

STAFF REPORT

**TYPE IV LEGISLATIVE ACTION TO AMEND THE
RIVERGROVE LAND DEVELOPMENT ORDINANCE
(RLDO)**

May 11, 20201

REQUEST: The City of Rivergrove is proposing to adopt a new development code based on the Oregon Model Code for Small Cities that will include new development standards, definitions, and procedures.

APPLICANT: City of Rivergrove

LOCATION: Citywide

AUTHORIZATION: Rivergrove Land Development Ordinance (RLDO) Section 4.120 and Section 6.227-6.230

I. EXECUTIVE SUMMARY & BACKGROUND

The City of Rivergrove is proposing to amend the existing Rivergrove Land Development Ordinance. A new development code is proposed based on the Oregon Model Code for Small Cities with new development standards, definitions, and procedures for land use planning and decision-making:

- No new zones would be created by the amendment, the existing Residential (R) zone would remain. Single family uses (attached or detached), duplexes, triplexes, accessory dwelling units, cottage clusters, and manufactured homes would be allowed residential uses.
- Standards related to lot sizes, residential density, building height, setbacks, and lot coverage would be revised or introduced.
- Clear and objective design standards would be introduced related to exterior appearance, parking and access, signage, screening and landscaping, and lighting.
- Standards related to the Water Quality Resources Area and floodplain would remain under the proposal, with minor revisions for clarification or consistency with the latest Metro, state, or FEMA requirements.
- New review and approval criteria consistent with the state structure would be introduced to improve land use development review in the City.

This amendment would not amend the City’s existing Comprehensive Plan or change the zoning

designations of any property within the City.

Background: As directed by the Rivergrove City Council, City staff began the process to update the existing RLDO in the fall of 2019. Staff began with the Oregon Model Code for Small Cities and then folded in key aspects of the City’s existing ordinances such as the tree ordinance and dock ordinance, the City’s Comprehensive Plan, applicable Metro code requirements, and FEMA Model Flood Code. A subcommittee was created at the start of the process, made up of residents, members of the Planning Commission, and members of the City Council. This subcommittee met several times over the course of the update process to provide input and review drafts. An open house was held in April 2020 to solicit input from community members and residents and written public comments were accepted throughout the process.

Public Notice: A city-wide Measure 56 notice was sent out to all property owners within the City on April 27, 2021 notifying them of the proposed changes to the RLDO. Additionally, a notice has been provided to DLCD on April 9, 2021 and published in the May Issue of the Rivergrove Report.

Review Type and Criteria: Section 6.226 of the RLDO states that legislative action shall follow a Type IV review procedure subject to the requirements of Sections 6.227 to 6.230.

II. CRITERIA

An amendment to the Rivergrove Land Development Ordinance (RLDO) must be made in accordance with the Type IV procedures and in compliance with the Legislative amendment approval criteria in Section 6.229.

a. Identify the provisions of the Comprehensive Plan that are relevant to the decision and prepare findings on how the proposal does or does not comply with each provision.

Staff have identified the following Comprehensive goals and policies as applicable to this proposal:

Goal #1: Citizen Involvement

Policy 1. The City shall implement its Citizens’ Involvement Program.

Policy 2. The City shall involve other governmental agencies and districts in the local planning process, and shall give them the opportunity to propose plan changes or review and comment on any proposed plan changes.

Policy 3. The citizens of Rivergrove shall be given the opportunity to propose plan changes or review and comment on any proposed plan changes.

FINDING: Citizen involvement was provided by the subcommittee that met several times over the course of the project and through the open house that was held in April 2020. Opportunities for public comment and involvement were noticed to residents and public comments were accepted throughout the process. Agency involvement included advance notice to DLCD of the proposal as well as circulation of a draft to DLCD and notice of the scheduled public hearings was provided to the residents of Rivergrove. The proposal is consistent with the applicable policies of Goal #1.

Goal #2: Land Use Planning

Policy 4. Comprehensive Plan map and text amendments may be initiated by the Planning Commission, City Council, a property owner, his or her authorized representative, or a resident of

the City.

FINDING: The proposal is initiated by City staff based on direction from the Rivergrove City Council. The proposal further implements the overall purpose of Goal #2 by establishing clear processes, procedures, and standards for land use and development. The proposed amendment will alter the existing land use processes and standards by updating and revising the existing RLDO with processes and standards that are clear and objective to help streamline development. The proposal is consistent with the applicable policies of Goal #2.

Goal #5: Natural Resources, Scenic & Historic Areas, Open Spaces

Policy 2. Wildlife and plant habitat considerations shall be integrated into the land use decision-making process.

Policy 3. Compliance with Metro’s Title 13 for protection riparian areas and wildlife habitat; compliance with Title 13 meets Goal 5 requirements for these resources.

Policy 4. In order to preserve the riparian habitat, strict enforcement of the City’s WQRA ordinance is vital. This ordinance meets METRO goals for environmentally sensitive areas.

Policy 5. Development adjacent to the Tualatin River and wetlands will be governed by Metro Guidelines as most recently specified in Rivergrove’s WQRA Ordinance.

Policy 9. The maintenance of vegetative cover with native plant species is encouraged.

Policy 12. City shall revise its tree cutting ordinance to include stronger language to preserve Rivergrove’s native trees.

FINDING: The proposal provides a comprehensive and cohesive set of definitions, standards, and procedures for protection of natural resources. The proposal retains specific standards for the Water Quality Resource Area (WQRA) and floodplain that are designed to protect riparian habitat. The proposal incorporates Metro’s Title 13 requirements within Section 2.4 – Water Quality and Flood Management Overlay Zone. The removal of non-native vegetation and the use of native plant species is required for development within the WQRA and trees planted as mitigation are recommended to come from Rivergrove’s Native Tree List. The proposal includes language for the protection of historic and cultural resources as well as open space requirements for certain types of development. The proposal is consistent with the applicable policies of Goal #5.

Goal #6: Air, Water and Land Resources Quality

Policy 10. The City will comply with all applicable state and federal air, water, solid waste, hazardous waste, and noise regulations.

Policy 12. Encourage reduction and control of light pollution that affects residents and wildlife.

FINDING: The proposal would continue to require development compliance with all applicable state and federal air, water, solid, waste, hazardous waste, and noise regulations. The proposal also includes standards for outdoor lighting that are intended to minimize negative impacts of light pollution. The proposal is consistent with the applicable policies of Goal #6.

Goal #7: Natural Disasters and Hazards

Policy 1. Development in area of special flood hazard (Flood Management Area) shall be in accordance with the National Flood Insurance Program Regulations. The preferred use within the area of special flood hazard is open space.

Policy 2. Land use decisions shall consider their potential effect on flooding, drainage and soil erosion.

Policy 3. Development on soils with severe constraints to development or SDS shall be allowed only after appropriate safeguards have been taken.

Policy 4. Rivergrove shall encourage the preservation of natural drainage ways.

Policy 6. Limited new single family residential development may be allowed within lands designated as Floodway Fringe areas on Federal Emergency Management Agency maps subject to the new structures meeting the standards specified in the Flood Damage Prevention Ordinance (Rivergrove Ordinance #52). All such structures shall be flood resistant.

Policy 7. If sanitary sewer is available, the maximum density allowed in the 100-year flood boundary should be one (1) house per 10,000 square feet.

Policy 8. Development in the floodway itself, as designated on Federal Emergency Management Agency Maps, should be aimed at enhancing the recreational use of this space, while mitigating environmental damage concerns.

FINDING: The proposal is consistent with the Oregon Model Flood Code which was developed in cooperation with FEMA to help communities achieve compliance with the minimum National Flood Insurance Program and state standards for floodplain management. This includes standards related to construction and materials within the floodplain, provision of public services and utilities, drainage and erosion, and soil capability. Lots less than 10,000 square feet are not proposed to be permitted under the amendment. The proposal is consistent with the applicable policies of Goal #7.

Goal #9: Economic Development

Policy 1. Allow home businesses as specified in the Land Development Ordinance.

FINDING: The proposal would allow for home occupations within the City provided they meet standards related to allowed uses, parking and traffic, business hours, employees, and storage.

Goal #10 Housing

Policy 2. Explore ways to increase density without sacrificing the lifestyle that is important to Rivergrove citizens, and without sacrificing environmental quality standards.

Policy 4. Update Rivergrove's subdivision and development process for developers and builders in an effort to reduce application costs, legal costs, and other permit processing expenses.

Policy 5. Take into consideration how a development application affects the overall character of the neighborhood.

FINDING: Due to its size and estimated population of 536 people, the City of Rivergrove does not have an adopted Housing Needs Analysis. While it is within the Portland Metro, Rivergrove does not meet the threshold for implementing HB 2001. All land within the City is zoned Residential (R) and the proposal would not establish any new zones. Under the proposal duplexes, triplexes, accessory dwelling units, cottage clusters, and manufactured homes would be permitted within the R zone in addition to single family detached homes, expanding the types of housing permitted under the existing code. The proposal includes clear and objective development review and design standards that would maintain and enhance the character of Rivergrove. The proposal is consistent with the applicable policies of Goal #10.

Goal #11: Public Facilities and Services

Policy 2. Where full public facilities and services are available, no urban-level development shall occur without the provision for public facilities and services.

FINDING: The proposal would continue to require the provision of public facilities and services where available. The proposal is consistent with the applicable policies of Goal #11.

Goal #12: Transportation (As amended 11-10-2014)

Objective #1.e: Public and private roadways, bicycle paths and pedestrian walkways within Rivergrove shall be constructed in accordance with the Clackamas County Transportation Systems Plan, Chapter 5, Section 5.0 Functional Classification and Design Policies.

Objective #1.g: Require that all roads within Rivergrove be paved to enhance safety of vehicular and non-vehicular traffic.

Policy 4: For any new partition or subdivision, the main access road shall be paved.

FINDING: Under the proposal all transportation improvements would be required to comply with applicable Clackamas County engineering design standards. Traffic studies will be required for all significant projects, pursuant to new standards in the code. Driveways and roads must be paved and meet applicable construction and design standards. Where permeable paving surfaces are allowed for driveways, the surfaces would be required to conform to applicable engineering design standards. The proposal is consistent with the applicable policies of Goal #12.

Goal #13: Energy Conservation

Policy 3. Modify the Land Development Ordinance when necessary to enforce land use patterns, building forms, or siting practices which in common practice will reduce energy consumption or improve energy efficiency.

Policy 4. Find ways to encourage the use of alternative energy sources in Rivergrove homes.

Policy 5. Encourage the "filling-in" of vacant land.

Policy 10. The City should encourage the use of geothermal, solar and other energy-saving methodologies.

FINDING: The proposal would allow for the siting, design, and installation of wind energy conversion systems, an alternative energy system, in Rivergrove. Clear and objective standards as well as a streamlined review process proposed under the amendment would encourage in-fill. The proposal is consistent with the applicable policies of Goal #13.

Goal #14: Urbanization

1. The City of Rivergrove is part of the Metro region and is subject to Metro's Urban Growth Boundary (UGB). The City will coordinate Goal 14 Land Use Issues with Metro pursuant to ORS 195.025.

FINDING: The proposed changes to the RLDO do not alter the City's UGB but as previously explained, it will add more flexibility in land uses and a greater mix of housing types.

b. Review the nature of the proposal and state whether the proposal is appropriate for processing as a legislative matter.

FINDING: The City finds that the amendments are legislative in nature as they would change the text of

the adopted Rivergrove Land Development Ordinance.

c. Make appropriate recommendations, along with the reason for each.

FINDING: Based on the above discussion of consistency with the applicable provisions of the Comprehensive Plan, staff does not have any further reasons to include with the recommendation for approval of the proposed amendments. The proposal is consistent with requirements of Sections 6.227 to 6.230 of the RLDO.

III. RECOMMENDATION

Based on the above findings of fact, the proposed amendments satisfy the applicable criteria. Staff recommends that the Planning Commission recommend approval of File No. 2021-01 to the Rivergrove City Council.

IV. EXHIBITS

- A. Proposed New Development Code
- B. Public Comments received prior to May 11, 2021