lot at 13th and Main Street while vendors will park at the gravel lot at 12th and Main. The market will promote sustainability with convenient access to fresh, local foods and weekly e-newsletters, signs and press releases that encourage the public to access the market via public transportation, walking, biking, or carpool to reduce single occupancy trips.

Policy 2.1.2

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

Finding: Complies as proposed. Oregon City currently does not have a farmers market which operates during weekdays in the summer months. The market will create a vibrant urban area by providing additional outdoor activity downtown on a weekday while increasing business opportunities and goods available to the public. Retail sales of fresh and local groceries and gifts are permitted in the downtown “MUD” Mixed Use Downtown zoning designation and are thus compatible. It is anticipated that many existing employees, residents and customers who live and work downtown will serve as the primary customer. The farmers market will advertise with weekly e-newsletters, signs and press releases which encourage customers use public transportation, walk, bike, carpool to reduce single occupancy trips.

Goal 2.2 Downtown Oregon City

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

Finding: Complies as proposed. The proposed farmers market would provide economic opportunity, link urban and rural economies, promote public health, and create active public spaces to harbor social interaction. The market would provide cultural musical activities, demonstrations and quality shopping for local healthy foods. The adjacent sidewalks along 8th Street would remain unobstructed and because there are no permanent physical structures associated with the market, views of Singer Creek Falls, the Willamette River, and all natural amenities would be preserved.

Policy 2.2.5

Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.

Finding: Complies as proposed. Approval of the farmers market would infuse new social and economic activity into downtown Oregon City by bringing producers and consumers together. Public markets provide opportunities for farmers to sell goods without high costs for storefronts, encourage spin-off development, enhance tax bases and real estate values, and retain local money in the local economy. The market would encourage customers to spend more money and time in downtown Oregon City and provide the opportunity for customers to obtain a wider range of goods and services.

Policy 2.2.6

Working with major stakeholders, develop and implement a strategy to help the Historic Downtown Area enhance its position as a retail district. Such a strategy might include funding for a "Main Street" or similar program.

Finding: Complies as proposed. The applicant has worked with the non-profit Main Street Oregon City and downtown businesses to develop and promote the farmers market. The market will retain communication with the groups to ensure a successful venture.

Policy 2.2.8

Implement the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan with regulations and programs that support compatible and complementary mixed uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial and retail uses in the Regional Center, all at a relatively concentrated density.

Finding: Complies as proposed. Approval of the farmers market would infuse new social and economic activity into downtown Oregon City by providing opportunities for farmers to sell goods without high costs for storefronts, encourage spin-off development, enhance tax bases and real estate values, and retain local money in the local economy. The market would encourage customers to spend more money and time in downtown Oregon City and provide the opportunity for customers to obtain a wider range of goods and services while efficiently utilizing the downtown regional center.

Policy 2.4.2

Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

Finding: Complies as proposed. The outdoor farmers market will provide a unique sense of place and vibrancy by showcasing local foods from Oregon City and surrounding close-in areas of Clackamas County plus providing workshops, demonstrations and live music which are not currently available. There are currently no other farmers markets operating in downtown Oregon City or midweek in Oregon City and thus the market would provide a variety of shopping opportunities and services.

Policy 6.1.1

Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: Complies as proposed. The Downtown Farmers Market would provide access to fresh, healthy food shopping in the downtown core. The convenient location of the proposed market adjacent to employment and shopping opportunities as well as residences, reduces the demand for customers to drive to other locations to obtain these services. The market would be accessible to mass transit, bicycle trails and the municipal elevator. The market will promote the reduction of single occupancy vehicles through the weekly e-newsletters, advertising and press releases.

Goal 9.1 Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Finding: Complies as proposed. Downtown Oregon City does not currently offer any locations where individuals may sell or purchase produce. The farmers market would provide diversity in the goods and services available downtown to meet the needs of the community. The market would encourage customers to spend more money and time in downtown Oregon City and provide the opportunity for customers to obtain a wider range of goods and services while efficiently utilizing the downtown regional center.

Goal 9.2 Cooperative Partnerships

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

Finding: Complies as proposed. Market has developed and will maintain partnerships with the City, the Main Street Program, the Downtown Business Coalition and the Oregon City Chamber to promote and support economic development.

Policy 9.2.1

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

Finding: Complies as proposed. The market has begun working with nearby businesses to inform them of the market and understand and concerns they may have. Meeting with the businesses and the Citizen Involvement Council (CIC) has suggested that there is community excitement and support for the market. The development proposal included canvassing the nearby business after the first and second markets as well as during the midsummer season, for feedback from adjacent businesses to assure the market operations are not negatively affecting neighbors.

Goal 9.5 Retail Service

Allow a variety of retail outlets and shopping areas to meet the needs of the community and nearby rural areas.

Finding: Complies as proposed. Downtown Oregon City does not currently offer any locations where individuals may sell or purchase produce. The farmers market would provide diversity in the goods and services available downtown to meet the needs of the community via public transit.

Goal 9.6 Tourism

Promote Oregon City as a destination for tourism.

Finding: Complies as proposed. The market will advertise in Edible Portland Magazine, The Oregonian, newspapers in Oregon City, West Linn and Lake Oswego and work closely with Clackamas County's Mt. Hood Territory Tourism Office. In addition, signage will be used to promote the market and downtown Oregon City as a tourist destination.

Policy 9.6.2

Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This could include connections to the End of the Oregon Trail Interpretive Center and the train depot.

Finding: Complies as proposed. The proposed farmers market would be located in downtown Oregon City, providing optimal transportation connections with the freeway, adjacent Highway 99E, transit station and gridded downtown street system. The location of the market would support the downtown regional center in accordance with the City's economic development strategy and would be added as a stop on the trolley route.

Policy 9.6.3

Provide land uses in the Downtown Historic Area, 7th Street corridor, and the End of the Oregon Trail Interpretive Center that support tourism and visitor services.

Finding: Complies as proposed. The market will advertise in Edible Portland Magazine, The Oregonian, newspapers in Oregon City, West Linn and Lake Oswego and work closely with Clackamas County's Mt. Hood Territory Tourism Office. In addition, signage will be used to promote the market and downtown Oregon City as a tourist destination and the market would be added as a stop on the trolley route. The market will also contain information on events happening city-wide.

Policy 9.6.4

Encourage and support citywide events that would attract visitors and tie to the historic attractions of the city. Preserve tourism-related transportation services like the Oregon City Elevator and trolley.

Finding: Complies as proposed. The market is proposed to be located near the base of the municipal elevator and would include events such as cooking demonstrations, food preservation, cheese making workshops, citizen and local city group presentations, safety preparedness by Clackamas Fire District 1 and weekly live music. An information booth at the market will promote city-wide events and the market will promote usage of the trolley and the municipal elevator.

Policy 12.6.2

Identify transportation system improvements that mitigate existing and projected areas of congestion.

Finding: Complies as proposed. A review of the proposal by John Replinger, the City's transportation engineer from Replinger and Associates, concluded that the development would not result in a dangerous or hazardous transportation system. Based upon last year's winter farmers market in the same location, the proposal is not expected to cause significant automobile congestion and thus a transportation impact analysis is not required. The street connectivity of the downtown Oregon City street system provides alternative transportation routes for automobiles, pedestrian and cyclists to safely navigate around the closed street. The proposal does not include constructing any permanent transportation system improvements.

Policy 12.6.3

Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.

Finding: Complies as proposed. A review of the proposal by John Replinger, the City's transportation engineer from Replinger and Associates, concluded that the development would not result in a dangerous or hazardous transportation system. Based upon last year's winter farmers market in the same location, the proposal is not expected to cause significant automobile congestion and thus a transportation impact analysis is not required. The street connectivity of the downtown Oregon City street system provides alternative transportation routes for automobiles, pedestrian and cyclists to safely navigate around the closed street. The proposal does not include constructing any permanent transportation system improvements.

Goal 13.1 Energy Sources

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

Finding: Complies as proposed. The market will encourage walking, carpooling, biking and using public transportation. The development would provide a source of fresh, local foods downtown to reduce the

carbon footprint of for producers and consumers. The market would not result in the construction of any permanent structure.

Goal 13.2 Energy Conservation

Plan public and private development to conserve energy.

Finding: Complies as proposed. The market will encourage walking, carpooling, biking and using public transportation. The development would provide a source of fresh, local foods downtown to reduce the carbon footprint of for producers and consumers.

Policy 13.2.1

Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

Finding: Complies as proposed. The market would result in an efficient use of land by locating within the existing public right-of-way on 8th Street, from Railroad Avenue to Main Street in downtown Oregon City. Patrons will utilize existing on-street downtown parking as well as the off-street public parking lot at 13th and Main Street while vendors will park at the gravel lot at 12th and Main. The market will promote sustainability with convenient access to fresh, local foods and the encouragement to use public transportation.

B. Permits for conditional uses shall stipulate restrictions or conditions which may include, but are not limited to, a definite time limit to meet such conditions, provisions for a front, side or rear yard greater than the minimum dimensional standards of the zoning ordinance, suitable landscaping, off-street parking, and any other reasonable restriction, condition or safeguard that would uphold the spirit and intent of the zoning ordinance, and mitigate adverse effect upon the neighborhood properties by reason of the use, extension, construction or alteration allowed as set forth in the findings of the planning commission.

Finding: Complies with condition. The applicant has not requested any restriction, condition or safeguard beyond what is normally required by the city to uphold the spirit and intent of the zoning ordinance and mitigate adverse effect upon neighborhood properties. The applicant shall construct this development as proposed with the attached conditions of approval. The Community Development Director may approve minor modifications as deemed necessary. **The applicant can meet this standard by complying with condition of approval 2.**

C. Any conditional use shall meet the dimensional standards of the zone in which it is to be located pursuant to subsection B of this section unless otherwise indicated, as well as the minimum conditions listed below.

Finding: Not Applicable. The applicant has not proposed any permanent structures.

D. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, any change of use, expansion of lot area or expansion of structure shall conform with the requirements for conditional use.

Finding: Not applicable. The applicant has not requested expansion of a prior use or future expansion of the proposed use. All future expansions of this approval shall be heard by the Planning Commission as required.

E. The planning commission may specifically permit, upon approval of a conditional use, further expansion to a specified maximum designated by the planning commission without the need to return for additional review. (Ord. 91-1025 §1, 1991; prior code §11-6-1)

Finding: Not applicable. The applicant has not requesting expansion of the market at a later date. All future expansions in excess of this approval shall be heard by the Planning Commission as required.

17.56.040.A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.

Finding: Not applicable. The applicant has not proposed to construct a permanent building or block any existing building entranceways.

17.56.060 Revocation of conditional use permits.

Finding: Not Applicable. No previous conditional use permit is being revoked with this application.

17.56.070 Periodic review of conditional use permits.

Finding: Not Applicable. The site has not been identified as needing a periodic review.

RECOMMENDED CONCLUSION AND DECISION

Staff recommends that the Planning Commission approve the application as submitted by the applicant with the recommended conditions of approval for the Conditional Use Permit, identified as Planning File CU 10-02, for a Farmers Market in downtown Oregon City.

EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity map;
2. Applicant's Narrative and Site Plan, dated April 9, 2010 (On File)
3. Comments submitted by Mike Conrad, Chief of Police for the City of Oregon City
4. Comments submitted by Guy Sperb, Building Official for the City of Oregon City
5. Comments submitted by Robert Cullison, Development Services Manager for the City of Oregon City
6. Comments submitted by Nancy Kraushaar, Public works Director and City Engineer
7. Comments submitted by Nancy Busch, Code Enforcement Manager for the City of Oregon City
8. Comments submitted by John Lewis, Public Works Operations Manager for the City of Oregon City

Recommended Conditions of Approval
Planning File: CU 10-02
Planning Commission Hearing: May 10, 2010

1. Prior to use of the City properties, the applicant shall submit an approved lease agreement for the parking and staging areas at 12th and Main and 13th and Main. The lease agreement shall be approved by the City and include such details as the hours the City parking lots may be utilized for the Farmers Market, the condition of the property subsequent to the use by the applicant, access to the property by the city at all times, maintenance for impacts of their use, insurance of the property, termination rights, terms, etc.
2. Prior to use of the site, the applicant shall obtain a right-of-way permit from the City.
3. The applicant shall receive approval for all signage associated with the Farmers Market by the City prior to installation.
4. The applicant shall construct the development as proposed in SP 09-04 with the attached conditions of approval.



OREGON CITY

Community Development – Planning

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April 22, 2010

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COMMENTS DUE BY: April 26, 2010

HEARING DATE: May 10, 2010

HEARING BODY: ___ Staff Review; ___ PC; XX HRB; ___ CC

FILE # & TYPE: CU 10-02 – Conditional Use Permit

PLANNER: Laura Butler, AICP, (503) 496-1553

APPLICANT: J. Hammond-Williams, Oregon City Farmers Market

REQUEST: The applicant is requesting approval of a conditional use permit to operate a farmers market every Wednesday in the summer on 8th Street in downtown Oregon City, from Railroad Avenue to Main Street. In addition, the applicant would like to use the vacant lot at 12th and Main Street for a vendor staging area and the City parking lot at 13th and Main for patron parking.

ZONING: "MUD" Mixed Use Downtown District

LOCATION: 8th Street in downtown Oregon City from Railroad Avenue to Main Street
12th and Main Street, Clackamas County Map 22E30DD, TL 4800 & 4900
13th and Main, Clackamas County Map 22E30DD, TL 5100, 5101 & 5300

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- ☒ The proposal does not conflict with our interests.
- ☐ The proposal conflicts with our interests for the reasons attached.
- ☐ The proposal would not conflict our interests if the changes noted below are included.

Signed M. Anderson CHIEF OF POLICE 4/26/10
PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERI/

Exhibit 3



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COMMENTS DUE BY: April 26, 2010
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Signed

[Signature] Building Official

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COMMENTS DUE BY: April 26, 2010

HEARING DATE: May 10, 2010

HEARING BODY: ___Staff Review; ___PC; XX HRB; ___CC

FILE # & TYPE: CU 10-02 – Conditional Use Permit

PLANNER: Laura Butler, AICP, (503) 496-1553

APPLICANT: J. Hammond-Williams, Oregon City Farmers Market

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___ The proposal does not conflict with our interests.

___ The proposal conflicts with our interests for the reasons attached.

☒ The proposal would not conflict our interests if the changes noted below are included.

Applicant shall obtain a ROW permit for market. Coord w/ PW on 12th vacant lot use, coord with PW on signage.

Signed

Rabert CC

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Exhibit 5

Laura Butler

From: Nancy Kraushaar
Sent: Wednesday, April 28, 2010 9:35 PM
To: Laura Butler
Cc: Kathy Griffin
Subject: RE: Downtown Farmers Market

Laura: I think we should have a lease (minimal charge for lease) that defines the limits of their use to certain hours, day of the week; addresses condition of property, maintenance for impacts of their use, right to terminate, terms, etc. An important feature would be the right for us to terminate should we decide to develop the site. We would also have full rights to access for whatever necessary at all times. We would also want to be named as insured on their insurance for any activities in the parking lot.

Can you write the condition fairly generally with the above items in mind? In addition, I would prefer to try to use a standard lease form that they are responsible for drafting for our review and approval. Let me know if you need additional information. Thank you. -Nancy

From: Laura Butler
Sent: Wed 4/28/2010 4:55 PM
To: Nancy Kraushaar
Subject: Downtown Farmers Market

Nancy,

Do you want a lease or to charge the Farmers Market for using the gravel lot at 12th and Main? Any conditions of approval you would like me to add to the staff report?



Laura Butler, AICP
Assistant Planner
Planning Division
PO Box 3040
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045
503.496.1553 - Planning
503.496.1550 - Public Works Projects
Fax: 503.722.3880
lbutler@orcify.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more. You can request inspections online, and if you are a contractor, you can even apply for permits online. www.orcity.org
Quickly and easily view, print, and save maps and reports of your property. [Property Zoning Report](#)
Online Mapping is available at [OCWebMaps](#)



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COMMENTS DUE BY: April 26, 2010

HEARING DATE: May 10, 2010

HEARING BODY: ___ Staff Review; ___ PC; XX HRB; ___ CC

FILE # & TYPE: CU 10-02 – Conditional Use Permit

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APPLICANT: J. Hammond-Williams, Oregon City Farmers Market

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- ☒ The proposal does not conflict with our interests. *13th St. is pay lot on Wed. and no free parking downtown n7!*
- ☐ The proposal conflicts with our interests for the reasons attached.
- ☐ The proposal would not conflict our interests if the changes noted below are included.

Signed

Nana Busch

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Exhibit 7



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Laura

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Signed _____

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Exhibit 8