



MEMORANDUM

To: City and Planning Commissioners
From: Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager
RE: Park Place Concept Plan Key Elements Integrating Clear and Objective Standards into Oregon City Municipal Code
Date: May 7th, 2024; Updated June 24, 2024 with PC revisions

This memo was originally presented to the City Commission in May and the Planning Commission in June. At the June 10th meeting the Planning Commission provided comments and recommendations on this document. Those comments are shown in red underline.

The purpose of this memo is to identify and describe sections of the Oregon City Municipal Code that need revisions in order to refine and implement key elements from the Park Place Concept Plan (PPCP).

The 2008 Park Place Concept Plan identified 11 key elements:

1. Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
2. Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.
4. An area for a new civic institution, such as a library or community center
5. A mix of housing types and ranges of affordability
6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections
7. Innovative, “green” on-site stormwater treatment methods
8. Protected sensitive areas, including drainages and steep slopes
9. Streets and buildings oriented for solar access
10. The use of green edges to define neighborhoods and buffer developments
11. Integration of parks and open spaces into existing and future neighborhoods
(PPCP p21)

**Background**

When the PPCP was adopted in 2008, the Oregon City Municipal Code (OCMC) was amended to implement the concept plan. The Park Place Concept Plan was implemented through Legislative File 08-01 which updated, revised, and added new code sections to OCMC. Land in the North Village which has annexed to the City has a zoning designation of Neighborhood Commercial (NC) and R-5 (Medium Density Residential). OCMC 17.10 was amended to add R-5 in 2008 to allow for a diversity of housing types. The existing Neighborhood Commercial zone was refined to increase the number of permitted uses, restrict the size of stand-alone commercial buildings, and allow live-work units. Multi-family is allowed in Neighborhood Commercial, but it cannot be more than 50% of the building square footage on-site.

Key Elements and Corresponding Code Sections and Explanation**1. *Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)*****How was this implemented?**

The extensions of Holly Lane and Swan Avenue are adopted in the 2013 Transportation System Plan (TSP). Holly Lane is adopted as Planned Minor Arterial and Swan Avenue is shown as a Planned Collector. Minor Arterial Roadways are intended to serve local traffic traveling to and from major arterial roadways. This classification provides greater accessibility to neighborhoods, often connecting to major activity generators and provide efficient through movement for local traffic. A Collector Roadway connects neighborhoods to minor arterial roadways.

Holly Lane is an adopted TSP project that connects Redland Rd to Holcomb Blvd. It is identified as project #D48 Holly Lane North Extension and described as a residential minor arterial with newly created street connections to Cattle Drive and Journey Drive. The funding priority is listed as “Long-term”. Swan Avenue extension is also an adopted TSP project connecting Livesay Rd to Redland Rd and Redland to Morton Rd. These projects are identified as #D49 and #D50 and described as residential collectors. The funding priority is also “Long-term”.

Long-term projects are those that are “likely to be implemented beyond 10 years from the adoption of [the TSP]. These projects are important for the development of the transportation network, but unlikely to be funded in the next 10 years [2023]”. (TSP p63 Volume II 2 of 2)



Development can pay for a portion of these extensions where a rational nexus exists and in rough proportionality to the impact of development. Chapter 16.12 Minimum Public Improvements and Design Standards and specifically sections 16.12.010 and 16.12.011 would apply to any development paying for portions of or all of these road extensions.

OCMC Chapter 16.12.015 requires development to “provide any necessary dedications, easements or agreements as identified in the transportation system plan, trails master plan, and/or parks and recreation master plan and this chapter, subject to constitutional limitations.” These limitations refer to established case law requiring rough proportionality and a rational nexus when requiring development to provide public improvements.

Known issues with this element: All of Swan Lane and most of Holly Lane are outside of City limits and connect to roads in Clackamas County’s jurisdiction. Clackamas County does not have these projects in their TSP and also does not have planned improvements on Redland Road that could handle additional trips. The County has not indicated if these projects will be considered in the next TSP Update.

Options:

1. No further action because the two connecting roads are adopted in the Oregon City TSP and will be constructed as development occurs.
2. When the TSP and CIP are updated in the next two years, reprioritize these important connections to be a short-term priority. Potentially invest SDC funding in the projects D48, D49, and D50.
3. Establish and codify a maximum number of trips that trigger construction of the full extent of roads and public improvements even when it is outside of the development area. If this option is considered, the trigger should be limited to the Park Place Concept Plan Area.

Planning Commission comments:

- Commission consensus was to pursue option #2 and reprioritize the two projects from long-term to short-term. There was also discussion about participating in the County’s Transportation System Plan in order to have these projects reflected in their plan. There was discussion about investigating a Zone of Benefit or a Local Improvement District to help fund these roads. Feedback also included



looking to the Urban Growth Management Area agreement as a tool for how to plan and fund roads at the edges of the urban/rural interface.

2. Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units.

How was this implemented?

The portion of the North Village that is annexed (92 acres) is zoned R-10 Low Density residential, R-5 Medium Density residential and NC- Neighborhood Commercial. The portions that have not been annexed have comprehensive plan designations of low and medium density residential and mixed-use corridor. As land annexes to the City a zoning district will be assigned. The concept plan recommended a range of densities in order to provide attractive and affordable housing for a variety of incomes and household types. It recommended adopting a new medium-density zone R-5 and modifications to design standards for attached single-family housing and multi-family housing. These actions were adopted in 2008 through Legislative File 08-01.

The intent of this element is captured in OCMC 17.10 Medium Density, and 17.24 Neighborhood Commercial. The intent of each element is captured in current zoning code Chapter 17. The mix of densities envisioned in the north and south villages can be achieved through the low, medium, neighborhood commercial zones.

Proposed Code Revisions:

1. Revisions are proposed to 17.10 (R-5, R-3.5) for clear and objective standards
 - a. Previously multi-family residential was allowed in the R-3.5 zone through a Master Plan review in 17.65. Chapter 17.65 Master Plan is highly discretionary and the remedy to make clear and objective is to allow multi-family residential as a permitted use subject to site plan and design review standards in 17.62.
 - b. Additional revisions will implement clear and objective standards to implement a range of housing types while respecting existing residential development outside the Concept Plan Area.
2. Revisions are proposed to 17.20 Neighborhood Commercial to implement the concept plan as well as create clear and objective standards.

Notes:



1. After conversations with Metro staff, we found that it is not necessary to meet the very precise number of units identified in the PPCP. Rather it is important to maintain the residential capacity allowed in the R-5 zone and retain the adopted minimum density.

3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space.

How was this implemented?

Neighborhood Commercial zoning is codified through 17.24 and the comprehensive plan has identified two areas of Mixed-Use Corridor in the Concept Plan where NC will be applied when annexed to the City. NC uses include commercial, residential, and parks. Additionally, there is a maximum allowable residential use of 50% of square footage on any one site which ensures that residential uses cannot be the predominant building type in the NC area.

The uses envisioned to make up the Livesay Main Street, small scale commercial businesses, a civic building, and a park or *Village Green*, in the North Village are permitted uses in Neighborhood Commercial. The South Village also envisioned a small Neighborhood Commercial node with a park. Main street design standards are codified in 17.62.055 as described in the original Park Place land use implementation appendix. Including store front windows, street-level entrances, streetscape elements such as weather protection and street trees, and restrictions on mid-block driveways to ensure an attractive, walkable environment.

In March 2024, staff requested a market analysis of the Neighborhood Commercial area in the North Village from the firm Johnson Economics. The analysis indicates this area is “expected to be limited to tenants serving the local community, largely residents south of Holcomb and north Redland roads.” The analysis goes on to estimate that commercial demand “will need a substantive amount of planned residential development to be completed, as well as the Holly Road connection between Holcomb and Redlands before commercial development is viewed as viable at the site.” See analysis from Jerry Johnson of Johnson Economics with further details about what type of commercial uses might locate in the area.

Proposed Code Revisions:

1. Revisions are proposed to 17.24.060 Neighborhood Commercial to include additional standards for the Park Place Concept Plan area.
 - a. Residential uses are limited to no more than 50% of the total building square footage. Additional standards for landscaping, setbacks, residential uses, and parking are included. Building entrances and architectural standards are proposed to create an urban design aesthetic that supports a main street type development. Features



such as locating entrances near the corner of a building and incorporating elements such as height or massing, cupolas, turrets, or pitched roofs. Proposed requirement to cut the corner of a building and include weather protection, special paving materials, street furnishing, plantings. Architectural features such as increased windows and glazing and canopies and overhangs are intended to create visual interest at the street level. Proposed code also includes specificity about materials, streetscape trees, lighting, seating, signage, and awnings.

Options:

1. Does the City want to consider constructing a civic “anchor” to fulfill the vision of the Concept Plan and attract other commercial activity?
2. Should the City consider prohibiting or limiting certain uses that take up the NC land? For example storm water facilities or other utilities?

Planning Commission comments:

- There was some discussion about eliminating the zone altogether but ultimately there was not consensus for that idea. There was discussion about what amount of residential should be allowed in the Neighborhood Commercial zone. The current code limits residential uses to 50% of the building square footage. Some feedback suggested eliminating the limit and letting it become all residential should the market dictate. Other thoughts were to allow flexibility in the amount of residential that is allowed in order for developers to be incentivized to develop mixed use.

4. An area for a new civic institution, such as a library or community center

How was this implemented?

OCMC 17.24 Neighborhood Commercial allows civic institutions with a square footage limit of 10,000 square feet any one building unless the use is a grocery store.

Proposed Code Revisions:

1. Revisions are proposed to 17.24.060 Neighborhood Commercial to include additional standards for the Park Place Concept Plan area.
 - a. Permitted uses identify potential Civic Uses such as public, private, non-profit organizations that run museums, art galleries, indoor and outdoor music theater and venues, child care facilities, health and fitness clubs, clubs and lodges, mobile food units, and outdoor markets.

Options:

1. Does the City want to consider constructing a civic space that could act as an “anchor” for commercial activity?



5. A mix of housing types and ranges of affordability

How was this implemented?

Adopted zones in the Low Density and Medium Density allow for a range of lot sizes and types of housing. The Residential Standards for the Park Place Concept Area (OCMC 17.21) apply design types for residential development. The purpose of OCMC 17.21 is to ensure new residential development implements the goals and policies of the Park Place Concept Plan, promote high quality residential development and construction, protect property values, encourage visual variety and architectural compatibility; ensure diversity of housing types and promote an integrated character in the Park Place Concept Plan Area.

The PPCP noted that “while the Park Place Concept Plan allows for opportunities to meet affordable housing needs without subsidy, the reality of the housing market in Oregon City and the Portland Metro Region is that some subsidy by public agencies and non-profit organizations will be required to achieve affordable housing goals for this area.” (PPCP p61) To date, the City has not implemented any affordable housing subsidy therefore we are reliant on non-profits and other governmental subsidy programs to create affordable housing. Since the adoption of the PPC, middle housing standards were adopted which could bring additional housing diversity to the area.

Proposed Code Revisions:

1. Revisions are proposed to 17.10 (R-5, R-3.5) for clear and objective standards
 - a. Section 17.10.050(B)(5) is proposed to allow an affordable housing density bonus through clear and objective standards. This proposed revision supports the PPCP aspiration to encourage production of affordable housing.
 - b. Section 17.21.105 Housing Diversity Requirements is proposed to a percentage of proposed total housing as middle housing depending on the size of the subdivision.

Options:

1. The PPCP suggest allowing average density calculations for subdivisions over 25 units to promote a variety of lot sizes (PPCP p62). However lot averaging was in the code but subsequently removed due to the unworkable overburdensome nature of the allowance.
 - a. Is this something the Commission would like to re-consider at this time?
2. Consider density bonuses for developers who provide affordable housing units. (PPCP p63)
 - a. If this is a concept the Commission is interested in, staff will develop options for the Commission to consider.



Planning Commission Comments

- Planning Commissioners did not want to reconsider lot averaging and agreed that it should remain out of the code.
- Several Commissioners were concerned with how affordable housing would remain affordable and how would that provision be enforced.

6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections

How this was implemented/Actions:

Park Place Concept Plan trails were adopted in the Oregon City Conceptual Trails Map. TSP Figure 8 Multi-Modal Street System shows the on-street trails and pedestrian and bicycle connections. In the 2013 TSP Figure 5 Multi-modal Connectivity Plan does not include off-street trails. OCMC 16.12.016 identifies sidewalks and bike lanes for Minor Arterials and Collector Road classifications.

The concept plan envisioned a network of off-street and on-street trails and pedestrian/ bicycle connections. These systems are illustrated in Figures 3-8 and 3-9 of the PPCP. The on-street system of pedestrian/ bicycle connections is clearly identified and adopted through the road classification system in the TSP and OCMC 16.120.016. The on-street network follows the main transportation connections identified in the plan Holly Lane, Swan Lane and Livesay Rd. Holly Lane from Redland to Holcomb is identified as a planned Minor Arterial which does include sidewalks and bicycle lanes. Swan Lane from Livesay to Morton is identified as a planned Collector which also includes sidewalks and bicycle lanes. The off-street trails were identified in the Oregon City Trails Master Plan adopted in 2004 but are not reflected in the 2013 TSP. This would be an area for improvement and should be included during the next TSP update.

A portion of L2 Holcomb Ridge Loop Trail is within the PPCP area and shown on adopted Oregon City Trails Master Plan. Additionally, L5 Park Place Creek Loop trail is within the area and is intended to stretch between Redland Rd and the Park Place Development. L6 Park Place Development trail system encompasses the off street trails identified in Figure 3-8.

Options:

1. Update the TSP with off-street tails identified in the Concept Plan. This action could take place during the next TSP update. If City Commission desires to see this update sooner than the next TSP update, staff will need to hire consultants who can perform a cost analysis for the trails that can be included with the TSP update.



2. Update code standards to require proportional dedication of land for trails at the time of subdivision or site plan review.
3. Acknowledge that the specific locations of off-street trails, and the ownership and maintenance requirements for these trails, is typically determined during site specific development plan review.

Planning Commission Comments

- A Planning Commissioner recommended going with option 3.

7. Innovative, “green” on-site stormwater treatment methods

How this was implemented?

The Park Place Concept Plan was developed in a manner that minimizes impacts to the existing hydrological conditions of the study area. Moreover, the stormwater concept plan and recommendations seek to utilize existing natural drainage features and low-impact development best practices to mimic existing hydrologic functions.

Chapter 13 of the OCMC addresses public utilities and services including water, sewer, and stormwater. These chapters are applicable during site plan and design review but are not listed as applicable chapters to address during general development or detailed development land use review. Updates to Chapter 17.65.050 and 17.65.060 are needed to include references to these chapters and specifically chapter 13.12 Stormwater management.

Since the adoption of the Concept Plan, stormwater management standards were adopted and went into effect in 2015 as well as the Stormwater and Grading Design Standards which emphasize low-impact development (LID) practices. Stormwater LID techniques approved for use in Oregon City mimic natural drainage systems by keeping rainwater close to where it falls and attenuate stormwater runoff.

Stormwater is addressed in section 13.12.020 of the OCMC:

- OCMC 13.12.020 allows the City Commission to adopt the Stormwater and Grading Design Standards, which have been adopted in 2015 and an update in 2019/2020.

Stormwater and Grading Design standards prescribes a Stormwater Management Strategy that development must address. “Given suitable site and soil conditions, the City requires that the stormwater management strategy prioritize infiltration of stormwater runoff to recharge groundwater mimic pre-development hydrologic conditions” (p38 Stormwater and Grading Design



Standards). The City's stormwater Management Hierarchy closely matches the desired stormwater management in the PPCP.

Level 1- Onsite retention of the 10-year design storm using LID for infiltration

Level 2- Onsite stormwater management using LID to meet water quality and flow control standards

Level 3- Offsite or Regional Facilities

Level 4- Fee in Lieu

The PPCP identified the desire for Green Streets which integrate the management of stormwater into street design itself that would provide a stormwater management benefit as well as an urban design element. Green streets typically take the form of vegetated swales along the street with curb cuts to allow street runoff to enter. However, this type of stormwater management may not be appropriate for the PPCP area due to topography and soil type. The slope of Holly Lane is anticipated to be 15% which is comparable to Pearl Street within the City. It will be very steep. Stormwater planters require a design that is not conducive to steep slopes. While stormwater planters are the modern version of stormwater swales, infiltration may not be the best or wisest solution to stormwater management due to the existing geologic hazards and natural resources in the area.

8. Protect sensitive areas, including drainage and steep slopes

How this was implemented?

Three chapters in OCMC have been adopted and apply to the PPCP area including Natural Resource Overlay District (OCMC 17.49), Geologic Hazards (OCMC 17.44), and the Flood Management Overlay District (OCMC 17.42). The Concept Plan suggested adding definitions for landslide materials, landslide areas, unstable slopes, unstable soils and debris fans based on certain studies included in the Concept Plan. These studies are referenced in Chapter 44 specifically in 17.44.050(A)(1)(a-h). (PPCP p58) OCMC 17.44.050 requires these resources to be used as part of a geologic assessment.

9. Streets and buildings oriented for solar access

One of the principles in the Park Place Concept Plan is to design for solar access. "Maximizing solar access provides better daylight and ventilation, opportunities for using renewable energy systems (i.e. solar power) and improves the energy-efficiency of buildings." (PPCP p 23)



The Park Place Concept Plan appendices suggested code to address this element. At the time of concept plan drafting, a code section existed for residential building solar access OCMC 17.54.070 but it has since been removed. The solar access code was removed due to the difficult nature of implementation. If there is a desire to add the language back into the code the Concept Plan appendix provides some sample language.

Language from the Appendix p222:

“Supplemental zoning regulations in the City’s existing code (OCMC Section 17.54.070) already establish solar access standards (maximum shade point heights and maximum shade height on solar features) for single family residential development. In order to maximize passive solar heating of homes proposed as part of a PUD or subdivision and to reinforce the street layout proposed for Park Place, it is recommended that solar orientation standards be added to this existing set of solar regulations.

The following is sample solar orientation regulation language from the Oregon Department of Energy and Boulder, Colorado. These criteria would need some revisions to be clear and objective and fit Oregon City’s Municipal Code

Siting Requirements:

All planned unit developments and subdivisions shall be designed and constructed in compliance with the following solar siting requirements:

- A. All new residential units shall have a roof surface that meets all of the following criteria:
 - i. Is oriented within 30 degrees of a true east-west direction;
 - ii. Is flat or not sloped towards true north; 100 square feet of un-shaded solar collectors for each individual dwelling unit in the building; and
 - iii. Has unimpeded solar access consistent with the requirements of Section 8.0370.2 or through easements, covenants, or other private agreements among affected landowners that the city manager finds are adequate to protect continued solar access for such roof surface.”

New code sections are needed to implement streets oriented for solar access in chapter 16.12 Land Divisions and Public Improvements. The concept plan appendix suggested the following language on p223:

- b. Street Orientation Requirement:



New residential streets in planned unit developments and subdivisions, shall be predominantly oriented within thirty degrees of true east-west in order to maximize the number of homes with the major walls and windows facing south.

Options:

1. Consider adding back into the code for Master Plan/ Planned Unit Developments code requirements for solar access.

Planning Commission Comments

- Planning Commissioners discussed that this requirement would not make sense given the topography and need to design around the topography in this area.

10. The use of green edges to define neighborhoods and buffer developments

How this was implemented?

The Concept Plan envisioned green edges as areas consisting of sensitive habitat and drainage areas that frame pockets of development. The Concept Plan states that this open space “can be realized through local regulation, sensitive development practices, and through public acquisition. From Chapter 4 of the Concept Plan, a policy identified conserving and protecting natural areas, including environmentally constrained areas unsuitable for development.” The PPCP identifies areas with slopes of 25% or more as open space that will remain undeveloped. P56

This element is implemented by recognizing the Natural Resource Overlay District and Geologic Hazards Overlay District within the Concept Plan area. Density transfers have been codified for the NROD to allow these areas to remain open. See p240 of the PPCP Appendices.

Proposed Code Revisions:

1. Revisions are proposed to 17.10 (R-5, R-3.5) for clear and objective standards
 - a. Section 17.10.080 Additional Standards for Park Place Concept Plan are proposed to provide a transition area and buffer new development from existing development. Proposed code may require a transition area contain a combination of landscaping and screening. Lot sizes are also



required to maintain a minimum area in order to provide enough room for a landscaped transition area.

Options:

1. Consider amending chapter 17.44.060 (H) to add language that prohibits development on slopes greater than 25% to implement the open space concept in the Concept Plan. This will shift and concentrate density and could prohibit transportation connections. If the Commission directs staff to consider this amendment, an analysis will be needed to determine if any constitutional takings could result from such a revision.

11. Parks and Open Space

How this was implemented?

The Concept plan identified the need for two neighborhood parks, one in the North Village and one in the South Village. The North Village park land need is 8-10 acres and within walking distance of Livesay Main Street. The South Village park is 3-5 acres and surrounded by medium/high density residential.

Proposed Code Revisions:

1. Revisions are proposed to 17.62.059 to add a new section of code requiring dedication of public park, trail, and open space requirements in Park Place Concept Plan area. Similar revisions are proposed for OCMC 16.08.040 that would require dedication at time of a land division.