

# Neighborhood Land Use 101

October 14, 2021

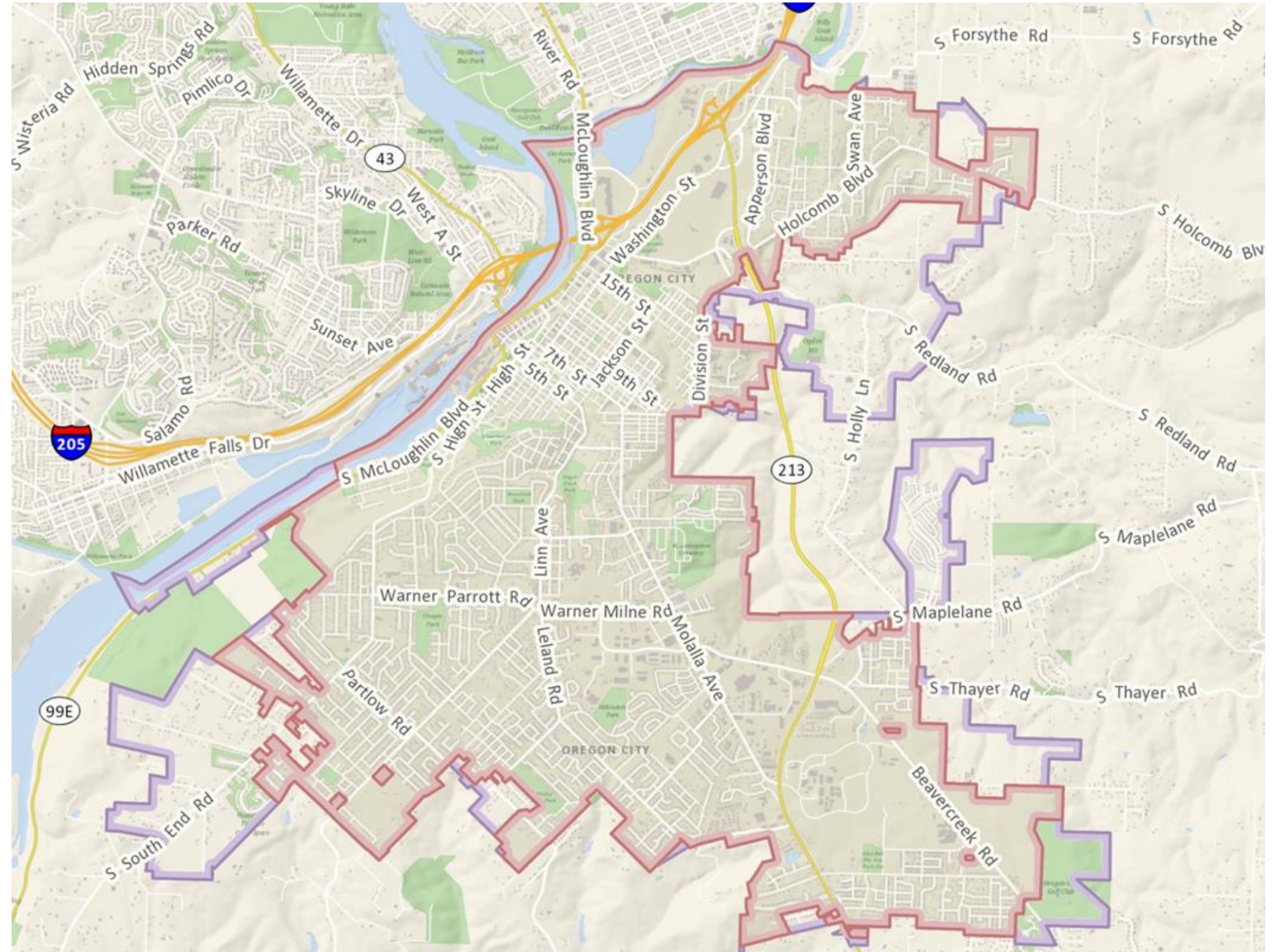
## Meeting Agenda

1. **Welcome**
2. **Introduction**
  - Bob LaSalle, CIC Chair – Park Place Neighborhood Association
  - Christina Robertson-Gardiner, Senior Planner
3. **Land Use 101 Presentation** (recorded for future link to website)
4. **Group Introductions-** name & neighborhood association
5. **Neighborhood Land Use Committee Share**
  - Wendy Marshall MNA + anybody else wishing to share what is working not working for them
6. **Questions for Christina or others in the group**

Meeting ends at 8:30PM- will continue zoom longer if people want to keep sharing/discussing

# Oregon City Development Review Process

Christina Robertson-  
Gardiner, Senior Planner



# Legal Framework

Supreme Court:  
Constitutionality of Zoning Restrictions  
Takings,  
Due Process

Implemented by States and Cities/Counties

## OREGON'S LAND USE PLANNING FRAMEWORK

### STATE OF OREGON

- Requires all jurisdictions to have a Comprehensive Plan, urban growth boundaries and implementing ordinances that comply with State Land Use Goals.

### PORTLAND METRO REGION

- A regional council of governments charged with coordinating land use planning for the Metropolitan area, provide legal direction with functional plan requirements.

### CITY OF OREGON CITY

- The City must comply with state planning rules, the Metro Urban Growth Management Functional Plan (the Title requirements) and does so by adopting land use regulations implementing these requirement that are consistent with the Comprehensive Plan.

# Oregon Statewide Planning Goals

- [Goal 1](#) Citizen Involvement
- [Goal 2](#) Land Use Planning
- [Goal 3](#) Agricultural Lands
- [Goal 4](#) Forest Lands
- [Goal 5](#) Natural Resources, Scenic and Historic Areas, and Open Spaces
- [Goal 6](#) Air, Water and Land Resources Quality
- [Goal 7](#) Areas Subject to Natural Hazards
- [Goal 8](#) Recreational Needs
- [Goal 9](#) Economic Development
- [Goal 10](#) Housing
- [Goal 11](#) Public Facilities and Services
- [Goal 12](#) Transportation
- [Goal 13](#) Energy Conservation
- [Goal 14](#) Urbanization
- [Goal 15](#) Willamette River Greenway
- [Goal 16](#) Estuarine Resources
- [Goal 17](#) Coastal Shorelands
- [Goal 18](#) Beaches and Dunes
- [Goal 19](#) Ocean Resources

# Oregon City Comprehension Plan Goals and Policies

## Transportation Goal- Example

### **Goal 12.6 Capacity**

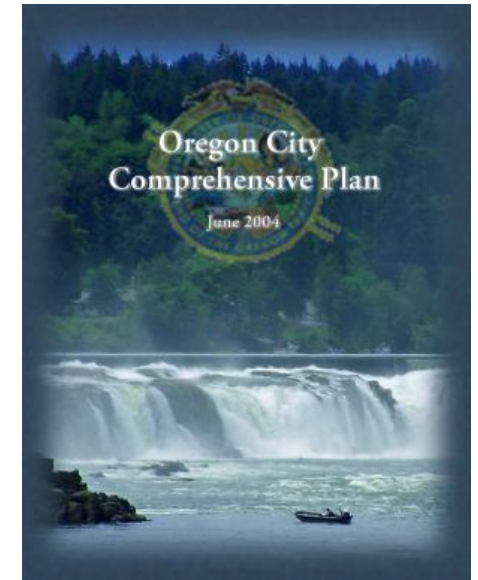
*Develop and maintain a transportation system that has enough capacity to meet users' needs.*

**Policy 12.6.1** Provide a transportation system that serves existing and projected travel demand.

**Policy 12.6.2** Identify transportation system improvements that mitigate existing and projected areas of congestion.

**Policy 12.6.3** Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.

**Policy 12.6.4** Identify and prioritize improved connectivity throughout the city street system.





## NEXUS...

- **Legal term used to describe a direct connection between a condition of approval and the impact created by the proposal.**
- The nexus must be related to the Approval Criteria and must be explained in the findings.
- The nexus must also show that the requirement of the condition is of the same weight as the expected impact **(proportionality)**

# Oregon City Municipal Code

Minimum criteria for commercial, industrial, office and residential uses.

The screenshot displays the Oregon City Municipal Code website. The header features the "OREGON CITY" logo on the left and a search bar on the right. Below the header is a navigation bar with links for Codes, CodeBank, OrdBank, Munidocs, and Links. A secondary bar contains "Show Changes: OFF", "Update Me new!", and a "Menu" button. The main content area is divided into a left sidebar and a right main panel. The sidebar, titled "Browse", lists various code sections, with "Oregon City, Oregon - Code of Ordinances" selected. The main panel displays the title "Oregon City, Oregon - Code of Ordinances Supplement 32" and states that the online content was updated on December 31, 2015. It also mentions that the code was codified through Ordinance No. 15-1014, passed on October 7, 2015. A green banner with a "new!" icon encourages users to view changes in the update, with a button labeled "View changes in TOC". A disclaimer at the bottom of the main panel states that the code and other documents on the site may not reflect the most current legislation. The footer includes a "Municode Library" link and a row of links for Support, Terms of Use, View Mobile Site, and MuniPRO Sign In. The website URL "www.orcity.org" is displayed in the bottom right corner.

**OREGON CITY**

Search

Codes CodeBank OrdBank Munidocs Links

Show Changes: OFF Update Me new! Menu

Browse Q Results S Changes new!

**Oregon City, Oregon - Code of Ordinances**

OREGON CITY, OREGON MUNICIPAL CODE modified

SUPPLEMENT HISTORY TABLE modified

THE CHARTER OF OREGON CITY

Title 1 - GENERAL PROVISIONS

Title 2 - ADMINISTRATION AND PERSONNEL modified

Title 3 - REVENUE AND FINANCE

Title 5 - BUSINESS LICENSES AND REGULATIONS

Title 6 - ANIMALS

Title 8 - HEALTH AND SAFETY

Title 9 - PUBLIC PEACE, MORALS AND WELFARE

Title 10 - VEHICLES AND TRAFFIC

Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Title 13 - PUBLIC SERVICES

## Oregon City, Oregon - Code of Ordinances Supplement 32

Online content updated on December 31, 2015

OREGON CITY MUNICIPAL CODE

Codified through  
Ordinance No. 15-1014, passed October 7, 2015.  
(Supp. No. 32)

new! See what's changed in this update. View changes in TOC

*This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality.*

Municode Library

Support Terms of Use View Mobile Site MuniPRO Sign In

www.orcity.org

# Who Creates and Adopts the Code?



Who May Propose to Change the Code?

Anyone

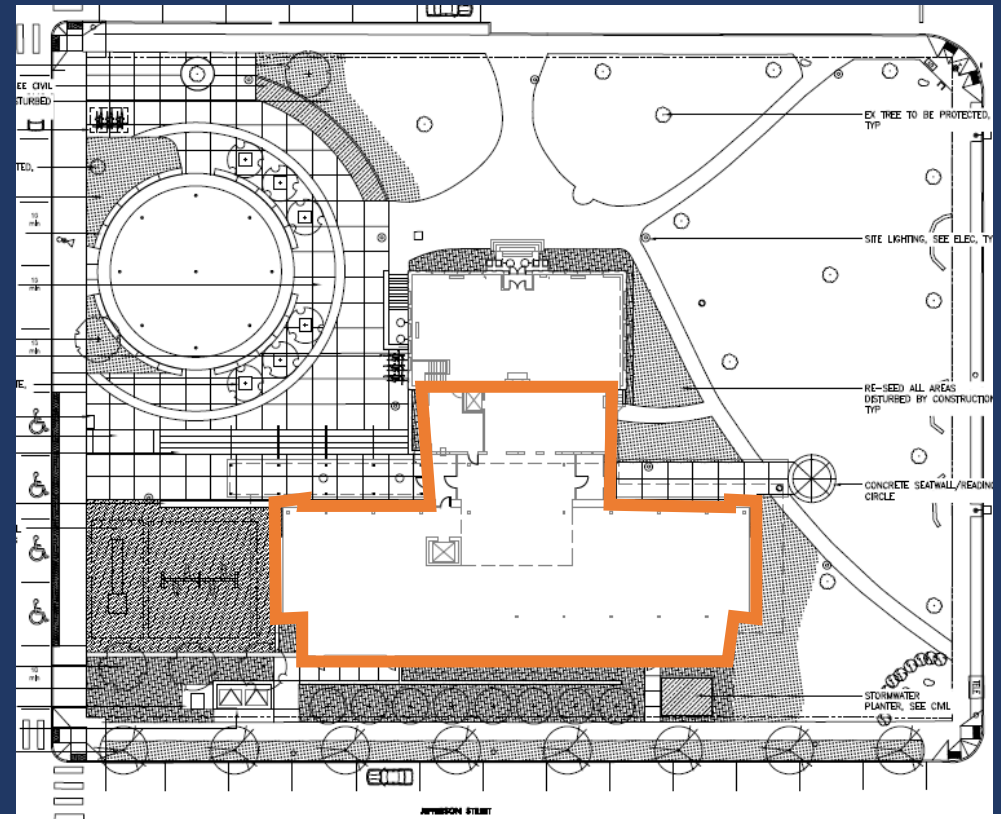
Who Adopts the Code?

City Commission-With review by the Planning Commission and Public



# Example Code Criteria

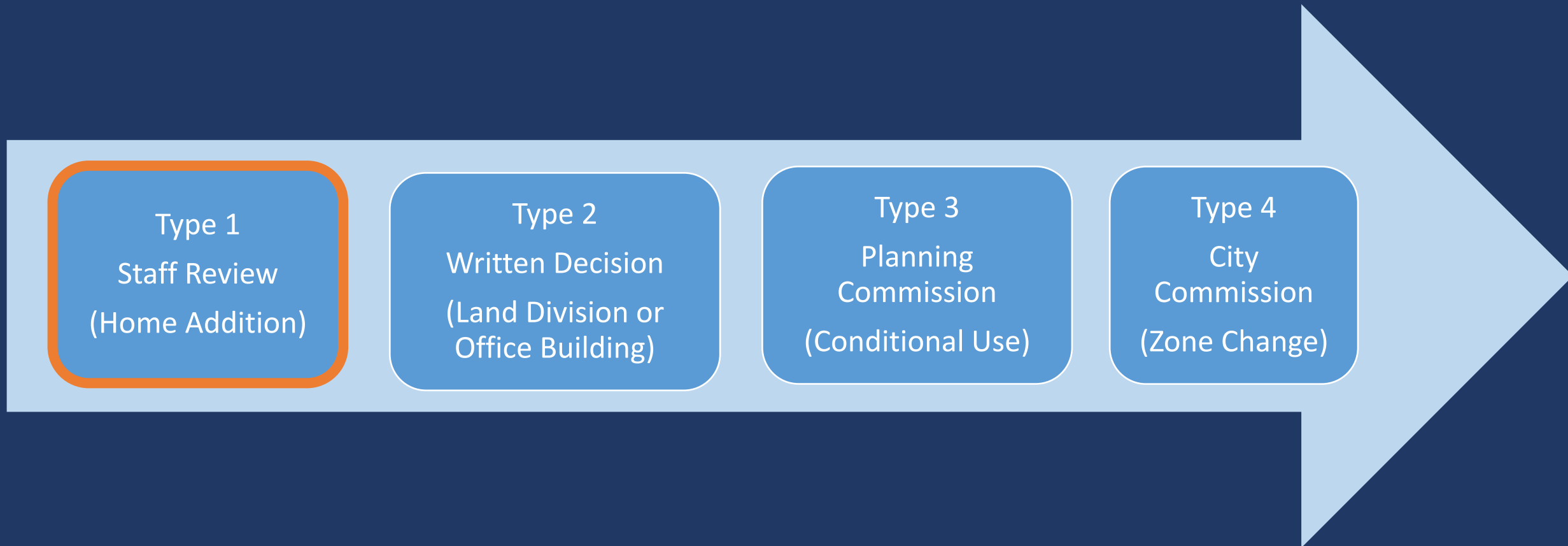
- Traffic Impacts
- Building Height
- Setback
- Building Orientation
- Environmental and Historic Protections
- Parking
- Windows
- Building Material
- Building Scale
- Size, Location & Type of Landscaping



# Levels of Land Use Review

Not Discretionary

Highly Discretionary



# Examples of Type I Applications

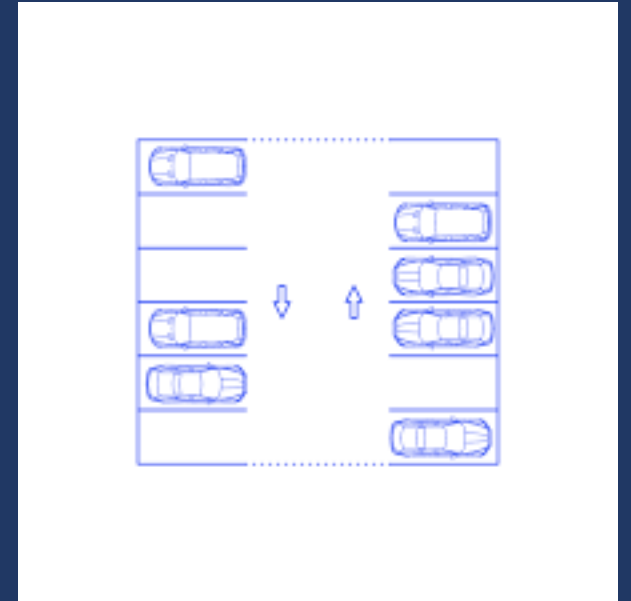
*Not Discretionary*



Home Additions



Decks



Small changes to Commercial sites

Examples outside overlay districts.



# Review of a Rear Deck

## Example Criteria

- Setbacks
- Building Height
- Easements



# Type I Review Process

*Not Discretionary*



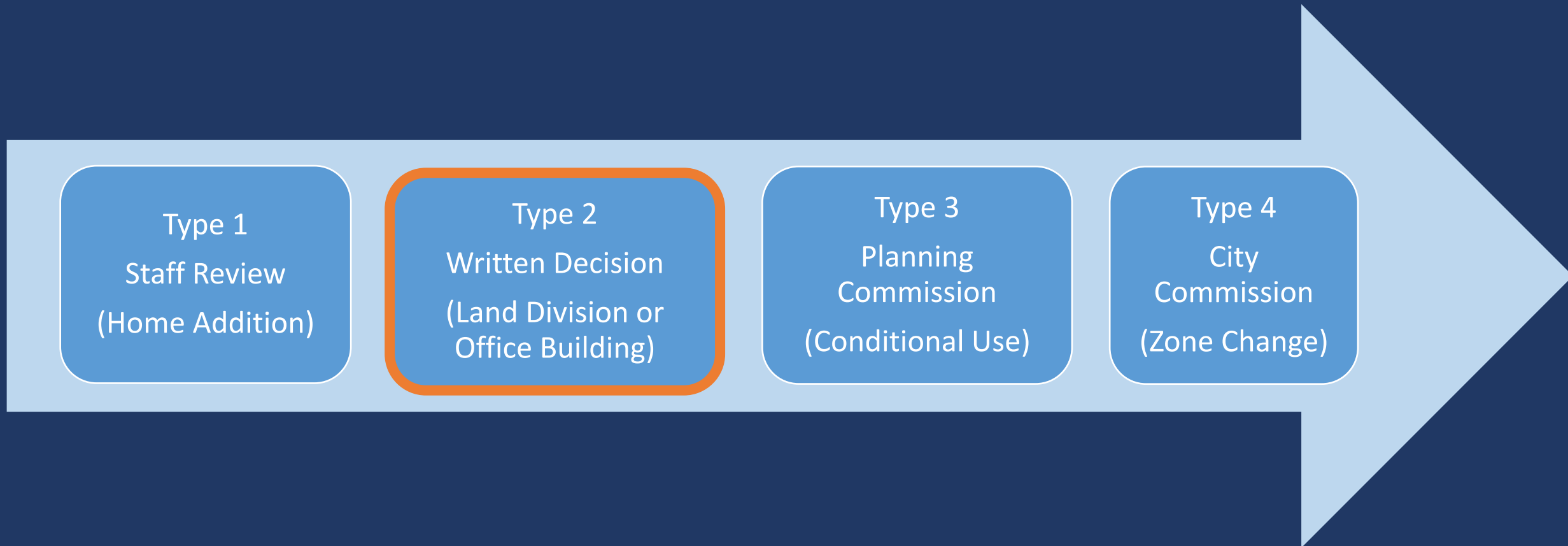
Review Time: 10 Minutes – 1 Week



# Levels of Land Use Review

Not Discretionary

Highly Discretionary



# Type II Review Process

*Minimal Discretion*



Pre-Application Conference (3 Weeks)

Completeness Review (30 Days)-

Staff Level Review (up to 4 Months Including Appeal)

- Public Notification - Website, Mailed, Emailed, Onsite
- Staff Report and Decision

Appeal to the City Commission

# Examples of Type II Applications

*Minimal Discretion*



New Commercial Building



New Condos



Subdivision

# Example Finding

## *17.62.050.A.21. Building Materials.*

*a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials.*

*Preferred exterior building materials that reflect the city's desired traditional character are as follows:*

*i. Brick.*

*ii. Basalt stone or basalt veneer.*

*iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.*

*iv. Board and baton siding.*

*v. Other materials subject to approval by the community development director.*

*vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.*

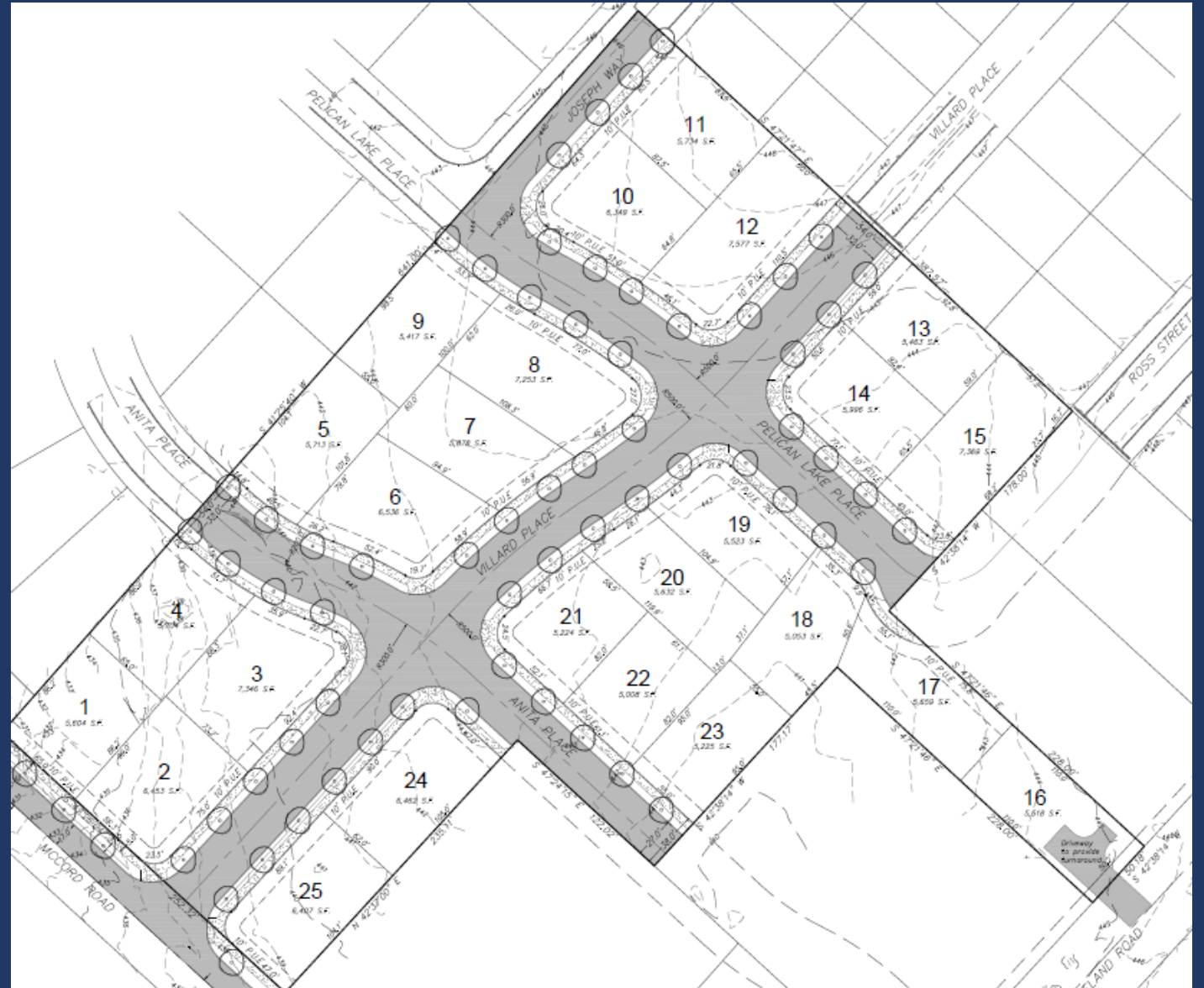
*vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*

**Finding:** Complies as proposed. The development application included a material board and architectural plans in Exhibit 2. The primary exterior building material proposed is hardiplank lap siding with a mixture of 5" and 8" exposures. Hardishingle shingle siding and cultured stone are used as accent materials throughout the site.

# Review of a Land Division

## Example Criteria

- Lot Size
- Lot Depth and Width
- Maximum Block Length
- Stormwater Impacts
- Utilities
- Traffic Impacts







## Steps in Determining Traffic Impacts

### **Follow the adopted Guidelines for Transportation Impact Analysis (TIA)**

- Trip generation
  - Primary trips
  - Pass-by trips
  - Diverted link trips
  - Internal trips
- Trip distribution
- Mode split

# Performance Standards



Level of service – based on delay, different for signalized and unsignalized intersections



Volume-to-capacity ratio ( $v/c$ ) – proportion of capacity



Primary focus is on intersections, but may be used for freeways, ramps, other highways

# Development Review

Different requirements depending on size of development

Different requirements for zone changes requires addressing Oregon's Transportation Planning Rule (TPR)

Different requirements for master plans

# Conditions of Approval



Frontage improvements



Off-site mitigation, e.g. signal  
installation, turn lanes,  
proportionate share

# Transportation Systems Development Charges (SDCs)

Allowable under state law

Ordinance with methodology adopted by Oregon City

Based on PM peak hour trip generation in Oregon City

SDC's may be used only for capacity improvements, may not be used to solve existing conditions



# Public Notification

- Posted on Website
- Mailed to Property Owners within 300 feet
- Sign Posted on Property
- Emailed to approx. 60 Agencies/Departments/Neighborhood Associations
- Anyone may comment
- All Comments must be Received within the Comment Period
- Address Applicable Criteria
- Staff integrates comments into findings and decision/recommendation



**OREGON  
CITY**

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

## NOTICE OF LIMITED LAND USE APPLICATION (TYPE II)

Mailed on September 22, 2020

|                                   |  |                               |
|-----------------------------------|--|-------------------------------|
| <b>COMMENT DEADLINE:</b>          | Written comments on this Type II application must be received by the Oregon City Planning Division (PO Box 3040, Oregon City, OR 97045) no later than <b>3:30 pm, October 7, 2020.</b>   |                               |
| <b>FILE NUMBERS:</b>              | GLUA 20-000036: MP 20-04 NROD 20-15 LL 20-07   |                               |
| <b>OWNER/APPLICANT:</b>           | Craig & Debbie Derusha<br>19308 Leland Road<br>Oregon City, OR 97045   |                               |
| <b>APPLICANT'S REPRESENTATIVE</b> | Rick Givens<br>Planning Consultant<br>1860 Sunblaze Drive<br>Oregon City, OR 97045   |                               |
| <b>REQUEST:</b>                   | This application proposes a two-lot partition for property located at 19366 Prospector Terrace in Oregon City. The proposal also includes a property line adjustment with property located at 19331 Meyers Road to add area to the Prospector Terrace property and a Natural Resource Overlay District project exemption.  |                               |
| <b>LOCATION:</b>                  | 19366 Prospector Terrace and 19331 Meyers Road<br>3-2E-07DB 00500 & 32E07A 05000   |                               |
| <b>PROJECT WEBPAGE:</b>           | <a href="https://www.oregocity.org/planning/project/glua-20-000036-mp-20-04-nrod-20-15-ll-20-07">https://www.oregocity.org/planning/project/glua-20-000036-mp-20-04-nrod-20-15-ll-20-07</a>  |                               |
| <b>CONTACT PERSON:</b>            | Christina Robertson-Gardiner, Senior Planner, (503) 496-1564, <a href="mailto:crobertson@oregocity.org">crobertson@oregocity.org</a>   |                               |
| <b>NEIGHBORHOOD ASSOCIATION:</b>  | Hillendale Neighborhood Association  | Date of Meeting: Not Required |
| <b>CRITERIA:</b>                  | Streets, Sidewalks and Public Places in Chapter 12.04; Public and Street Trees in Chapter 12.08; Stormwater Management in Chapter 13.12; Grading, Filling and Excavating in Chapter 15.48; Minimum Improvements and Design Standards in Chapter 16.12; Land Divisions Processes and Standards in Chapter 16.08; Tree Protection Standards in Chapter 17.41; Erosion and Sediment Control in Chapter 17.47; Natural Resource Overlay District in Chapter 17.49; and Low Density Dwelling District in Chapter 17.08; Administrative Processes in Chapter 17.50;. The City Code Book is available on-line at <a href="http://www.oregocity.org">www.oregocity.org</a> . |                               |

For helpful tips on submitting public comments, please visit the "How Do I...?" section of our website: <https://www.oregocity.org/planning/how-do-i> then click on "How do I Make the Most Effective Comments on Development Applications?" Thank you!

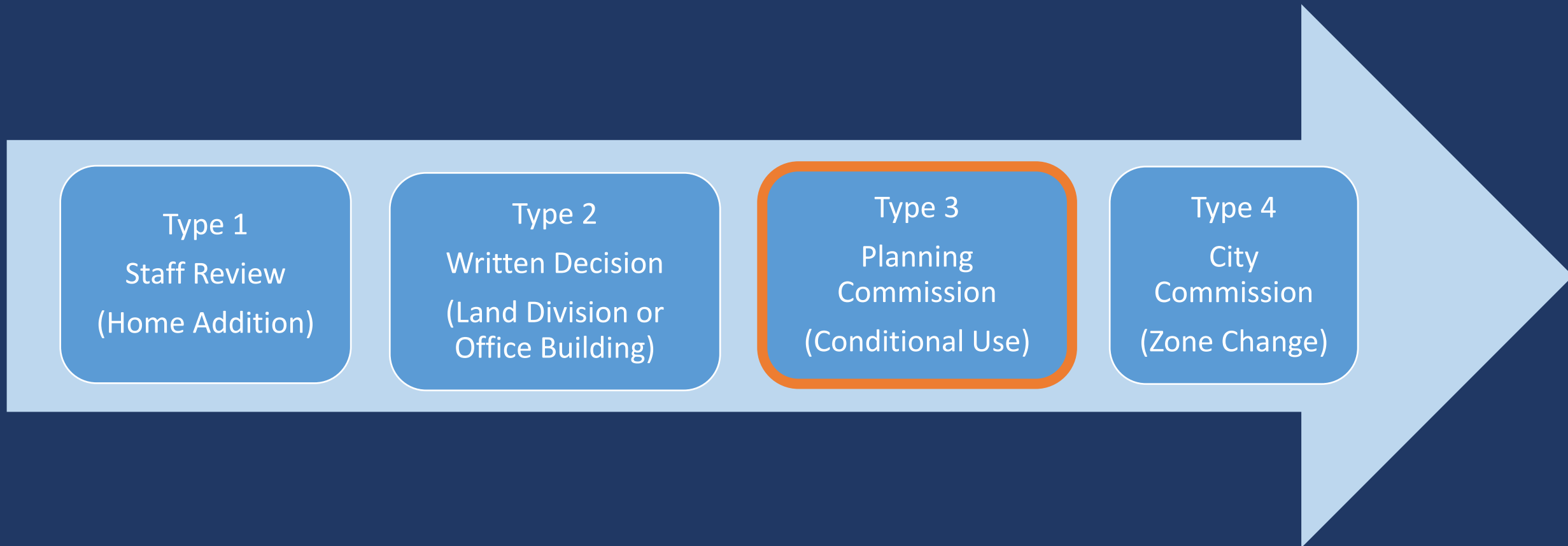
The application and all supporting documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Ave., Ste. 200, during regular business days (8:30 am - 3:30 pm). Copies of these materials may be obtained for a reasonable cost. Any interested party may submit written comments prior to the issuance of the Community Development Director's decision. Written comments must be received at the Planning Department no later than the close of business on the date identified above to be considered by the Community Development Director. The Community Development Director's decision will be based on the applicant's submittal, departmental and agency comments, letters from the public, and available information applicable to the criteria. Notice of the decision shall be sent to the applicant and to those persons submitting comments and providing a return address. Please be advised that any issue that is intended to provide a basis for appeal must be raised in writing during the 14-day comment period with sufficient specificity to afford the City and the parties an opportunity to respond to the issue. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City to respond to the issue, will preclude any appeal on that issue. The Community Development Director's decision may be appealed to the City Commission by parties with standing. Any appeal will be based 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.

# Levels of Land Use Review

Not Discretionary

Highly Discretionary



# Examples of Type III Applications

*Discretionary*



School



Church



Master Plans

# Review of a New School

## Example Criteria

- The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
- 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;
- The proposal satisfies the goals and policies of the city comprehensive plan which apply to the proposed use.

# Type III Review Process

*Discretionary*



Pre-Application Conference (3 Weeks)

Completeness Review (up to 30 Days)

Planning Commission Review (up to 4 Months Including Appeal)

- Public Notification - Paper, Website, Mailed, Emailed, Onsite
- Staff Report with Findings to the Planning Commission
- Planning Commission Decision

Appeal to the City Commission



# Public Notification

- Posted on Website
- Mailed to Property Owners within 300 feet
- Sign Posted on Property
- Emailed to approx. 60 Agencies/Departments/Neighborhood Associations



**OREGON  
CITY**

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

## NOTICE OF LAND USE APPLICATION

Mailed On: October 16, 2020

|   |  |   |
|---|--|---|
| COMMENT DEADLINE:   | On Monday, November 9, 2020 the City of Oregon City - Planning Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 on the following Type III Land Use Application. Any interested party may testify at the public hearing or submit written testimony at or prior to the close of the Planning Commission hearing. Written comments on this Type III Land Use Application must be received by the Oregon City Planning Division, no later than <b>Friday, October 30, 2020</b> to be included in the Staff Report. Comments received after this date will be provided to the Planning Commission at the hearing. The public record will remain open until the Planning Commission closes the public hearing. |   |
| FILE NUMBERS:   | GLUA-20-00041/CI-20-00002: Code Interpretation Application   |   |
| APPLICANT:  | Michael Barrett<br>2505 SE 11 <sup>th</sup> Avenue, Suite 117<br>Portland, OR 97202  |   |
| OWNER:  | BCORE MF Edgewater Owner LLC<br>1937 Main Street<br>Oregon City, OR 97045  |   |
| REQUEST:  | The applicant has requested the Planning Commission confirm whether or not Site Plan and Design Review standards in OCMC Chapter 17.62 are applicable to live/work dwelling units in addition to the Live/Work Dwelling standards in OCMC 17.20.   |   |
| LOCATION:   | 1913/1926 Main Street, Oregon City, OR 97045<br>Clackamas County Map 2-2E-29, Tax Lot 2900   |   |
| PROJECT WEBPAGE:  | <a href="https://www.orecity.org/planning/project/ci-20-00002">https://www.orecity.org/planning/project/ci-20-00002</a>  |   |
| CONTACT PERSON:   | Diliana Vassileva, Assistant Planner, 503-974-5501, <a href="mailto:dvassileva@orecity.org">dvassileva@orecity.org</a>   |   |
| NEIGHBORHOOD ASSOCIATION:   | Two Rivers Neighborhood Association  | Neighborhood Association meeting not required for Code Interpretation application |
| CRITERIA:   | Administrative Processes in Chapter 17.50; Site Plan and Design Review in Chapter 17.62; Live/Work Dwelling Design Standards in Chapter 17.20. The City Code Book is available on-line at <a href="http://www.orecity.org">www.orecity.org</a> .   |   |
| For helpful tips on submitting public comments, please visit the "How Do I...?" section of our website: <a href="https://www.orecity.org/planning/how-do-i">https://www.orecity.org/planning/how-do-i</a> then click on "How do I Make the Most Effective Comments on Development Applications?" Thank you! |  |   |

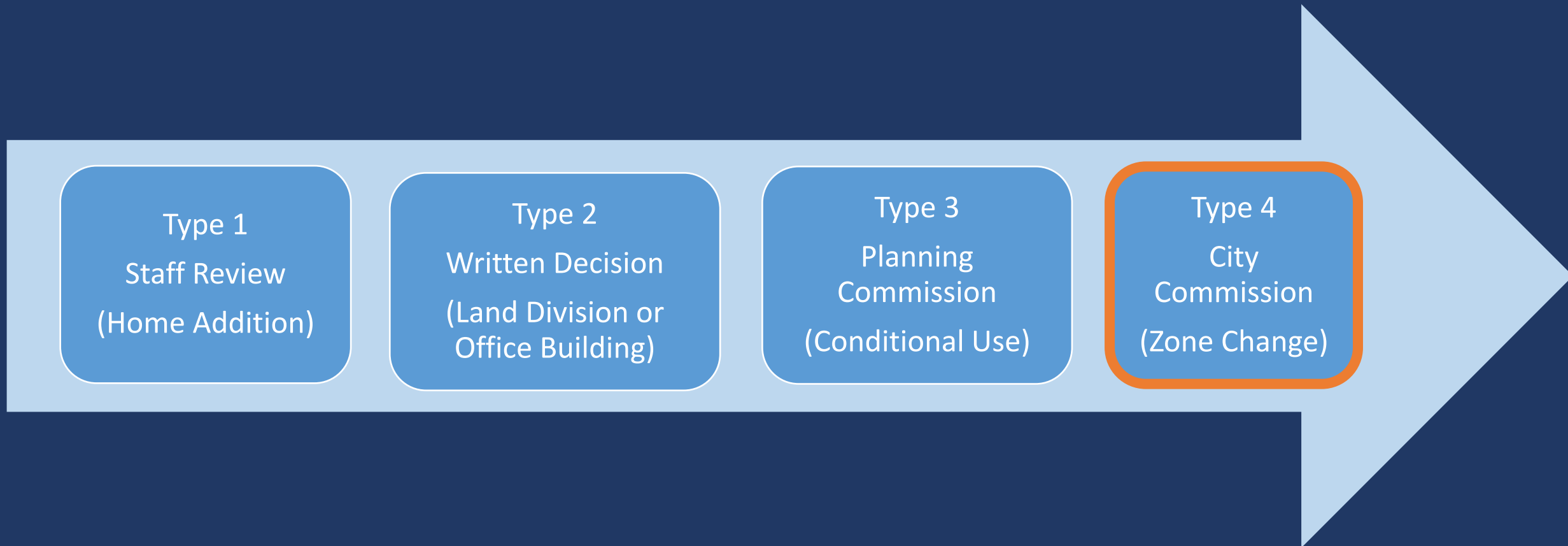
The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 695 Warner Parrott Rd, Oregon City, Oregon 97045, from 9 a.m. to 4 p.m. Monday thru Thursday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The decision of the Planning Commission may be appealed to the City Commission by parties with standing within 14 days of the notice of decision. Any appeal will be based on the record. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.

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.

# Levels of Land Use Review

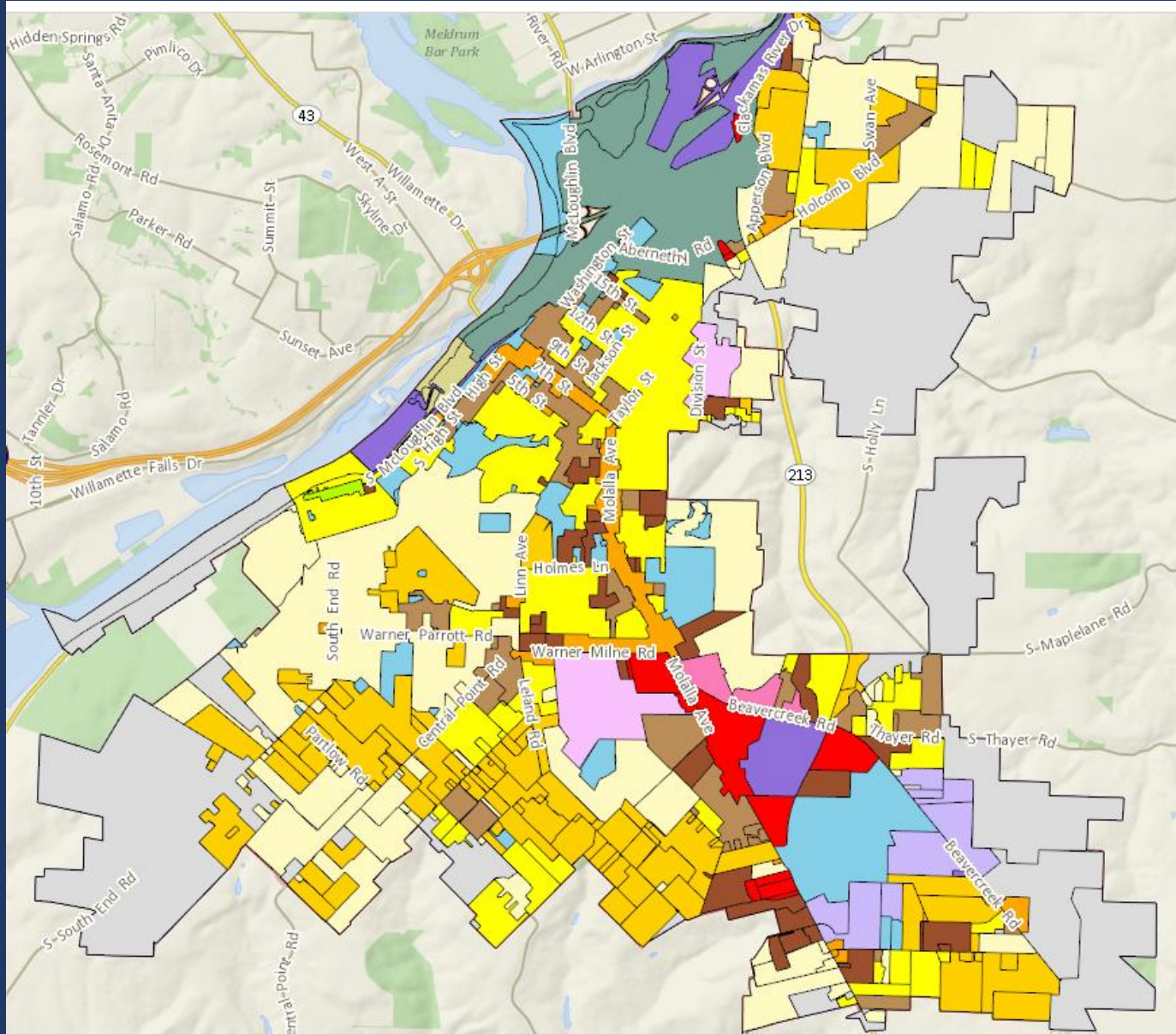
Not Discretionary

Highly Discretionary



# Examples of Type IV Applications

*Highly Discretionary*



Zone Change  
Comprehensive Plan Amendment  
Annexation


# Review of a Zone Change

## Example Criteria

- Compliance with the Comprehensive Plan
- Water, sewer, storm drainage, transportation, schools, police and fire protection can be made available to support the range of uses and development allowed by the zone.
- Consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

# Type IV Review Process

*Highly Discretionary*



Pre-Application Conference (3 Weeks)

Completeness Review (up to 30 Days)

Planning Commission Hearing(s) (up to 4 Months w/Appeal)

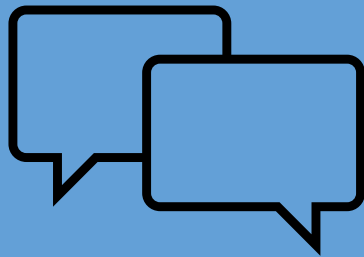
- Public Notification - Paper, Website, Mailed, Emailed, Onsite
- Staff Report with Findings
- Recommend Approval to CC or Denial (w/Appeal to CC)

City Commission Hearing(s)

- Staff Report with Findings
- Decision

Appeal to the City Commission

# Tips For Submitting Public Comments



- **Read the application, staff report (if available)**
- **Check the public notice for the comment deadline and/or hearing date.**
- **Talk to the planner reviewing the application if you have questions.**
- **Know the decision-making criteria**
- **Make your comments clear**
  - Cite specific, measurable impacts.
  - identify, if you can, the specific criterion/criteria that the applicant is or is not meeting.
  - Try to avoid hearsay or prophetic ("chicken little") statements.
  - Provide information, if you can, that reveals gaps or errors in the staff's findings and conclusions, or introduce new information.



# FAQ's about Review Process

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## **Pre-application Conferences**

- Why are they required?
- Why do applicants have more than one?
- Can anybody hold a pre-application conference?
- How to we get copies of the meeting notes, can we attend?

## **Completeness Review**

- Why do some applications have less information than others?

## **Staff Reports**

Why are there so many conditions of approval?

## **Technical Reports**

I think I disagree with the report- but I am not an expert- what do I do?

## **What is the process for a free neighborhood appeal?**

Talk to the planner assigned to the case, review appeal worksheet.

# Opportunities for Public Notification

Subscribe

Go to City  
Website:  
Development  
Projects page

Call the  
Planning  
Division

← → ↻ 🏠 📍 orcity.org 🔍 ★ 👤 ⋮

## News and Announcements [View all News](#)

- [Open Job - 2021 Deputy Finance Director - INTERNAL ONLY](#)
- [Apply to Serve on a City Board or Commission!](#)
- [March 9, 2021 Mayoral Election for Oregon City](#)
- [2021 Teen Summer Reading Artwork Contest](#)

## Upcoming Events [View Calendar](#)

- [Chief's Advisory Group - 01/19/2021 - 6:00pm](#)
- [Transportation Advisory Committee \(TAC\) Meeting - 01/19/2021 - 6:00pm](#)
- [Transportation Advisory Committee \(TAC\) - 01/19/2021 - 6:00pm](#)

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# Neighborhood Land Use 101

October 14, 2021

## Meeting Agenda

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2. **Introduction**
  - Bob LaSalle, CIC Chair – Park Place Neighborhood Association
  - Christina Robertson-Gardiner, Senior Planner
3. **Land Use 101 presentation** (recorded for future link to website)
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6. **Questions for Christina or others in the Group**

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