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### 16.12.026 Same—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker.

Pursuant to OCMC 16.12.0313, an applicant may request modification of the alley requirement in one or more of the following situations:

1. New residential development located wholly or partially within the Natural Resources Overlay District (NROD) regulated by OCMC 17.49 where the requested modification will minimize disturbance to sensitive natural resources protected by the NROD.
2. New residential development wholly or partially within the Geologic Hazards Overlay District regulated by OCMC 17.44 where the requested modification will minimize disturbance to steeply sloped or unstable sites within the Geologic Hazards Overlay District.
3. New residential development within the Park Place Concept Plan perimeter transition area required per OCMC 17.08.055(C) and OCMC 17.10.080.(C) and the requested modification is necessary to allow the perimeter transition.
4. Where the alley requirement would preclude ~~or a~~ block layout with two tiers of lots with consistent lot depths per OCMC 16.12.030.

All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the Ccity Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

#### **Explanation:**

This revision creates a new, clear and objective standard to offer a modification of the alley requirements within sensitive NROD habitat areas and geologic hazards overlay districts.

Public alley access may not be feasible nor practicable in these areas due to the additional grading, cut and fill and impervious surfaces that alleys require and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts.

A third modification has been added to exclude development abutting the PPCP boundaries from the alley service requirement, since including an alley at the rear of these abutting lots will defeat the purpose of the green buffer concept, as well as the requirement for blocks with two tiers of lots of consistent depths per OCMC 16.12.030.

Through a Type II process, an applicant may request modification of this public improvement standard as part of a land division or other land use application.

#### **PPCP Key Element:**

8. Protected sensitive areas, including drainages and steep slopes.

## **New Zoning Code Definitions**

Note: This list includes new definitions to implement the Park Place Concept Plan and other definitions for words added to the code over time that are not currently defined. Some existing definitions require renumbering to fit the new definitions into the code in alphabetical order. The renumbered definitions are included at the end.

### **New Definitions**

#### **17.04.091 - Architecturally significant façade**

“Architecturally significant façade” means the exterior wall(s) or elevation(s) of a structure that contains the greatest ~~number~~<sup>number</sup>, and most detailed elements of architectural design, detail, materials or craftsmanship compared to the other walls or elevations of the structure as viewed from a public area, street or vantage point. The architecturally significant façade of a building is the most familiar and recognizable part of the building, and includes windows, materials, entryways, sheltering elements and other features of interest that are not found on or found to a lesser extent on the other exterior walls or elevations of the structure.

#### **17.04.124 - Awning**

“Awning” means a roof-like structure of fabric, metal or other materials stretched or connected over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection.

#### **17.04.175 - Canopy**

“Canopy” means a roof-like covering over a door or an opening of a structure intended and used for the purpose of sheltering persons or inanimate objects from the rays of the sun and from rain and weather. Entrance canopies shall be attached to the building and may be supported from the ground up or cantilevered out from the wall of a building using structural support integral to the building.

#### **17.04.271 - Cupola**

“Cupola” means a relatively small, most often dome-like, tall structure on top of a building. Often used to provide a lookout or to admit light and air, it usually crowns a larger roof or dome.

#### **17.04.287 – Dedication**

“Dedication” means the intentional appropriation or conveyance by an owner or developer of private land for public use, and the acceptance of land for such use by the City over the public function for which it will be used. Dedications for roads, parks, utilities, or other public uses often are made conditions for approval of a development by the City.

#### **17.04.317 - Distribution**

“Distribution” means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

#### **17.04.345 - Eco-roof.**

"Eco-roof" or "green roof" means a lightweight vegetated roof system consisting of waterproofing material, a growing medium, and specially selected plants. An eco-roof or green roof is one of various stormwater low impact development techniques intended to reduce runoff, improve water and air quality, provide wildlife habitat, and save energy. See also Low Impact Development. Eco-roofs may also be used on constrained urban sites in lieu of traditional landscaping.

#### **17.04.503 - Gazebo**

"Gazebo" means a type of open sided accessory structure consisting of pillars or posts supporting an enclosed roof system, which offers full protection from the elements. The sides are fully open to allow airflow.

#### **17.04.537 - Green roof.**

See "Eco-roof" as defined in OCMC 17.04.345.

#### **17.04.609 - Kennel**

"Kennel" means any premises where five or more dogs, cats, or other small animals are kept for board, propagation, training or sale.

or;

Existing definition in OCMC 6.04.020 - "Kennel" means the owner or keeper of four or more dogs which have permanent canine teeth shall be considered as the owner or keeper of a kennel.

#### **17.04.742.010 - Massing, architectural**

"Massing" or "architectural massing" means the perceived three-dimensional form of a building as influenced by size, scale, and shape, not just its outline from a single perspective. Massing influences the sense of space which the building encloses and helps to define both the interior space and the exterior shape of the building. The creation of massing, and changes to it, may be additive (accumulating or repeating masses) or subtractive (creating spaces or voids in a mass by removing parts of it). Massing can also be significantly altered by the materials used for the building's exterior, as transparent, reflective, or layered materials are perceived differently. See also "primary massing" and "secondary massing".

##### **17.04.742.020 – Massing, primary**

"Primary massing" means the principal or dominant architectural massing of a structure due its greater size, scale or shape. See "massing, architectural".

##### **17.04.742.030 - Secondary massing**

"Secondary massing" means the less dominant massing of a structure due its lesser size, scale or shape when compared to the primary massing. See "massing, architectural".

#### **17.04.912 – Pergola**

"Pergola" means a type of open sided accessory structure consisting of pillars or posts supporting a partially open roof system. A pergola may be attached to a primary structure or detached.

#### **17.04.967 - Plaza**

"Plaza" means an area generally open to the public on a controlled basis and used for passive recreational activities, events and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians. A plaza area is wholly or partly enclosed by a building or buildings and has openings to the sky.

#### **17.04.941 - Portico**

"Portico" means a covered porch or roofed structure leading to the entrance of a building, or extended with a roof structure over a walkway, supported by columns or enclosed by walls.

#### **17.04.952 - Primary entrance**

“Primary entrance” means the principal pedestrian entry to a structure closest to the public street and the one which is dominant on the building façade due to its size, architectural detail and design.

#### **17.04.1063.010 – Roof**

“Roof” means a permanently attached structural covering over any portion of a building or structure including horizontal projections beyond the walls or supports of the building or structure, but excluding roof structures, decorative and functional elements specifically exempted from the building height measurement under definition 17.04.550 “Height of Building”.

##### **17.04.1063.020 - Roof, flat**

“Flat roof” means a roof which is not pitched and the surface of which is parallel to the ground.

##### **17.04.1063.030 – Roof, gable**

“Gable roof” or “gabled roof” means a roof which slopes from both sides of a ridge.

##### **17.04.1063.040 - Roof, gambrel**

“Gambrel roof” means a usually symmetrical gable roof with two slopes on each side.

##### **17.04.1063.050 - Roof, hipped**

“Hipped roof” means a roof with slopes on all four sides, continuous from peak to eaves.

##### **17.04.1063.060 - Roof, mansard**

“Mansard roof” means a steep, dual-pitched hipped roof allowing a tall attic space; frequently used to add an upper story.

##### **17.04.1063.070 – Roof, pitch**

“Roof pitch” means the steepness of a roof expressed as a ratio of inch(es) rise per horizontal foot (or their metric equivalent), or as the angle in degrees its surface deviates from the horizontal. A flat roof has a pitch of zero in either instance; all other roofs are pitched.

##### **17.04.1063.080 - Roof, primary**

“primary roof” means the portion of a building’s roof structure that most contributes to the mass of a building due to its predominance in height, width, length, bulk, or volume of area covered.

##### **17.04. 1063.080 - Roof, secondary**

“Secondary roof” means a roof that is subordinate to the primary roof of a structure due to its lesser contribution to the mass of a building. See “Primary roof”.

##### **17.04.1063.090 – Roof, shed**

["Shed roof" means a roof having with a single sloping plane and no hips, ridges or valleys.](#) (Planning Commission recommended adding a definition for a shed roof to distinguish from a flat roof)

#### **17.04.1161 - Special Event Permit**

“Special event permit” means a permit issued by the Public Works Department or by the Parks and Recreation Department for events that are proposed on public property, or which have the potential to impact public property and rights-of-way.

#### **17.04.1473 - Warehouse**

“Warehouse” means a facility or facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

#### **17.04.1497 – Wholesale, wholesaler**

“Wholesale” or Wholesaler” means the selling and/or distributing of merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies, other than a consumer. This means an entity that buys and sells at wholesale.

#### **Renumbered Definitions**

~~17.04.175~~ 17.04.173 - Camouflage.

~~17.04.742~~ 17.04.741.100 - Medical marijuana dispensary.

## **Chapter 17.08 LOW DENSITY RESIDENTIAL DISTRICTS**

### **17.08.010 Designated.**

The R-10, R-8 and R-6 residential districts are designed for low density residential development.

### **17.08.020 Permitted uses.**

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

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

### **17.08.025 Conditional uses.**

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

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;

- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

#### 17.08.030 Reserved.

Editor's note(s)—Ord. No. 22-1001, § 1(Exh. A), adopted June 1, 2022, repealed § 17.08.030, which pertained to master plans and derived from Ord. No. 18-1009, adopted July 3, 2019.

#### 17.08.035 Prohibited uses.

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

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

#### 17.08.040 Dimensional standards.

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

**Table 17.08.040**

Standard	R-10	R-8	R-6
Minimum lot size <sup>1</sup>			
Single-family detached, duplex and triplex	10,000 square feet	8,000 square feet	6,000 square feet
Quadplex and cottage cluster	10,000 square feet	8,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet	25 feet
Maximum building lot coverage, <u>except</u>	40%,	40%,	40%,
With ADU	<del>except</del> 45%	<del>except</del> 45%	<del>except</del> 45%
Cottage cluster	None	None	None
Minimum lot width: All	65 feet	60 feet	50 feet
Except townhouse	20 feet	20 feet	20 feet
Minimum lot depth: All	80 feet	75 feet	70 feet
Except townhouse	75 feet	75 feet	70 feet

Minimum front yard setback: All, <del>except</del>	20 feet, <del>except 15 feet — Porch</del>	15 feet, <del>except 10 feet — Porch</del>	10 feet, <del>except 5 feet — Porch</del>
<del>Except cottage</del> <u>Cottage cluster</u>	10 feet	10 feet	10 feet
<u>Porch</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
Minimum interior side yard setback: All, <del>except</del>	8 feet	7 feet	5 feet
<del>Except</del> <del>townhouse</del> <u>Townhouse</u>	0 feet (attached)/8 feet (side)	0 feet (attached)/7 feet (side)	0 feet (attached)/5 feet (side)
Minimum corner side yard setback	10 feet	10 feet	10 feet
Minimum rear yard setback <u>for principal dwelling, except</u>	20 feet, <del>except 15 feet — Porch</del> <del>10 feet — ADU, cottage cluster</del>	20 feet, <del>except 15 feet — Porch</del> <del>10 feet — ADU, cottage cluster</del>	20 feet, <del>except 15 feet — Porch</del> <del>10 feet — ADU, cottage cluster</del>
<u>Porch</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
<u>ADU</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
<u>Cottage cluster</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
Garage setbacks, <del>except</del>	20 feet from ROW, <del>except</del> <del>5 feet Alley</del>	20 feet from ROW, <del>except</del> <del>5 feet Alley</del>	20 feet from ROW, <del>except</del> <del>5 feet Alley</del>
<u>From alley</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Minimum separation from between existing dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit</u>	<u>40 feet</u>	<u>40 feet</u>	<u>40 feet</u>

Notes:

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



**Explanation:**

The proposed addition to Table 17.08.040 includes the new setback requirement between existing dwelling units outside of the Park Place Concept Plan boundary and new dwelling units within the plan area. The intent of this revision is for additional clarity by including the setback that is discussed under the section 17.10.080.C.(3) to the table in addition to the written text.

Also, the table is slightly modified to show the required rear yard setbacks more clearly for porches, ADUs and cottage clusters, though no changes are proposed to these setbacks.

On 7.8.2024 the Planning Commission suggested further edits to the table for ease of readability for rear yard setbacks for porch, ADU and cottage clusters which are included in this version.

**PPCP Key Element:**

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

**17.08.045 Exceptions to setbacks.**

- A. Projections from Buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through Lot Setbacks. Through lots having a frontage on two streets shall provide the required front yard [setback](#) on each street. The required rear yard [setback](#) is not necessary.

**Explanation:**

The word "setback" is added for greater clarity. Per definition 17.04.1110 - Setback. "Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

**PPCP Key Element:**

N/A. This revision is added for greater clarity to the existing code section only.

**17.08.050 Density standards.**

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

**Table 17.08.050**

Standard	R-10	R-8	R-6
Minimum net density: All	3.5 du/acre	4.4 du/acre	5.8 du/acre
Except cottage clusters	4 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density: All	4.4 du/acre	5.4 du/acre	7.3 du/acre
Except townhouses	17.4 du/acre	21.6 du/acre	25 du/acre

- B. Exceptions.
- Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.08.050.
  - Duplexes, triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density.

3. Cottage clusters are exempt from maximum net density standards.

#### **17.08.055 Additional standards for the Park Place Concept Plan Area.**

- A. Applicability. This section applies to all development in the Low Density Residential District within the Park Place Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-10 zone within the Park Place Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Perimeter Transition. Along the boundary of the Park Place Concept Plan area where new development is proposed abutting existing residential development the following additional standards shall apply to create a perimeter transition.
1. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
  2. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, the minimum lot size for residential uses shall be a minimum of ten thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be ten thousand square feet for quadplexes and cottage clusters.
  3. Except for townhouse lots, an applicant may request up to a 20% reduction to the minimum lot sizes specified herein through a minor variance process per OCMC 17.60.020(D) and (E), or through a Master Plan adjustment per OCMC 17.65.070.

##### **Explanation:**

Previously this section had the following sentence: “the minimum lot sizes specified herein shall not be eligible for variance or adjustment”.

The Planning Commission supported allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

##### **PPCP Key Elements:**

*5. A mix of housing types and ranges of affordability.*

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

4. Where any portion of a proposed lot abuts existing residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing dwelling units outside the plan boundary.
5. Within the forty-foot setback required in (3) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the following standards:
  - a. Utilize existing trees in compliance with the OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B; or
  - b. Preserving or planting native vegetation within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49, provided that there is a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the

northern property line. These trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49; or

c. Provide a combination of new landscaping and screening to include:

i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet; and

ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall parallel to the plan area boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing shall not be allowed to satisfy this standard.

6. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

**Explanation:**

The additional standards for the Park Place Concept Plan area within the R-10 district are intended to create a transition between older residential development and newer, more intense residential development within the concept plan area. The "Northern Perimeter" of the concept plan boundary abuts several older low-density subdivisions, including Trailview (zoned R-10), Wasco Acres (zoned R-6), and Tracey Heights (zoned R-6).

Larger setbacks, lot sizes and screening is desired in this transition area between newer development within the concept plan area and existing lower density development outside.

Screening within the forty-foot setback area may be accomplished through the preservation of existing trees, planting of native vegetation abutting the NROD area, or a combination of landscaping plantings and fencing.

Larger subdivisions may opt to place the landscaping buffer in a separate open space tract to be maintained by an HOA, whereas smaller land divisions or may choose a different approach.

Item 3 above was added to reflect the Planning Commission's support for allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

**PPCP Key Elements:**

*5. A mix of housing types and ranges of affordability.*

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

## Chapter 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

### 17.10.010 Designated.

The R-5 and R-3.5 residential districts are designed for medium density residential development.

### 17.10.020 Permitted uses.

Permitted uses in the R-5 and R-3.5 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Duplexes;
- D. Triplexes;
- E. Quadplexes;
- F. Townhouses;
- G. Cottage clusters;
- H. Manufactured home parks or subdivisions in the R-3.5 district only;
- I. Multi-family residential in the R-3.5 district only, subject to the applicable standards in Site Plan and Design Review in Chapter 17.62.
- ~~H~~J. Residential homes;
- ~~J~~K. Parks, playgrounds, playfields and community or neighborhood centers;
- ~~K~~L. Home occupations;
- ~~L~~M. Family day care providers;
- ~~M~~N. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- ~~N~~O. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- ~~O~~P. Transportation facilities.

**Explanation:**

Section 17.10.020- is proposed to be amended to permit multi-family development in the R-3.5 zone instead of the current requirement for a Type III master plan in section 17.10.030, which will go away. Multi-family development in any zone requires a Type II Site Plan and Design Review process subject to standards in OCMC 17.62 and the applicable dimensional standards and density permitted for multi-family use in the R-3.5 zone.

**PPCP Key Element:**

*5. A mix of housing types and ranges of affordability.*

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

**17.10.025 Conditional uses.**

The following uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

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

**~~17.10.030 Master plans.~~**

~~The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.~~

~~A. Multi-family residential.~~

~~{Ord. No. 18-1009, § 1(Exh. A), 7-3-2019}~~

**Explanation:**

This section is proposed to be removed since it requires a discretionary review process for needed housing. Instead of master plan review, multi-family development is proposed to be a permitted use in the R-3.5 zone. Multi-family development in any zone requires a Type II land use approval process and is subject to the Site Plan and Design Review standards in OCMC 17.62 and the applicable dimensional standards and density permitted for multi-family use in the R-3.5 zone.

**PPCP Key Element:**

*5. A mix of housing types and ranges of affordability.*

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

**17.10.035 Prohibited uses.**

Prohibited uses in the R-5 and R-3.5 districts are:

- A. Any use not expressly listed in OCMC 17.10.020, 17.10.025 or 17.10.030.
- B. Marijuana businesses.

**17.10.040 Dimensional standards.**

Dimensional standards in the R-5 and R-3.5 districts are as follows:

**Table 17.10.040**

Standard	R-5	R-3.5
Minimum lot size <sup>1</sup>		
Single-family detached and duplex	5,000 square feet	3,500 square feet
Triplex	5,000 square feet	5,000 square feet
Quadplex and cottage cluster	7,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet
Maximum building lot coverage		
Single-family detached and duplex	50%	55%
With ADU	60%	65%
Triplex, quadplex and townhouse	70%	80%
Cottage cluster	None	None
Minimum lot width		
All, except	35 feet, except	25 feet, except
Townhouse	20 feet	20 feet
Minimum lot depth	70 feet	70 feet

Minimum front yard setback <u>All,</u> <u>except</u>	10 feet, <del>except</del>	5 feet, <del>except</del>
<u>Porch</u>	5 feet <del>—Porch</del>	0 feet <del>—Porch</del>
Minimum interior side yard setback: <u>All, except</u>	5 feet, <del>except</del>	5 feet, <del>except</del>
<u>All, except</u>	<del>0 feet (attached)/5 feet (side)</del>	<del>0 feet (attached)/5 feet (side)</del>
Townhouse	<u>0 feet (attached)/5 feet (side)</u>	<u>0 feet (attached)/5 feet (side)</u>
Minimum corner side yard setback	7 feet	7 feet
Minimum rear yard setback, <u>except</u>	20 feet, <del>except</del>	20 feet, <del>except</del>
<u>Porch</u>	15 feet <del>—Porch</del>	15 feet <del>—Porch</del>
<u>ADU</u>	10 feet <del>—ADU, cottage cluster</del>	<del>10 feet—Cottage cluster</del> 5 feet <del>—ADU</del>
<u>Cottage cluster</u>	<u>10 feet</u>	<u>10 feet</u>
Garage setbacks, <u>except</u>	20 feet from ROW, <del>except</del>	20 feet from ROW, <del>except</del>
<u>From alley</u>	5 feet <del>from alley</del>	5 feet <del>from alley</del>
<u>Minimum separation from between existing dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit</u>	<u>40 feet</u>	<u>40 feet</u>

Notes:

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

**Explanation:**

The proposed addition to Table 17.10.040 includes the new setback requirement between existing dwelling units outside of the Park Place Concept Plan boundary and new dwelling units within the plan area. The intent of this revision is for additional clarity by including the setback that is discussed under the section 17.10.080.C.(3) to the table in addition to the written text.

On 7.8.2024 the Planning Commission suggested further edits to the table for ease of readability for rear yard setbacks for porch, ADU and cottage clusters which are included in this version.

**PPCP Key Concept:**

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

### 17.10.045 Exceptions to setbacks.

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

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

**Explanation:**

The word "setback" is added for greater clarity. Per definition 17.04.1110 - Setback. "Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

**PPCP Key Element:**

N/A. This revision is added for greater clarity to the existing code section only.

### 17.10.050 Density standards.

- A. Density standards in the R-5 and R-3.5 districts are as follows:

**Table 17.10.050**

Standard	R-5	R-3.5
Minimum net density	<del>7.0 du/acre</del>	<del>10 du/acre</del>
• <u>All, except</u>	<u>7.0 du/acre</u>	<u>10 du/acre</u>
• <u>Multi-family</u>		<u>17.4 du/ac</u>
Maximum net density		
• All, except	8.7 du/acre	12.4 du/acre
• Townhouse	25 du/acre	25 du/acre
• Multi-family		21.8 du/acre
<i>Affordable Housing Bonus</i>		26.2 du/acre

**Explanation:**

Table 17.10.050 would be amended to apply minimum and maximum density for multifamily development when proposed within the R-3.5 zone district. These are the same densities specified for multi-family development in the R-2 zone district. Multi-family residential is proposed as a permitted use subject to clear and objective standards, rather than through the discretionary master plan process which is the current code requirement under subsection 17.10.030 above, which is proposed to be removed. Applicants who wish to construct multi-family development within the Medium Density District would first need to apply for a zone change to R-3.5 zone through a Type IV process.

21.8 du/acre is a typical density for multi-family development.

An affordable housing bonus is offered within the R-3.5 zone district, similar to the high-density residential district elsewhere in the city.

**PPCP Key Element Implemented:**

*5. A mix of housing types and ranges of affordability.*

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

- B. Exceptions.



1. Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density, and also for the purposes of calculating minimum housing diversity.
3. Cottage clusters are exempt from maximum net density standards.
4. Multi-family residential development shall comply with the applicable Site Plan and Design Review standards in OCMC 17.62.
5. Affordable housing density bonus. Multi-family residential projects in the R-3.5 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units shall be affordable to households earning equal to or less than eighty percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the community development director.

**Explanation:**

(4) above cross references the Site Plan and Design Review chapter 17.62. Multi-family development, which is five units or more on a single parcel, must comply with the applicable standards of this chapter, which includes 17.62.050 – General Standards, 17.62.055 building standards and 17.62.057 – open space requirements for multi-family development, through a Type II process.

(5) allows for density bonus for qualifying affordable projects. As specified, the determination of “area median income” would be made at the time of development review.

**PPCP Key Element:**

*5. A mix of housing types and ranges of affordability.*

### **17.10.060 Conversion of existing duplexes.**

Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the land division requirements in Title 16 and the underlying zone district.

### **17.10.070 Additional standards for Thimble Creek Concept Plan Area.**

- A. Applicability. This section applies to all development in the R-5 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Southern Perimeter Transition. Along the southern boundary of the Thimble Creek Concept Plan area between Beaver Creek Road and the eastern-most point of Tax Lot 00316, located on Clackamas County Map #32E15A, additional standards apply to create a perimeter transition.
  1. Where any portion of a lot is within twenty feet of the southern boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.

2. Where any portion of a lot is within twenty feet of the southern boundary, the minimum lot size for residential uses shall be six thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.
3. Where any portion of a lot is within twenty feet of the southern boundary, all primary structures shall be set back a minimum of forty feet from the southern boundary.
4. Within the forty-foot wide setback from the southern boundary, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
  - a. Utilize existing vegetation in compliance with OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
  - b. Provide a combination of new landscaping and screening to include:
    - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet along the southern property line, whichever is greater; and
    - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing with slats shall not be allowed to satisfy this standard.
5. An alternative southern perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Thimble Creek Concept Plan.

#### **17.10.080 Additional standards for the Park Place Concept Plan Area.**

- A. Applicability. This section applies to all development in the R-5 district within the Park Place Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Park Place Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Perimeter Transition. Along the boundary of the Park Place Concept Plan area where new development is proposed abutting existing residential development the following additional standards shall apply to create a perimeter transition.
  1. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
  2. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, the minimum lot size for residential uses shall be a minimum of five thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.
  3. Except for townhouse lots, an applicant may request up to a 20% reduction to the minimum lot sizes specified herein through a minor variance process per OCMC 17.60.020(D) and (E), or through a Master Plan adjustment per OCMC 17.65.070.
  4. Where any portion of a proposed lot abuts existing residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing dwelling units outside the plan boundary.

5. Within the forty-foot setback required in (3) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the following standards:
- a. Utilize existing trees in compliance with the OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B; or
  - b. Preserving or planting native vegetation within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49, provided that there is a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the northern property line. These trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49; or
  - c. Provide a combination of new landscaping and screening to include:
    - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet; and
    - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall parallel to the plan area boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing shall not be allowed to satisfy this standard.
6. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

**Explanation:**

The additional standards for the Park Place Concept Plan area within the R-5 district are intended to create a transition between older residential development and newer, more intense residential development within the concept plan area. The "Northern Perimeter" of the concept plan boundary abuts several older low-density subdivisions, including Trailview (zoned R-10), Wasco Acres (zoned R-6), and Tracey Heights (zoned R-6).

Larger setbacks, lot sizes and screening is desired in this transition area between newer development within the concept plan area and existing lower density development outside.

Screening within the forty-foot setback area may be accomplished through the preservation of existing trees, planting of native vegetation abutting the NROD area, or a combination of landscaping plantings and fencing.

Larger subdivisions may opt to place the landscaping buffer in a separate open space tract to be maintained by an HOA, whereas smaller land divisions or may choose a different approach.

Item 3 above was added to reflect the Planning Commission's support for allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

**PPCP Key Elements:**

*5. A mix of housing types and ranges of affordability.*

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

## Chapter 17.21 RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

### 17.21.010 Purpose.

The ~~intent of this chapter is~~ standards of this section are intended to ensure new residential development implements the goals and policies of the Park Place Concept Plan area, 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. Specifically, the standards shall:

- A. Provide clear and objectives standards for residential development.
- B. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods in Oregon City;
- C. Provide variety and visual interest in the exterior design of residential buildings;
- D. Provide for a variety of lot sizes and housing types for a range of households and age groups;
- E. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
- F. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and
- G. Improve the compatibility of new residential development with the residential character of surrounding neighborhoods. ~~and the historic architectural styles of Oregon City.~~

~~Appropriate architectural styles include: Western Farmhouse/Vernacular, Bungalow, Queen Anne Vernacular and Foursquare. The 2006 Historic Review Board's Design Guidelines for New Construction include additional architectural descriptions of historic single-family structures in Oregon City.~~

#### Explanation:

The purpose statement in section 17.21.010 is amended to remove the references to discretionary historical review guidelines and architectural styles, and to clarify that the chapter provides clear and objective standards for review of residential design as required by State Law.

As stated before, this revision removes the references to, as well as the pictures of architectural styles subject to discretionary interpretation to clarify that the chapter provides clear and objective standards for review of residential design as required by State Law.

#### PPCP Key Element:

*5. A mix of housing types and ranges of affordability.*

The purpose statement ties the code standards to the adopted PPCP, which is part of the Ccity's adopted Comprehensive Plan, and the goals of the concept plan to provide diverse and affordable housing with good design.



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

~~(Ord. No. 08-1014, §§ 1-3 (Exhs. 1-3), 7-1-2009; Ord. No. 18-1009, § 1 (Exh. A), 7-3-2019)~~

**Explanation:**

**PPCP Key Element:**

*5. A mix of housing types and ranges of affordability.*

The purpose statement ties the code standards to the adopted PPCP, which is part of the [City's](#) adopted Comprehensive Plan, and the goals of the concept plan to provide diverse and affordable housing with good design.

**17.21.020- Applicability.**

- A. These standards apply to all new residential construction within the Medium and Low Density Residential Districts within the adopted boundaries of the Park Place Concept Plan area. Additions of more than 50% of the existing gross floor area for homes existing prior to the adoption of this chapter in the Park Place Concept Plan area are subject to this section.
- B. These standards are applicable in addition to the following residential design standards. In the event of conflicting standards, this Chapter shall control.
  - 1. Single-family detached and duplex residential units shall comply with the applicable standards in OCMC Chapter 17.14.
  - 2. Townhouses, triplexes, quadplexes, and cottage clusters in any zone shall comply with the applicable standards in OCMC Chapter 17.16.

3. Accessory dwelling units, live/work dwellings, and manufactured home parks shall comply with the applicable standards in OCMC Chapter 17.20.

C. These standards do not apply to multi-family development, live-work units, or mixed-use development.

~~A. This chapter applies to all new detached single-family residential units, duplexes, triplexes, quadplexes, townhouses, accessory dwelling units, and cottage clusters located within the Park Place Concept Plan areas. Additions to homes existing prior to the adoption of this chapter in a concept plan area or new residences outside of a concept plan area may choose review under this section or OCMC 17.14, OCMC 17.16, or OCMC 17.20 as applicable.~~

~~Residential plans that conform to the following standards may be approved as a Type I Decision. Residential plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.~~

**Explanation:**

Clarifies that the standards of Chapter 17.21 are in addition to existing residential design standards. Housing designs are typically reviewed at the time of building permit review. If there is a conflict, the more restrictive or higher standard prevails. This supports architectural integrity and variety in residential neighborhoods.

**PPCP Key Element:**

5. A mix of housing types and ranges of affordability.

**17.21.025 Modifications that will better meet design standards.**

A. Residential plans that conform to the following standards may be approved as a Type I Decision or with a building permit application. Residential plans that require approval of an exemption or modification may be approved as a Type II Land Use decision at time of land division, or through a Type II modification to prior to building permit application.

B. Modifications that will better meet design standards. An applicant may propose modified residential designs and housing mixes that differ from these standards through a Type II review process at the time of land division or building permit application. Modifications that are denied through Type II design review may be requested as a Planning Commission variance process pursuant to Chapter 17.60, or as a master plan adjustment pursuant to OCMC 17.65.070, if applicable.

1. Criteria for modification to the standards:

- i. The modification will result in a development that better meets the applicable design standard or housing diversity standard.
- ii. The modification or modifications are consistent with the purpose and intent of this Chapter as discussed in section 17.21.010 above.

**Explanation:**

This section clarifies and relocates to one place in the chapter the process by which an applicant may seek modifications to the design standards. Previously the process for modifications was restated in multiple subsections which was unnecessary and redundant. An applicant has the option of requesting the modification(s) at the time of land division or prior to a building permit, but in either case, the process requires a Type II decision with public notice and comment, and which may be appealed by persons with standing.

**PPCP Key Element:**

N/A. This revision is for process clarification only. It does not affect any standards.

**17.21.030 - ~~Roof design.~~**

- A. Primary roofs shall be pitched at a minimum ratio of five-twelfths, except for non-gabled dormers, covered porches, or secondary roofs and masses.
- ~~B. Flat roofs and shed roofs are not permitted except on accessory structures and for carports.~~
- ~~C. Other primary roof forms may be proposed through the Type II modification process per Section 17.21.025.~~
- ~~CB. Solar Access. Primary roof designs shall also comply with the solar access requirements of section 17.21.100-Solar Access Standards.~~

~~Exemption: An exemption from the roof standard of subsection A above may be approved by the community development director if the resulting plan is consistent with the architectural style.~~

**Explanation:**

Various roof forms (including flat, hipped, gambrel, etc.) are permitted for single-family detached and duplex structures throughout Oregon City pursuant to OCMC Chapter 17.20. Requiring a traditional roof and minimum roof pitch for principal dwellings within the Park Place Concept Plan area promotes compatibility of new residential construction with existing architectural styles.

The exemption section will be deleted and replaced by subsection 17.21.025 – *Review Process* above.

The proposed cross-referenced Solar Access section has been deleted based on the Planning Commission's decision to remove that entire section of code.

Some Planning Commissioners supported allowing alternative roof forms. Staff has added this as a possible modification subject to Type II review.

**17.21.040 - ~~Modulation and m~~Massing.**

New residences shall have a massing ~~and footprint~~ that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area which is accomplished by regulating the overall building footprint.

- ~~A. A.~~ Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.
- ~~B. Porches, additions and attached garages with separate rooflines may also be used to satisfy the massing requirements above.~~



**Explanation:**

Removed discretionary language from the previous requirements. The Planning Commission supported allowing porches, additions and attached garages with separate rooflines to meet the massing requirement.

**17.21.050 – Porches and entries.**

- A. Each residence shall contain a front porch with a front door that faces the street that is ~~a minimum of twenty four inches above average grade with skirting and is~~ at least eighty square feet with no dimension under six feet with the wider dimension parallel to the street. ~~Porch railings are required.~~ The front porch shall be covered.

**Explanation:**

Planning Commission supported removing the requirement for a 24" raised front porch and railings, citing unreasonable additional cost and to allow builder greater flexibility. The requirements for a minimum size of the porch and the requirement that it be covered remain. ~~P~~Planning ~~C~~ommission supported deferring to the building code regarding whether porch railings are required but did not support requiring railings for aesthetic / architectural reasons only.

- ~~B. Exemption: Residence styles that do not contain a front porch or require a reduction in the size of the porch or its location may request an exemption from the community development director from subsection A above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.~~
- ~~B.~~ All subdivisions shall have at least seventy-five percent of the housing utilize front porches as approved under subsection A above.
- ~~D.~~ Each residence shall have a separate delineated pedestrian connection from the front door of the unit to the sidewalk that is a minimum width of three feet. The pedestrian connection shall be separate from a driveway.

**17.21.060 – Architectural details.**

- A. Residences shall contain architectural details. Each of the types of details listed below are worth one point unless otherwise noted. Residences ~~must~~shall achieve the equivalent of five points worth of architectural details.

- ~~1. A.~~ Stonework detailing on columns or across foundation.
- ~~2. B.~~ Brick or stonework covering more than ten percent of the front facade.
- ~~3. C.~~ Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).
- ~~4. D.~~ Decorative roofline elements (choose two): Roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
- ~~5. E.~~ Decorative siding elements (choose two): Barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.



6. ~~F.~~ Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.

7. ~~G.~~ Decorative shingle design covering ten percent of the facade.

### 17.21.070 Approved siding materials.

A. Approved siding materials include the following.

1. ~~A.~~ Brick.

2. ~~B.~~ Basalt stone or basalt veneer.

3. ~~C.~~ ~~Narrow horizontal~~ Horizontal plank, lap or tongue and groove siding, (wood or composite) siding (five inches wide or less); wider siding will be considered where there is a historic precedent.

4. ~~D.~~ Vertical panel Board and batten siding (wood or composite).

5. Shingle or shake siding and panels (wood or composite).

~~Both smooth or textured siding is acceptable but shall not be permitted together on the same building.~~

~~E. Exemption: Other materials may be approved by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.~~

#### Explanation:

Removed discretionary language from the previous requirements. Planning Commission supported allowing more flexibility to use other exterior forms of siding and paneling, citing building cost.

#### Explanation:

~~Removed discretionary language from the previous requirements.~~ Planning Commission supported allowing more flexibility to use other exterior forms of siding and paneling, citing building cost and need for greater flexibility. Staff has added the three typical siding types (horizontal plank, vertical panel, and shingle / shake).  
Removed discretionary language from the previous requirements.

### 17.21.080 - Windows.

~~A. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must~~ shall provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.

~~B. Exemption: An exemption may be granted by the community development director from the window standard of subsection A above if the proposed windows provide for some amount recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.~~

~~C. All subdivisions shall have at least seventy-five percent of the housing meet the standards under subsection A above.~~

(Ord. No. 08-1014, §§ 1–3 (Exhs. 1–3), 7-1-2009; Ord. No. 18-1009, § 1 (Exh. A), 7-3-2019)

**Explanation:**

Removed discretionary language from the previous requirements for windows.

**17.21.090-17.21.090 – Garages Orientation and Accessory Structures.**

- A. ~~A. Garages and carports are not a requirement, however, the orientation of these structures is subject to the following standards. Garages must shall be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area.~~
- B. ~~Modification to Garage Orientation standard permitted for existing topographic or geologic conditions. Pursuant to OCMC 16.12.01333, an applicant may request modification of the alley requirement due to the presence of the following overlay districts if the decision maker determines that the requested modification would minimize disturbance to sensitive natural resources and steeply sloped or unstable sites in the following situations:~~
- ~~1. New residential development located wholly or partially within the Natural Resources Overlay District regulated by OCMC 17.49; and~~
  - ~~2. New residential development located wholly or partially within the Geologic Hazards Overlay District regulated by OCMC 17.44.F4.~~
  - ~~3. Mitigation. Any modification that allows a front-loaded garage onto a public street shall comply with the applicable standards in OCMC 17.20.~~
  - ~~4. Front loaded garages are not permitted on any road designated as a collector, neighborhood collector, minor arterial or arterial street. Front loaded garages shall not be proposed when abutting a public street that abuts a public park.~~

**Explanation:**

This revision creates a new, clear and objective standard to offer a modification to the garage orientation standard within sensitive NROD habitat areas and geologic hazards overlay districts.

Detached, side oriented or rear loaded garages may not practicable in these areas due to the additional grading, cut and fill and impervious surfaces that may be required and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts.

This modification would be allowed as of this public improvement standard as part of a land division or other land use application.

**PPCP Key Element:**

8. Protected sensitive areas, including drainages and steep slopes.

**17.21.095 - Accessory Structures**

- A. ~~Detached~~ Accessory structures over 200 square feet in size shall be designed consistent with the primary residence as follows:
- ~~1. Exterior siding materials visible from the street shall match the principal exterior siding material and reveal on the principal dwelling.~~

2. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.

3. Eaves shall project from the building walls at the same distance as the eaves on the principal dwelling unit.

- . Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.

**Explanation:**

This set of standards for larger accessory structures includes clear and objective criteria from the City's existing standards for Accessory Dwelling Units. This standard would not allow pre-ordered engineered steel buildings, aka "pole barns", which are permitted elsewhere in the city.

### **17.21.100 – Solar Access Standards**

A. Siting Requirements: All residential structures shall be designed and constructed in compliance with the following solar siting requirements:

B. All new residential units shall have a roof surface that meets all the following criteria:

1. Is oriented within 30 degrees of a true east-west direction;
2. Is not sloped towards true north; and
3. Includes a minimum of 100 square feet of un-shaded roof area per unit.

**Explanation:**

Planning Commission does not support adding a requirement for solar access and siting due to difficulty of administration and not wishing to limit homeowners' options for solar power equipment placement. Subsequently this proposed section is no longer included.

Formerly, supplemental zoning regulations in the City's code (OCMC Section 17.54.070) established solar access standards (maximum shade point heights and maximum shade height on solar features) for single family residential development. The code was incredibly complex to implement, monitor and enforce. Instead, if solar access standards are desired to maximize passive solar heating and simplify solar array placement for homes and to reinforce the street layout proposed for Park Place, it is recommended that solar orientation standards be simpler. The sample solar orientation regulation language is adapted from the Oregon Department of Energy and Boulder, Colorado. Staff will be reviewing home designs for compliance with this standard at the time of building permit review.

### **17.21.105 – Park Place Concept Plan Housing Diversity Standards**

A. Purpose

1. To promote a more diverse community through the provision of a variety of housing types.
2. To discourage developments that are dominated by a single type of home or dwelling unit with a narrow range of price points and densities.
3. To encourage "neighborhood-oriented" residential developments that incorporate a variety of housing types, including duplex, tri-plex, quad-plex, cottage clusters, live-work units, townhomes, apartments, and single-family dwelling units in a range of sizes.

B. Applicability of Standards:

1. These standards apply at the time of an application for a subdivision or partition.

2. The standards of this section shall not apply to:

a. Residential developments that have been approved with modifications per subsection 17.21.025.(B).

b. Any housing units proposed within the Neighborhood Commercial zone (NC).

C. Residential development parcels, including parcels part of a phased development, shall provide a minimum mix of housing, based on the size of the development as required in Table 17.21.105:

TABLE 17.21.105:

<u>Minimum Required Housing Diversity within the Park Place Concept Plan Area</u>	
<u>Net Developable Area*</u>	<u>Required Minimum % of Middle Housing**</u>
<u>0—2 Acres</u>	<u>1 housing type</u>
<u>2 to 10 Acres</u>	<u>15%</u>
<u>10 to 30 Acres</u>	<u>20%</u>
<u>30 Acres+</u>	<u>25%</u>

\*The Development Site is based on the Net Developable Area and may comprise multiple parcels or properties. See Definition in OCMC 17.04.810, "Net developable area".

\*\*See Definition in OCMC 17.04.752, "Middle housing" means duplexes, triplexes, quadplexes, townhouses and cottage clusters.

**Explanation:**

Staff reviewed codes that mandate housing diversity from Salem, Wilsonville, and other cities. These codes vary widely in their complexity and ease of administration. Wilsonville has a long history or fairly complex PUD and design review approval for large scale residential subdivisions that is nothing like Oregon City. The above table is like what the City of Salem has used. Rather than dictate various housing types, it requires a minimum percentage of all units be middle housing and leaves the decision of what kind of middle housing to the developer or builder. Staff feels that this provides the right balance of regulation with the realities of market driven housing development.

**PPCP Key Elements:**

5. A mix of housing types and ranges of affordability.

**(NOTE – THE FOLLOWING IS NOT PROPOSED CODE LANGUAGE)**

**POSSIBLE ALTERNATIVE HOUSING DIVERSITY IDEAS:**

1. Adopt Vertical Housing Development Zone into the code, like Milwaukie: <https://ecode360.com/43855435> (Milwaukie's is in Title 3 – Finance).

2. Develop a set of pre-approved housing designs which have reduced review fees if used by builders.

3. Incentivize Middle Housing through scaled SDCs.

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## Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT

### 17.24.010 Designated.

The neighborhood commercial district is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a site plan and design review application pursuant to OCMC 17.62 is required.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

### 17.24.020 Permitted uses—NC.

The following uses are permitted within the neighborhood commercial district:

- A. Any use permitted in the mixed-use corridor, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter;
- B. Grocery stores, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet;
- C. Live/work dwellings;
- D. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

[E. Additional uses permitted within the Thimble Creek Concept Plan area per OCMC 17.24.50.\(C\).](#)

[F. Additional uses permitted within the Park Place Concept Plan area per OCMC 17.24.060.\(C\).](#)

#### **Explanation:**

Provides a cross-reference to the reader for the additional uses permitted in these concept plans.

#### **PPCP Key Element:**

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

### 17.24.025 Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in OCMC 17.56:

- A. Any use permitted in the neighborhood commercial district that has a building footprint in excess of ten thousand square feet;
- B. Emergency and ambulance services;
- C. Drive-through facilities;
- D. Outdoor markets that are operated before six p.m. on weekdays;

- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas stations;
- I. Hotels and motels, commercial lodging;
- J. Veterinary clinic or pet hospital.

**Explanation:**

At the work session the Planning or City ~~C~~ommission expressed the desire to conserve the limited amount of NC zoned land for commercial uses and mixed-use rather than allow the land to be taken up by public stormwater ponds or park facilities, although civic uses that foster activity and gatherings may be appropriate. Whether stormwater facilities and park uses should be a Conditional Use rather than a Prohibited Use should be a consideration. Or, perhaps storm ponds larger than a certain size could be prohibited or require conditional use. For example, a storm detention facility larger than 20,000 square feet (approximately a half-acre) could be prohibited or require conditional use approval.

**PPCP Key Element:**

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

### 17.24.035 Prohibited uses.

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Hospitals;
- E. Kennels;
- F. Motor vehicle sales and incidental service;
- G. Motor vehicle repair and service;
- H. Self-service storage facilities;
- I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- ~~K. Mobile food units or vendors, except with a special event permit;~~
- ~~L~~K. Residential use that exceeds ~~fifty~~ fifty-seventy-five percent of the total building square footage on-site.

**Explanation:**

Civic uses that foster activity and gatherings, including mobile food units, may be an appropriate allowed use in the NC zone. Transitory and Non-Transitory Mobile food units are not currently permitted in any of the Mixed Use zone districts. Food carts are subject to specific site plan and design review standards under [OCMC 17.54.115](#). Whether stormwater facilities and park use should be a Conditional Use, subject to Planning Commission review and approval, rather than a Prohibited Use should be a consideration.

[An additional modification was made to allow residential uses that are more than 50% of the total building square footage. The Planning Commission was concerned that commercial would not be viable in the location it is identify for and thought that the pressing need at this time and place not only in Oregon City, but the State, and nation is for housing. At the same time there was concern that unlimited allowance for residential uses would not protect the long term vision for commercial activity and the compromise by the Planning Commissioners was to increase the amount of allowed residential use as a part of a larger mixed use development.](#)

**PPCP Key Element:**

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

**17.24.040 Dimensional standards.**

Dimensional standards in the NC district are:

A. ~~A~~-Minimum Building Height. None, however, the City encourages multi-story development designs that incorporate retail, live-work and multi-family uses subject to applicable standards.

a. ~~Non-regulatory incentives. Applicants are encouraged to consider the vertical housing tax credit program, storefront improvement grant program and other incentives that may be available through the Economic Development Department.~~

**Explanation:**

~~This type of reference to non-regulatory incentives is not typically included in a zoning chapter, however, it's inclusion here is intended to provide some guidance for applicants as a "carrot" rather than a "stick". Non-regulatory incentives may be just as effective in promoting commercial development in the area than increased height limits.~~

**PPCP Key Element:**

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

B. ~~Maximum building height: Forty-five~~ feet or three stories, whichever is less.

~~B~~C. Maximum building footprint: Ten thousand square feet.

~~C~~D. Minimum required setbacks if not abutting a residential zone: None.

~~D~~E. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one-foot additional yard setback for every one foot of building height over thirty-five feet.

~~E~~F. Maximum Allowed Setback.

1. Front yard setback: Five feet.



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2. Interior yard setback: None.
  3. Corner side yard setback abutting a street: ~~±~~  
(a) thirty feet;  
(b) five feet in the Thimble Creek and Park Place Concept Plan areas.-
  4. Rear yard setback: None.
- G. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- ~~F.H.~~ 1. Standards for residential uses: Residential uses shall meet the minimum net density standards for the R-3.5 district, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-3.5 zone for the proposed residential use type.
- I. Minimum required landscaping: twenty percent. Required landscaping areas may include:
- a. Landscaping within a parking lot.
  - b. Planter boxes.
  - c. Eco or green roofs.
  - d. Paved courtyard or plaza with at least twenty-five percent of the area used for landscaping, planter boxes, and/or water features including shade trees planted at the ratio of one tree for every five hundred square feet of urban plaza area.
  - e. Low Impact Development (LID) stormwater facilities
- ~~G.~~ Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

### **17.24.050 Additional standards for Thimble Creek Concept Plan Area.**

- A. Applicability. This section applies to all development in the NC district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the NC zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Uses.
1. All uses permitted per OCMC 17.24.020.A and B, are limited to a maximum footprint for a stand-alone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.
  2. Residential uses, excluding live/work, that do not exceed fifty percent of the total building square footage within the Thimble Creek Concept Plan Neighborhood Commercial Zoning District.
  3. Artisan and specialty goods production is permitted, constituting small-scale businesses that manufacture artisan goods or specialty foods and makes them available for purchase and/or consumption on-site, with an emphasis on direct sales rather than the wholesale market. Examples include: Candy, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries. All uses shall provide either:
    - a. A public viewing area that includes windows or glass doors covering at least twenty-five percent of the front of the building face abutting the street or indoor wall, allowing direct views of manufacturing; or



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### **17.24.060 Additional standards for Park Place Concept Plan Area.**

A. Applicability. This section applies to all development in the NC district within the Park Place Concept Plan Area.

B. Relationship of Standards. These standards apply in addition to the standards of the NC zone district within the Park Place Concept Plan area. In the event of a conflict, the standards of this section shall prevail. No Type II modification of these standards is permitted pursuant to Section 17.62.055. Applicants seeking an adjustment or modification of the applicable standards may propose a Type III variance pursuant to Chapter 17.60 – Variances.

C. Additional Permitted Uses.

~~1. All permitted uses per OCMC 17.24.020.A and B, are limited to a maximum footprint for a stand-alone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.~~

21. Civic Uses. Civic uses permitted include non-profit and private uses such as art galleries, museums, indoor and outdoor music and theatre venues, childcare facilities, health and fitness clubs, clubs and lodges, mobile food units, and outdoor markets that are operated on the weekends and after six p.m. on weekdays.

2. Off-site stormwater facilities that are less than .5 square acres in size. An “off-site” facility is one that accommodates stormwater that is created at a location zoned R-10, R-8, R-6, R-5, R-3.5 or R-2 and includes the following:

a. A public access easement and maintenance agreement.

b. An improved soft surface trail at least 4 feet wide providing access to at least three benches for public use.

3. Park land improvements that are less than .75 acres in size.

ED. Residential Uses. Residential uses shall be subject to the following additional standards:

1. Residential uses are permitted but shall not exceed ~~fifty~~seventy-five percent of the total building square footage within the Park Place Concept Plan Neighborhood Commercial Zoning District.

2. All ground-floor residential uses, except for entrances for upper-story residential uses, shall be set back a minimum of one hundred feet from the property line along Livesay Road / Main Street.

~~3. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage on-site.~~

43. Upper-story residential uses are permitted.

54. Live/work dwellings are subject to OCMC 17.20.040. Live/work dwellings are not subject to OCMC 17.24.035(K) and are not subject to OCMC 17.24.060 (D) (1).

**Explanation:**

The NC zone already restricts residential use to 50% of the total building square footage on site and a single commercial building is limited to 10,000 square feet. This section adds more detail to allow civic uses within the zone subject to applicable site plan and design review, but would not make these uses obtain a conditional use permit.

The additional standards were modified after initial review to allow a greater amount of residential use when combined with commercial uses. The Live/Work dwellings were also modified to clarify those uses and structures are subject only to 17.20.040 and the cap on residential use does not apply.

Off-site storm water facilities and Parks land improvements were added to this section so that the specific restrictions would only apply to NC in Park Place area. The size restrictions were added to protect commercial land. If a park or off-site storm water facility needed more acreage an applicant could make a variance application.

**PPCP Key Elements:**

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.

F. Site Design Standards. The standards in Section 17.62.055 shall apply to neighborhood commercial development within the Park Place Concept Plan area. Additionally, the following standards apply without modification.

1. Siting of structures. At least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line.
2. Parking. Parking areas shall be located behind the building façade that is closest to the street or, below buildings. Parking areas shall not be located on the sides of buildings or between the street and the building façade that is closest to the street. On-street parking is permitted subject to street standards in Chapter 16.12 and may be credited toward required off-street parking pursuant to the Off-street Parking and Loading standards in Chapter 17.52.
3. Building facades and entrances. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary building entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
4. Pedestrian Elements. Buildings located along the Village Center main streets in Park Place (Livesay Road, Donovan Road, Swan Avenue) shall incorporate a minimum of three (3) of the following elements in the front setback area. These standards are intended to create more transparency and visual interest of buildings, particularly for pedestrians at the street level in order to encourage residents to gather and customers to relax and linger.
  - (a) Canopies or overhangs (5'-0" minimum depth, measured from either the face of the column or the street-facing elevation) for the entire 50% of the width of the building. Canopies shall not project into public utility easements or right-of-way without obtaining proper permitting.
  - (b) Transom window at least 60% of façade width.

- (c) Storefront frieze, horizontal sign band, or a belt course above the transom window or mezzanine level.
- (d) Window planter box (minimum of one per window).
- (e) Projected window sill (at least 2" from building wall plane and 12" to 24" above grade).
- (f) A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of [6] feet)
- (g) Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width, and located within thirty feet of the street frontage. [Sitting space shall include ADA accessible seating.](#)
- (h) Public art ~~that incorporates seating~~ (e.g., fountain, sculpture).
- (i) Landscape treatments integrating arbors, low walls, trellis work; or similar elements.
- (j) Enhanced architectural details such as tile work and moldings distinct from the principal facade treatments.

45. Corner Building Entrances. These standards apply to the first 50 feet of depth of property in the NC zone district where a building is located at a corner. One of the following building entry standards shall be met.

- (a) Locate the primary entry to the building at the corner of the building or within 25 feet of the corner of the building.
- (b) Incorporate prominent architectural elements, such as increased building height or massing, a cupola, a turret, or a pitched roof, at the corner of the building or within 25 feet of the corner of the building.
- (c) Chamfer the corner of the building (i.e. cut the corner at a 45-degree angle and a minimum of 10 feet from the corner) and incorporate 2 of the following list of elements in the cut.
  - i. Extended sheltering weather protection (arcade, canopy, or awning).
  - ii. Special paving materials differing from adjoining walkway.
  - iii. Sitting space (i.e., dining area, benches, garden wall or ledges) between the building entrance and sidewalk with a minimum of 16 inches in height and 30 inches in width.
  - iv. Planter boxes

**Explanation:**

The Site Plan and Design Review standards of section (F) above are intended to better define and implement the "main street" concept of the PPCP. Note that the various building, architectural features and pedestrian design elements are presented as a more prescriptive set of requirements rather than as a menu of options. These proposed standards are expressly not subject to modification through a Type II modification process under OCMC 17.62.015. Instead, a Type III variance per OCMC 17.60 or master plan adjustment per OCMC 17.65 would be required to vary from the requirements.

**PPCP Key Element:**

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

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## **17.62.061 and 16.08.043 - Additional public park, trail and open space requirements in Park Place Concept Plan Area**

(Staff Note: the numbering format of this draft code section is subject to further revision, but the same section will be added to both OCMC 17.62 – Site Plan and Design Review, and OCMC 16.08 – Land Divisions)

### **A. Dedication requirements.**

1. Where a proposed park, playground, trail, or open space shown within any of the adopted Plans and Figures listed under (3) below is located in whole or in part in a proposed residential land division, the applicant shall dedicate or reserve such area within the development pursuant to the standards of this section, provided that the reservation or dedication is roughly proportional to the impact of the development on the park system.
2. Acquisition by public agency. If the applicant is required to reserve land area for a park, trail or open space, such land shall be acquired by the appropriate public agency within 18 months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.
3. Adopted Plans and Figures:
  - a. Oregon City Parks and Recreation Master Plan Update (2008)
  - b. Oregon City Trails Master Plan (2004)
  - c. Oregon City Conceptual Trails Map (2004) Map – Existing and Proposed Trails (Trails L-5, L-6 and L-7)
  - d. Park Place Concept Plan (2008) – Figure 3-4. Concept Plan Street System Map (Off-Street Trails)
  - e. Park Place Concept Plan (2008) – Figure 3-8: Proposed Trail System
  - f. Oregon City Transportation System Plan (2013) - Figure 5. Multi Modal Connectivity Plan
  - g. Oregon City Transportation System Plan (2013) – Figure 19: Walking Solutions (P. 64)
  - h. Oregon City Transportation System Plan (2013) – Figure 20: Biking Solutions (P. 65)
  - i. Oregon City Transportation System Plan (2013) – Figure 21: Shared Walking and Biking Solutions (P. 66)

### **B. Non-Residential development park dedication.**

Commercial development shall contribute to the creation of the parks, trails and open space within the Park Place Concept Plan boundaries by contributing a fee-in-lieu to the Ccity to support the acquisition of needed park and open space land as follows:

1. The fee-in-lieu of dedication will be set by the Ccity Ccommission and adopted yearly in the Ccity's fee schedule. The fee shall only be used by the Ccity for park, trail and open space acquisition and interim site development.
2. The fee-in-lieu or other equivalent monetary contribution, approved by the community development director, shall be paid prior to approval of the first certificate of occupancy within the commercial development.

### **C. Residential development park dedication.**

Residential development shall dedicate land for parks subject to the location and development standards requirement set forth in subsection F.

1. The minimum acreage of land to be dedicated shall be calculated as follows: (2.6 persons per dwelling units) × (total number of dwelling units proposed) × (four acres)/(one thousand persons).

Example: Total dwelling units = 50

$2.6 \times 50 \times 4 / 1000 = 0.52$  acres.

2. The City may accept a fee-in-lieu of dedication pursuant to subsection E of this section, if a suitable site meeting the criteria described in subsection F of this section is not available within the development site.
3. The required acreage shall be dedicated as part of a final plat, through a deed of dedication, or other acceptable document approved in form by the Community Development Director;
4. Dedication of open space may occur concurrently with development of a project. For phased development, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.

**Explanation:**

The PPCP calls for the provision of 8-10 acre community park in the North Village area and a 3-5 acre neighborhood park in the South Village area that would be connected by extensive system of off-street and on-street trails and pedestrian/bicycle connections. As with the discussion of critical road infrastructure discussed above, the City is constrained in its ability to exact park land dedication and improvements to that which is roughly proportional to the impact of development. In order to deal with these limitations, the City staff is proposing a formula similar to the one in place for residential development within Thimble Creek. OCMC 17.62.059 requires the dedication of park land or an in-lieu fee that is based on a proportional formula based on number of individuals in each dwelling multiplied by the number of dwelling units at four acres per 1000 people. Under this approach, every new housing unit will contribute its fair share for the park. If future development is so piecemeal that it precludes dedication of the minimum PPCP required parkland, the City will have to be prepared to buy whatever remaining pieces are necessary using the funds collected in-lieu fees, either through negotiation or eminent domain, if necessary.

**PPCP Key Elements:**

6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections.
11. Integration of parks and open spaces into existing and future neighborhoods.

D. Reimbursement for additional dedication.

If a larger area for a park or open space is proposed than is required based on the per-unit calculation described in subsection C(3), the City shall reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection E.

E. Fee-in-lieu of Dedication.

The City may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection F of these provisions is not available within the development site. The calculation of the fee-in-lieu or other monetary contributions shall meet the following standards:

1. The amount of the fee-in-lieu of other monetary contributions shall be determined by a licensed, city selected appraiser retained by the applicant, who will value the excessive dedication assuming that zoning and other land use entitlement necessary for park and open space development are in place.
2. The fee-in-lieu or other monetary contribution shall be paid concurrently with the public dedication.
3. The fee-in-lieu or other monetary contribution is separate from and in addition to any Parks System Development Charges (SDCs) required pursuant to OCMC 13.20.

F. [Park](#) Location and development standards.

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Park, trail and open space proposed for dedication shall be located as shown in the list of adopted plans and figures under A (3) above, as applicable, and meet the following locational and development standards:

1. North Village Community Park (8 acres)

- a. The total minimum amount of land in acres dedicated for the North Village Regional Park shall be 8 acres.
- b. At least half of the frontage of the North Village Community Park shall abut a publicly dedicated street. If located at an intersection, both street frontages may be combined to meet this standard.
- c. Minimum size dedication ~~the Ceity~~ will accept: three (3) contiguous acres, except that any proportional share calculated pursuant to the formula under section C.3 above that equals less than 3 acres may be satisfied through a fee-in-lieu per section (E).
- d. Minimum park dimension (width ~~and-or~~ depth): five hundred feet.
- e. The park shall be connected to the regional trail system and ~~shall~~shall be available for use by the general public.
- f. A "shadow plat" shall be submitted with an application for a land division if park land dedication is less than the full 8 acres. The "shadow plat" will indicate where the boundaries of the future park land will be located and serve as an indicator for park dedication in future development applications.
- g. In the North Village of the Park Place area, if a proposed land division does not abut the park or "shadow plat" then the applicant shall pay a fee-in-lieu rather than dedicate land.
- h. If a proposed land division does abut the park land or the "shadow plat" the applicant shall dedicate the proportionate share of park land.

2. South Village Neighborhood Park (4 acres).

- a. The total minimum amount of land in acres dedicated for the South Village Neighborhood Park shall be 4 acres.
- b. At least half of the frontage of the South Village Community Park shall abut a publicly dedicated street. If located at an intersection, both street frontages may be combined to meet this standard.
- c. Minimum size dedication ~~the Ceity~~ will accept: two (2) contiguous acres, except that any proportional share calculated pursuant to the formula under section C.3 above that equals less than two acres may be satisfied through a fee-in-lieu per section (E).
- c. Minimum park width (east-west dimension): four hundred feet.
- d. Minimum park depth (north-south dimension): two hundred feet.
- e. A minimum of three acres of the park shall have a natural slope no greater than 10% to be developed with active recreation components.
- f. The park shall be connected to the regional trail system and shall available for use by the general public.
- g. A "shadow plat" shall be submitted with an application for a land division fi park land dedication is less than the full 4 acres. The "shadow plat" will indicate where the boundaries of the future park land will be located and serve as an indicator for park dedication in future development applications.
- h. In the South Village of the Park Place area, if a proposed land division does not abut the park or "shadow plat" then the applicant shall pay a fee-in-lieu rather than dedicate land.



h. If a proposed land division does about the park land or the “shadow plat” the applicant shall dedicate the proportionate share of park land.

G. Open Space Dedication

1. An application for a subdivision, partition, replat or design review may propose the dedication and protection of open space areas as part of that process. However, this open space shall not be eligible to count toward the parkland dedication requirements of Subsections B, C, D, E, or F.
2. The types of open space that may be provided are:
  - a. Land within the Natural Resources Overlay District (NROD) including natural areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas, and riparian corridors pursuant to OCMC 17.49. Open space located within the Natural Resources Overlay District shall be maintained pursuant to OCMC 17.49.160 – Standards for land divisions.
  - b. Other “greenways” or linear areas linking residential areas with open space areas. These greenways may include the following features:
    - i. Dedicated bicycle paths or footpaths connecting greenways between residences and recreational areas, streets and activity areas.
    - ii. Tree protection tracts created pursuant to OCMC 17.41.
    - iii. Land located underneath powerline easements that is privately owned and maintained but which provides for public access and use.
    - iv. Public off-street pedestrian and bicycle accessway that comply with the standards in OCMC 16.12.032.
- ~~3. A subdivision, partition, replat, or design review application proposing designation of open space shall include the following information as part of the application:~~
  - ~~a. Designate the boundaries of all open space areas; and~~
  - ~~b. Specify the manner in which the open space shall be owned, maintained, and administered; and~~
  - ~~c. Provide for public access to trails through easements or other approved legal instrument.~~
- ~~4. Dedication of open space may occur concurrently with development of a project. For phased development, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.~~

**Explanation:**

The open space dedication section is proposed to be removed because open space dedication is not required, unlike parks and trails. Existing NROD code already includes a variety of options for the ownership and maintenance of open space, and existing submittal requirements already exist in OCMC 17.50 – Administration and Procedures. A residential development application could propose open space through other means outside of the NROD, for example, as private HOA open space.

**PPCP Key Elements:**

6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections.
11. Integration of parks and open spaces into existing and future neighborhoods.

J. Trails Dedication

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1. Purpose. The Park Place Concept Plan (PPCP) identifies a substantial, interconnected network of trails corresponding to the open space system, and in some cases parallel to road corridors. Proposed trail locations are consistent with the City's adopted Trails Master Plan and other local and regional plans, help connect activity centers, and provide alternatives to travel by automobile. The purposes of this section are:

- a. To achieve an extensive system of off-street and on-street trails and pedestrian/bicycle connections, a key element of the PPCP.
- b. To provide standards for the applicability, design, location, connectivity, access, maintenance, dedication, enforcement and integration of trails for residential and non-residential development within the PPCP.
- c. To assure that trail dedication requirements are roughly proportional to the impact of the proposed development on the trail system.
- d. To promote pedestrian connectivity, enhance recreational opportunities and enhance environmental stewardship within the PPCP.
- e. To integrate trail planning with other adopted goals, policies and plans, including the Oregon City Parks and Recreation Master Plan (2008), the Oregon City Trails Master Plan (2004), the Oregon City Transportation System Plan (2013), and the OC2040 Comprehensive Plan (2022).

2. Applicability. Unless specified otherwise below, all developments shall reserve or dedicate land for trails within the development pursuant to the standards of this section, provided that the trail reservation or dedication is roughly proportional to the impact of the development on the trail system.

a. The trails dedication requirements apply to the following development applications:

- i. New residential land divisions (partitions and subdivisions) within the PPCP.

b. The trails dedication requirements do not apply to the following situations:

- i. Development applications within the NC Neighborhood Commercial zone district of the PPCP. In these cases, a fee-in-lieu of dedication may be proposed.
- ii. When a fee-in-lieu of trail dedication is permitted pursuant to section (3)(E).
- iii. When the requirements of this section are adjusted pursuant to the criteria for an adjustment for a master plan or planned unit development pursuant to Chapter 17.65 – Master Plans and Planned Unit Development.
- iv. If a variance to these requirements is granted pursuant to the standards in OCMC 17.60 – Variances.

### 3. Trail Dedication Standards

#### a. Location

Location of trails within the PPCP shall follow the adopted 2004 trails master plan for L7-Livesay Creek Trail, L5-Park Place Creek Loop, and L2-Holcomb Ridge Trail.

The specific locations of trails may change and is subject to on-site verification and design at the time of development.

#### b. Length.

The amount of land to be dedicated for trails shall be based on the City's level of service standard in the adopted 2023 Parks Master Plan ~~2004 Trails Master Plan~~ and is estimated at 0.35 miles per 1,000 residents. This equates to 1.8 feet of linear trail per resident.

#### c. Trail standards:

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The slope of the trail over the “from-to” points as determined in the adopted 2004 Oregon City Trails Master Plan for trails L7, L5, and L2 determines if a trail is soft surface or hard surface. If the rise from end to end is over 3%, as defined by the Americans with Disabilities Act, a trail may be a soft surface trail. If the rise from end to end is under 3%, as defined by the Americans with Disabilities Act, a trail shall be a hard surface trail

d. Width.

The minimum width for a soft surface trail shall be five feet. Surface materials shall be 1/4 minus gravel or bark dust.

The minimum width for a hard surface trail shall be ten feet. Surface materials shall be asphalt or concrete.

e. Fee in Lieu of Dedication

If the above standards cannot be met a fee-in-lieu is acceptable. The fee is set in the Parks fee schedule and adopted by resolution.

f. Trail dedication may be eligible for SDC credits if more than the proportionate share is dedicated and built.

g. Trail dedication shall be accompanied by a “shadow plat” or connectivity map to indicate how the trail would connect to off-site trails, trailheads and activity areas shown on the 2004 Oregon City Trails Master Plan when the extent of the trail is outside the development boundary.

h. Connectivity and Accessibility. Trails shall be publicly accessible to all residents, including those with disabilities, and adhere to ADA (Americans with Disabilities Act) guidelines where applicable. Easements for public access shall be required.

i. Maintenance Responsibilities. The applicant shall propose the entity responsible for the ownership and maintenance of dedicated trails (e.g., homeowners association, city or other entity) and outline maintenance standards in the land use application.

## Chapter 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS<sup>1</sup>

### 17.65.010 Purpose and intent.

~~It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, chapter. This chapter intends to foster the growth of major institutions, phased residential, commercial, or mixed-use development, and other large-scale developments while identifying and proportionally mitigating the impacts of such growth on surrounding properties and public infrastructure while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure through a phased development process. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents.~~

~~The Master Plan or Planned Unit Development process is designed to facilitate a streamlined and flexible review discretionary review -process for major institutions, phased residential, commercial, or mixed-use development, and other large-scale developments. This chapter intends to foster the growth of these types of developments, while identifying and proportionally mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents.~~

~~major developments. This process supports innovative and creative land development approaches and provides long-term assurance for the planning and execution of larger developments, and in a phased manner address. To achieve this, the Master Plan process is structured in a way that allows the applicant to address larger development requirements, such as infrastructure and transportation capacity adequacy, through a phased implementation, and reserve the capacity of the infrastructure and transportation system before incurring final design costs.~~

~~The process may also provide greater certainty for larger institutional, commercial and residential developments by granting longer term approval for phased development (up to twenty years), a process for adjustments to development standards, and the choice to rely on the land use regulations in effect on the date its general development plan application was initially submitted for the duration of the approved master plan and subsequent phases.~~

~~The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.~~

~~The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable~~

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<sup>1</sup>Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.65 in its entirety to read as herein set out. Former Chapter 17.65, §§ 17.65.010—17.65.090, pertained to master plans, and derived from Ord. No. 08-1014, adopted July 1, 2009; Ord. No. 10-1003, adopted July 7, 2010 and Ord. No. 13-1003, adopted July 17, 2013.

~~and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.~~

~~(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)~~

**Explanation:**

Section has been edited for greater clarity.

**17.65.020 What is included in a master plan or planned unit development.**

- A. A master plan or planned unit development is a two-step process that includes a general development plan and a detailed development plan. A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A detailed development plan is the phase or phases of the general development plan that are proposed for development within two years.
- B. A master plan or planned unit development identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they shall be modified through the general development plan or completed with new development.
- C. A master plan or planned unit development identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are necessary when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

~~(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)~~

**17.65.030 Applicability of the master plan or planned unit development regulations.**

- A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.
- B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision requiring master planning for a development.

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- C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.
  - D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.
  - E. Pursuant to OAR 660-008-0015, the master plan and planned unit development review process and approval criteria are discretionary. The City has adopted separate clear and objective approval standards and procedures for residential development applications that are entitled to be through a Type I or Type II process.

**Explanation:**

ORS 197A.400(3) provides that a local government can provide an alternative discretionary process for housing review so long as the alternative does not replace the clear and objective track. By amending the OCMC to implement the PPCP, the City will be providing that clear and objective track. There is no need to further amend the PPCP as it will continue to provide an alternative discretionary track for those applicants who wish to pursue it.

~~(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)~~

#### **17.65.040 Procedure.**

- A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.
- B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.
- C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62, Site Plan and Design Review is not required.
- D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.
- E. Relationship to Other Reviews. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.
- F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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## 17.65.050 General development plan.

### A. Existing Conditions Submittal Requirements.

1. Narrative Statement. An applicant shall submit a narrative statement that describes the following:
  - a. Current uses of and development on the site;
  - b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;
  - c. A vicinity map showing the location of the general development plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible;
  - d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;
  - e. Previous land use approvals within the general development plan boundary and related conditions of approval, if applicable;
  - f. Existing utilization of the site;
  - g. Site description, including the following items. May also reference submitted maps, diagrams or photographs:
    - i. Physical characteristics;
    - ii. Ownership patterns;
    - iii. Building inventory;
    - iv. Vehicle/bicycle parking;
    - v. Landscaping/usable open space;
    - vi. FAR/lot coverage;
    - vii. Natural resources that appear on the Ceity's adopted Goal 5 inventory;
    - viii. Cultural/historic resources that appear on the Ceity's adopted Goal 5 inventory;
    - ix. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and
    - x. Geologic hazards pursuant to OCMC 17.44.
  - h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.
    - i. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
    - ii. Transit routes, facilities and availability;
    - iii. Alternative modes utilization, including shuttle buses and carpool programs; and
    - iv. Baseline parking demand and supply study (may be appended to application or waived if not applicable).
  - i. Infrastructure facilities and capacity, including the following items:

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- i. Water;
  - ii. Sanitary sewer;
  - iii. Stormwater management; and
  - iv. Easements.

2. Maps and Plans.

- a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch equals one hundred feet) that shows the following items. At least one copy shall be eight and one-half inches x eleven inches in size, and black and white reproducible.
  - i. Date, north point, and scale of drawing.
  - ii. Identification of the drawing as an existing conditions site plan.
  - iii. Proposed development boundary.
  - iv. All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.
  - v. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.
- b. A site plan or plans, to scale, for the general development plan site and surrounding properties containing the required information identified in OCMC 17.62.040.b, Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible.
- c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one-half inches by eleven in size, and black and white reproducible.

B. Proposed Development Submittal Requirements.

- 1. Narrative statement. An applicant shall submit a narrative statement that describes the following:
  - a. The proposed duration of the general development plan.
  - b. The proposed development boundary. May also reference submitted maps or diagrams.
  - c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
  - d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.
  - e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.
  - f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
    - i. Transportation impacts as prescribed in subsection g below;
    - ii. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;



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- iii. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.
  - iv. Neighborhood livability impacts;
  - v. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.
  - g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.
  - h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:
    - i. Address the impacts of the development of the site consistent with all phases of the general development plan; or
    - ii. Address the impacts of specific phases if the Ceity Eengineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
  - i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:
    - i. The general development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
    - ii. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected a.m. or p.m. peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
    - iii. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.
  - j. For residential and mixed-use projects:
    - i. Proposed minimum lot area, width, frontage and yard requirements.

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- ii. Proposed project density in number of units per acre.
  - iii. Proposed residential types and number of each.
2. Maps and Diagrams. The applicant shall submit, in the form of scaled maps or diagrams, as appropriate, the following information:
- a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
  - b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
  - c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
  - d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.
  - e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.
- C. Approval Criteria for a General Development Plan. The Planning Commission may approve an application for general development plan only upon finding that the following approval criteria are met or can be met though conditions of approval:
- 1. The proposed general development plan is consistent with the purposes of OCMC 17.65.
  - 2. Development shall demonstrate compliance with the following chapters of the OCMC if applicable:
    - a) 12.04 – Streets, Sidewalks and Public Places
    - b) 12.08 – Public and Street Trees
    - c) 13.12 – Stormwater Management
    - d) 16.12 – Minimum Public Improvements and Design Standards for Development
    - e) 16.08 – Land Divisions – Process and Standards
    - f) 17.62, if applicable, and 16.08, if applicable 17.54 – Supplemental Zoning Regulations and Exceptions
    - g) 17.62 – Site Plan and Design Review.

**Explanation:**

This section is revised to reference updated chapters of the code that may apply to a General Development Plan. Since a General Development Plan is typically a preliminary review and no development can be authorized unless a Detailed Development Plan is approved, only certain parts of these chapters may be applicable to the GDP. However, they are listed for clarity.

3. Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed as demonstrated at the time of Detailed Development Plan approval.
4. The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of the following applicable-overlay districts, if applicable:
  - a) OCMC Chapter 17.40 – Historic Overlay District
  - b) OCMC Chapter 17.42 – Flood Management Overlay District
  - c) OCMC Chapter 17.44 – Geologic Hazards Overlay District
  - d) OCMC Chapter 17.48 – Willamette River Greenway Overlay District
  - e) OCMC Chapter 17.49 – Natural Resource Overlay District

**Explanation:**

This section is revised to reference updated overlay district chapters of the code that may apply to a General Development Plan. Since a General Development Plan is typically a preliminary review and no development can be authorized unless a Detailed Development Plan is approved, only certain parts of these chapters may be applicable to the GDP. Chapters are bullet listed for clarity.

5. The proposed general development plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.
6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.
7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.
8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.
  - a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.
  - b. Minimum required open space shall be one hundred square feet per residential unit in the development.
  - c. The open space area may be in private ownership or proposed for public dedication, at the City's discretion whether to accept.
  - d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird

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watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.

- e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.
  - f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to ~~reserve~~preserve open space and maintenance of open space and any related landscaping and facilities.
9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds seventy-five percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single-family detached, duplex, triplex, quadplex, townhouse, cottage cluster, and multi-family.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

### **17.65.060 Detailed development plan.**

#### **A. Submittal Requirements.**

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.
3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.
4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.
5. Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

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- B. Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:
1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.
  2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.
  3. The detailed development plan ~~conforms with the base zone standards, applicable residential design standards, and applicable standards shall demonstrate compliance with the following chapters of the OCMC if applicable:~~
    - a) 12.04 – Streets, Sidewalks and Public Places
    - b) 12.08 – Public and Street Trees
    - c) 13.12 – Stormwater Management
    - d) 16.12 – Minimum Public Improvements and Design Standards for Development
    - e) 16.08 – Land Divisions – Process and Standards
    - f) 17.52 – Off-Street Parking and Loading
    - g) 17.54 – Supplemental Zoning Regulations and Exceptions
    - h) 17.62 – Site Plan and Design Review.
  4. ~~The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of the following overlay districts, if applicable:~~
    - a) OCMC Chapter 17.40 – Historic Overlay District
    - b) OCMC Chapter 17.42 – Flood Management Overlay District
    - c) OCMC Chapter 17.44 – Geologic Hazards Overlay District
    - d) OCMC Chapter 17.48 – Willamette River Greenway Overlay District
    - e) OCMC Chapter 17.49 – Natural Resource Overlay District
- ~~contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.~~
- ~~{Ord. No. 18-1009, § 1(Exh. A), 7-3-2019}~~

**Explanation:**

This section is revised to reference updated chapters of the code that may apply to a Detailed Development Plan, which is required prior to any development. Development cannot proceed unless a Detailed Development Plan is approved. Chapters are bullet listed for clarity.

### **17.65.070 Adjustments to development standards.**

- A. Purpose. In order to implement the purpose of the Ccity's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties

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and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the variance process pursuant to OCMC Chapter 17.60.

- B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.
- C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:
  - 1. Dimensional standards of the underlying zone of up to twenty percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.
  - 2. Site plan and design standards.
  - 3. Residential design standards.
  - 4. Increase in allowed maximum residential density of up to ten percent.
  - 5. Standards for land division approval.
  - 6. Additional uses allowed with residential projects, or residential component of projects:
    - a. Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to ten percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.
    - b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts.
    - c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools.
    - d. Common public and private open space including trails.
    - e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.
- D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
  - 1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above;
  - 2. To any regulation that contains the word "prohibited";
  - 3. As an exception to a threshold review, such as a Type III review process; and
  - 4. Minimum density for residential sites may not be reduced.
- E. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met:
  - 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
  - 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
  - 3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;

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4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;
  5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and
  6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

#### **17.65.80 Amendments to approved plans.**

- A. When Required. An amendment to an approved general development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.
- B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:
  1. A proposed expansion of the approved boundary;
  2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
  3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);
  4. New uses not covered in the plan that will increase vehicle trips to the site greater than ten percent of the original amount approved;
  5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;
  6. A increase/decrease greater than ten percent in the amount of approved or required parking; and
  7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.
- C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in subsection B or D are processed through a Type II procedure.
- D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:
  1. Accessory uses and structures that meet applicable development regulations;
  2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
  3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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### **17.65.090 Regulations that apply.**

An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that general development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)