



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, November 02, 2022 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION:

The Executive Session will begin after the adjournment of the City Commission Regular Meeting.

- Pursuant to ORS 192.660(2)(e): to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

- Pursuant to ORS 192.660(2)(i): To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

REGULAR MEETING OF THE CITY COMMISSION

Ways to participate in this public meeting:

- Attend in person, location listed above*
- Register to provide electronic testimony (email recorderteam@orc.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- Email recorderteam@orc.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Oath of Office Ceremony for Michael Mitchell

[3b.](#) Proclamation for Fallen Police Officer Robert Libke and Officer George J. Hanlon

4. CITIZEN COMMENTS

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog

with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

5. PRESENTATIONS**6. ADOPTION OF THE AGENDA****7. CONSENT AGENDA**

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

[7a.](#) Resolution No. 22-34, Temporarily Exempting Construction Activities from the Prohibition Against Unlawful Noises for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 and Declaring an Emergency

[7b.](#) Public Improvement Contract with Moore Excavation, Inc. for the 2022 Water and Sanitary Utility Replacements Project (CI 21-014)

[7c.](#) Minutes for the May 26, 2022 Joint Work Session with the City of West Linn

[7d.](#) Minutes of the October 21, 2022 City Commission Special Meeting

8. PUBLIC HEARINGS

[8a.](#) First Reading of Ordinance No. 22-1008, Proposed Annexation of 19024 Rose Road to the City of Oregon City (GLUA-22-00013; AN-22-0001)

9. GENERAL BUSINESS

[9a.](#) Proposed Oregon City Micro Business Assistance Grant Program

[9b.](#) Historic Review Board and Planning Commission Appointment Process Discussion

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

11. ADJOURNMENT

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.

PROCLAMATION

TO RECOGNIZE AND HONOR THE SERVICE AND SACRIFICE OF THOSE LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY WHILE PROTECTING THE OREGON CITY COMMUNITY

Whereas, Law Enforcement is an honorable, hard-working profession that diligently seeks to make our community more livable and safe; and

Whereas, there is no greater sacrifice an Officer can make for their community than to give their life; and

Whereas, the death of a Police Officer shocks the very soul of a community, our Government, and the very freedoms the Officers have sworn to protect; and

Whereas, the impact of this tragedy upon the Officer's family, friends, department and community is immeasurable; and

Whereas, our hearts and thoughts go out to the many killed in action while serving to protect our community.

Now, Therefore, I, Denyse McGriff, Mayor of the City of Oregon City, along with the City Commission, and the Citizens of Oregon City, Oregon extend heartfelt condolences to the families of the following Officers:

Reserve Police Officer, Robert Libke, lost on November 3, 2013
Police Officer, George J. Hanlon, lost on April 23, 1906

These officers have been lost but will never be forgotten. This community will be forever grateful. We ask for a moment of silence as we remember Oregon City's valuable public servants and pray for healing and hope into the future.

In Witness Whereof, I have hereunto set my hand this 2nd day of November 2022.

DENYSE C. McGRUFF, Mayor



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 11/02/2022

SUBJECT:

Resolution No. 22-34, Temporarily Exempting Construction Activities from the Prohibition Against Unlawful Noises for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 and Declaring an Emergency

STAFF RECOMMENDATION:

Approve Resolution No. 22-34 authorizing the night work related to the construction of the sewer lines for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 that impacts through travel on Linn Avenue and interferes with access to Gardiner Middle School.

EXECUTIVE SUMMARY:

The City is under contract with Landis & Landis Construction for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3. The sewer project requires utility installation and pavement restoration which will impact two-way traffic on Linn Avenue from Williams Street to Eastfield Drive. This work will also impact access to Gardiner Middle School. The project anticipates the work on Linn Avenue will occur at various times between November 3, 2022, and December 30, 2022. The projects will perform work from 8:00 PM to 7:00 AM which is outside typical high-traffic hours. The proposed construction will happen during night hours and is in conflict with Oregon City Municipal Code (OCMC).

BACKGROUND:

On June 1, 2022, City Commission approved the contract with Landis & Landis Construction for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 that will complete work near Gardiner Middle School.

Based upon high traffic counts on Linn Avenue and the presence of detour traffic from South End Road, City staff concluded it was appropriate to require night work for any activities that will require lane closures. Night work on Linn Avenue from Williams Street

to Eastfield Drive will avoid construction occurring during higher traffic hours on Linn Avenue.

Gardiner Middle School traffic patterns also impact Linn Avenue. Morning and afternoon school traffic heavily utilizes Linn Avenue. The intersections of Linn Avenue with Williams Street and Hood Street are heavily used to access Gardiner Middle School during the morning and afternoon. Staff concluded that it was appropriate to require night work for any activities that impact these key school access routes.

The request is for night work to be able to successfully complete the sewer utility improvements while minimizing impacts to traffic and Gardiner Middle School. The project desires the working hours to be 8:00 PM to 7:00 AM, Monday night through Friday night. The request has been made for the dates of November 3 to December 30, 2022.

The work will occur on Linn Avenue from Williams Street to Eastfield Drive. The increased noise and disruption to regular traffic patterns from the construction activities will indirectly impact residentially-zoned areas near Linn Avenue and Gardiner Middle School.

As a part of the project notification, the City will be providing written notification to properties within 700 feet of the night work area, all Oregon City Neighborhood Chair(s), CIC Chair, and the Oregon City Chamber of Commerce Chief Executive Officer. The outreach will include contact information for who to reach out to if there are concerns about noise levels during the night work, as well as impacts to their property during the project such as utility disruptions, impacts to driveways, etc.

Per Oregon City Municipal Code (OCMC) 2.52.020, “emergencies” include “utility or transportation emergencies.” OCMC 2.52.040 (L) authorizes the City, in cases of emergency, to “order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.”

OPTIONS:

1. Approve Resolution No. 22-34 as requested.
2. Approve Resolution No. 22-34 with specific modifications.
3. Deny Resolution No. 22-34. If the Commission chooses to deny the Resolution, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$0.00

FY(s): Not Applicable

Funding Source(s): Not Applicable

RESOLUTION NO. 22-34

A RESOLUTION DECLARING AN EMERGENCY AND TEMPORARILY EXEMPTING THE CONSTRUCTION ACTIVITIES IN LINN AVENUE RIGHT-OF-WAY AND TRAVEL LANES ASSOCIATED WITH THE SANITARY SEWER I/I REHABILITATION – RIVERCREST BASIN PROJECT: PHASE 3 FROM THE PROHIBITION AGAINST UNLAWFUL NOISES

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines “emergencies” to include “utility or transportation emergencies”; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency, to “order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency”; and

WHEREAS, the City would be acting in the best public interest by facilitating the completion of sewer work within the Linn Avenue travel lanes required of the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 (“Project”); and

WHEREAS, transportation in the vicinity of the Project is vital to the community, and completing the needed work at night is vital to the economic and mobility interests of the City; and

WHEREAS, OCMC 9.12.023(E) declares the construction, demolition, alteration, or repair of any building or the excavation of any streets and highways in a residentially-zoned neighborhood between the hours of 10:00 PM and 7:00 AM, Monday through Saturday; and between 8:00 PM and 9:00 AM on Sunday to be a violation.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission declares an emergency, limited to utility installation within Linn Avenue associated with the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 3 (“Project”) as shown in the Exhibit A – Site Map attached to this resolution. Consistent with OCMC 2.52.070 and by this resolution, the Commission declares an emergency from November 3, 2022, at 8:00 PM to December 30, 2022, at 7:00 AM.

Section 2. Based on the emergency identified above, the City Commission grants the construction activities in the Linn Avenue rights-of-way exemption from Section 9.12.020 of the Oregon City Municipal Code for construction activities associated with constructing the sanitary sewer in the Project area and affecting the Linn Avenue traffic, during the period identified above in Section 1 of this resolution.

Section 3. This resolution shall take effect immediately upon its adoption by the City Commission.

Section 4. The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

Section 5. The City Commission adopts these procedures to prevent, minimize, respond to, or recover from the emergency consistent with OCMC 2.52.040.

Approved and adopted at a regular meeting of the City Commission held on the 2nd day of November 2022.

Denyse C. McGriff, Mayor

Attested to this 2nd Day of November 2022

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

Attachment:
Exhibit A – Site Map



Item 7a.

Construction Area



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Public Works Director John M. Lewis, PE

Agenda Date: 11/2/2022

SUBJECT:

Public Improvement Contract with Moore Excavation, Inc. for the 2022 Water and Sanitary Utility Replacements Project (CI 21-014)

STAFF RECOMMENDATION:

Award the bid and authorize the City Manager to execute the Public Improvement Contract with Moore Excavation, Inc. in the amount of \$1,532,694.00 for construction of the 2022 Water and Sanitary Utility Replacement Projects (CI 21-014).

EXECUTIVE SUMMARY:

The 2022 Water and Sanitary Utility Replacements Projects will replace old, under sized problem waterlines and the sanitary sewer system located adjacent to the waterlines. In addition, 2 existing water Pressure Reducing Vaults (PRV's) that are at the end of their useful life will be replaced.

BACKGROUND:

The 2022 Water and Sanitary Utility Replacement Project will include the following components:

- Pressure Reducing Valve (PRV) Replacement: Two existing PRV's in the City have reached the end of their useful life. PRV's are necessary to regulate the pressure of water within the City's distribution system. The PRV's are located in the following locations:
 - 18th Street and Anchor Way, built in 1992
 - 11th Street and Washington Street, built in 1993
- Randall Street: Replacement of approximately 670 lineal feet of waterline and replacement of approximately 440 lineal feet of new 8" sewer line to address concerns with the existing lines.
- Latourette Street: Replacement of approximately 875 lineal feet of waterline and replacement of approximately 285 lineal feet of sewer line to address concerns with the existing lines.

The waterlines being replaced have had numerous leaks that the City's Public Works Water Crew has had to address. The replacement of these pipes will improve water quality and fire flows in the neighborhoods. The PRVs being replaced were identified in the 2019 Water System Analysis as past their useful age and in need of replacement.

The sanitary sewer lines being replaced were identified in the 2014 Sanitary Master Plan as needing replacement and are being combined with the waterline work to minimize impacts to the adjacent properties.

On September 12th and 14th, 2022, the project was advertised in the *Daily Journal of Commerce* and the City bid site in accordance with City and State contracting procedures. The bid opening was held on October 12th, 2022 and seven (7) bids were received. Staff and 3J Consulting, Inc. reviewed the bids and determined that Moore Excavation, Inc. was the low responsive bidder. The contract award value is one million five hundred thirty two thousand six hundred ninety four dollars (\$1,532,694.00).

The list below includes the bidders and bid amounts received for this project:

Moore Excavation, Inc.	\$1,532,694.00
ICON Construction & Development	\$1,540,955.00
Landis & Landis Construction	\$1,571,810.00
Green Mountain Excavation, LLC	\$1,610,637.00
Trench Line Excavation, Inc.	\$1,670,068.38
McDonald Excavating, Inc.	\$2,024,313.00
ORR, Inc.	\$2,148,970.00
Engineer's Estimate	\$1,504,024.00

The bidding was close, with the top four bidders being within 7.1% of the engineer's estimate, and the apparent low bidder was 1.9% higher than the engineer's estimate.

Construction will occur in the Spring to Summer of 2023 and work is anticipated to be completed by Fall 2023.

OPTIONS:

1. Authorize the City Manager to execute the Contract.
2. Authorize the City Manager to execute the Contract with specific modifications.
3. Deny the Contract. If the Commission chooses to deny the Contract, staff requests direction on how to proceed.

BUDGET IMPACT:

Amount: \$1,532,694.00

FY(s): 2022/23

Funding Source(s): Water Fund, Sanitary Fund, PMUF

SECTION III A **CONTRACT AGREEMENT**

This Agreement, made and entered into this ____ day of _____, 20____, between the CITY OF OREGON CITY (“CITY”), acting by and through the City Commission and **MOORE EXCAVATION, INC.** (“CONTRACTOR”).

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **2022 WATER AND SANITARY UTILITY REPLACEMENT PROJECT (CI 21-014)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Certification of Non-Discrimination Certification of Compliance with Tax Law Bidder Responsibility Form Bid Bond First Tier Subcontractor Disclosure Form Customer Service Acknowledgment Form Contract Agreement Oregon City Public Improvement Standard Conditions Statutory Conditions to Contract Agreement Performance Bond	Payment Bond State of Oregon Statutory Public Works Bond General Conditions Prevailing Wage Rates for Public Works Contracts in Oregon, dated July 1, 2022 Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated April 1, 2022 Prevailing Wage Apprenticeship Rates dated July 1, 2022 Definitions of Covered Occupations for Public Works Contracts in Oregon dated July 1, 2018 Special Provisions Contract Drawings City of Oregon City Standard Details Technical Specifications 2021 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents Addendum 1 – Dated September 23, 2022 Addendum 2 – Dated September 28, 2022 Addendum 3 – Dated October 7, 2022 All items included within these Contract Documents.
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The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be substantially complete by **September 30, 2023** and ready for final acceptance by **October 31, 2023** as identified in 00180.50(b) of the Special Provisions.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **one million, five hundred thirty-two thousand, six hundred and ninety-four dollars and no cents (\$1,532,694.00)**.

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY

MOORE EXCAVATION, INC.

By: _____
Anthony J. Konkol III
City Manager

Printed Name

By: _____
John M. Lewis, P.E.
Public Works Director

By: _____
Authorized Signature

Title

Approved as to Legal Sufficiency

By: _____
City Attorney

Date

Address:

City Commission Award Date:

Federal Taxpayer ID Number

MEMORANDUM

To: John Burrell
Project Manager
City of Oregon City

From: Laura Oxsen, PE
Civil Engineer

Date: October 14, 2022

Project Name: 2022 Water and Sanitary Utility Replacement Project

Project No: CI 21-014

RE: Bid Summary

John, we have had the opportunity to review the bid results from the October 12, 2022 bids associated with the 2022 Water and Sanitary Utility Replacement Project. Attached you will find the following information:

- 2022 Water and Sanitary Utility Replacement Project – Bid Recording Sheet, dated October 12, 2022
- 2022 Water and Sanitary Utility Replacement Project – Bid Listing, dated October 14, 2022
- 2022 Water and Sanitary Utility Replacement Project – Bid Review Checklist, dated October 12, 2022
- 2022 Water and Sanitary Utility Replacement Project – Bid Tab Summary, dated October 14, 2022
- 2022 Water and Sanitary Utility Replacement Project – Notice of Intent to Award, dated October 14, 2022

A total of seven (7) bids were received for the project. 3J Consulting has reviewed the information provided by each bidder and has determined that all seven (7) bidders have provided the required information and are determined to be responsive. 3J Consulting has reviewed each bid in detail for errors and noted there were no errors observed.

The deficiencies are noted on the Bid Listing sheet, as well as the Bid Tab Summary.



Based on the bid information provided 3J Consulting has determined **Moore Excavation Inc.** is the apparent low responsive bidder with the total base bid amount of **\$1,532,694.00**. 3J Consulting recommends that the City award the 2022 Water and Sanitary Utility Replacement Project to **Moore Excavation Inc.**

If you should have any questions or concerns with the attached or require additional information please do not hesitate to contact me.

Sincerely,

Laura Oxsen, PE
Civil Engineer
3J Consulting, Inc.

copy: File
copy: Brian Feeney, Senior Project Manager

- - - END OF DOCUMENT - - -

Client City of Oregon City
Project 2022 Water and Sanitary Utility Replacement Project
Bid Tabulation
Date: 10/14/2022

Apparent Low

Other Bidders

Item	Description	Units	Quantity	Engineers Estimate		Moore Excavation Inc.		Icon Construction & Development		Landis & Landis Construction		Green Mountain Excavation LLC		Trench Line Excavation, Inc.		McDonald Excavating, Inc.		ORR, Inc.	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	EXTRA WORK AS AUTHORIZED	LS	1	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
2	00210-MOBILIZATION	LS	1	\$ 90,000.00	\$ 90,000.00	\$ 125,000.00	\$ 125,000.00	\$ 85,000.00	\$ 85,000.00	\$ 225,000.00	\$ 225,000.00	\$ 130,107.00	\$ 130,107.00	\$ 80,034.79	\$ 80,034.79	\$ 200,000.00	\$ 200,000.00	\$ 100,000.00	\$ 100,000.00
3	00221-TEMPORARY WORK ZONE TRAFFIC CONTROL, COMPLETE	LS	1	\$ 60,000.00	\$ 60,000.00	\$ 90,000.00	\$ 90,000.00	\$ 150,000.00	\$ 150,000.00	\$ 34,000.00	\$ 34,000.00	\$ 80,000.00	\$ 80,000.00	\$ 19,222.60	\$ 19,222.60	\$ 122,000.00	\$ 122,000.00	\$ 100,000.00	\$ 100,000.00
4	00280-EROSION CONTROL	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00	\$ 6,100.00	\$ 6,100.00	\$ 8,000.00	\$ 8,000.00	\$ 2,468.46	\$ 2,468.46	\$ 45,000.00	\$ 45,000.00	\$ 25,000.00	\$ 25,000.00
5	00305-CONSTRUCTION SURVEY WORK	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 12,000.00	\$ 12,000.00	\$ 20,000.00	\$ 20,000.00	\$ 8,500.00	\$ 8,500.00	\$ 14,000.00	\$ 14,000.00	\$ 11,318.42	\$ 11,318.42	\$ 18,000.00	\$ 18,000.00	\$ 25,000.00	\$ 25,000.00
6	00310-REMOVAL OF 8 INCH PRESSURE REDUCING VALVE STATION	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 9,000.00	\$ 9,000.00	\$ 20,000.00	\$ 20,000.00	\$ 8,500.00	\$ 8,500.00	\$ 19,000.00	\$ 19,000.00	\$ 8,631.02	\$ 8,631.02	\$ 58,000.00	\$ 58,000.00	\$ 9,000.00	\$ 9,000.00
7	00310-REMOVAL OF 10 INCH PRESSURE REDUCING VALVE STATION	LS	1	\$ 12,000.00	\$ 12,000.00	\$ 9,600.00	\$ 9,600.00	\$ 25,000.00	\$ 25,000.00	\$ 10,500.00	\$ 10,500.00	\$ 19,000.00	\$ 19,000.00	\$ 13,129.89	\$ 13,129.89	\$ 62,000.00	\$ 62,000.00	\$ 9,000.00	\$ 9,000.00
8	00310-REMOVAL OF PIPES	LF	1200	\$ 26.00	\$ 31,200.00	\$ 12.00	\$ 14,400.00	\$ 42.00	\$ 50,400.00	\$ 19.00	\$ 22,800.00	\$ 31.00	\$ 37,200.00	\$ 53.59	\$ 64,308.00	\$ 20.00	\$ 24,000.00	\$ 59.00	\$ 70,800.00
9	00310-REMOVAL OF WATER VALVES	EA	7	\$ 500.00	\$ 3,500.00	\$ 400.00	\$ 2,800.00	\$ 600.00	\$ 4,200.00	\$ 450.00	\$ 3,150.00	\$ 1,210.00	\$ 8,470.00	\$ 1,449.83	\$ 10,148.81	\$ 400.00	\$ 2,800.00	\$ 1,685.00	\$ 11,795.00
10	00310-REMOVAL OF WATER METER BOXES	EA	24	\$ 500.00	\$ 12,000.00	\$ 400.00	\$ 9,600.00	\$ 115.00	\$ 2,760.00	\$ 250.00	\$ 6,000.00	\$ 605.00	\$ 14,520.00	\$ 747.18	\$ 17,932.32	\$ 400.00	\$ 9,600.00	\$ 450.00	\$ 10,800.00
11	00310-REMOVAL OF HYDRANT ASSEMBLIES	EA	1	\$ 500.00	\$ 500.00	\$ 1,600.00	\$ 1,600.00	\$ 3,600.00	\$ 3,600.00	\$ 1,800.00	\$ 1,800.00	\$ 1,200.00	\$ 1,200.00	\$ 4,335.91	\$ 4,335.91	\$ 2,000.00	\$ 2,000.00	\$ 7,250.00	\$ 7,250.00
12	00310-REMOVAL OF SURFACINGS (LATOURETTE)	SQYD	1400	\$ 9.00	\$ 12,600.00	\$ 10.00	\$ 14,000.00	\$ 22.00	\$ 30,800.00	\$ 25.00	\$ 35,000.00	\$ 11.00	\$ 15,400.00	\$ 23.34	\$ 32,676.00	\$ 14.00	\$ 19,600.00	\$ 55.00	\$ 77,000.00
13	00320-CLEARING AND GRUBBING	LS	1	\$ 1,000.00	\$ 1,000.00	\$ 7,500.00	\$ 7,500.00	\$ 15,000.00	\$ 15,000.00	\$ 12,500.00	\$ 12,500.00	\$ 1,600.00	\$ 1,600.00	\$ 15,559.24	\$ 15,559.24	\$ 9,400.00	\$ 9,400.00	\$ 20,000.00	\$ 20,000.00
14	00405-ROCK EXCAVATION	CUYD	250	\$ 300.00	\$ 75,000.00	\$ 200.00	\$ 50,000.00	\$ 265.00	\$ 66,250.00	\$ 6.00	\$ 1,500.00	\$ 185.00	\$ 46,250.00	\$ 111.21	\$ 27,802.50	\$ 305.00	\$ 76,250.00	\$ 280.00	\$ 70,000.00
15	00405-DEWATERING	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 1,500.00	\$ 1,500.00	\$ 25,000.00	\$ 25,000.00	\$ 500.00	\$ 500.00	\$ 100.00	\$ 100.00	\$ 10,273.57	\$ 10,273.57	\$ 25,000.00	\$ 25,000.00	\$ 65,000.00	\$ 65,000.00
16	00415-MAINLINE VIDEO INSPECTION	LF	710	\$ 9.00	\$ 6,390.00	\$ 8.00	\$ 5,680.00	\$ 12.00	\$ 8,520.00	\$ 12.00	\$ 8,520.00	\$ 4.00	\$ 2,840.00	\$ 15.28	\$ 10,848.80	\$ 5.00	\$ 3,550.00	\$ 20.00	\$ 14,200.00
17	00415-SERVICE LINE LATERAL VIDEO INSPECTION	EA	18	\$ 850.00	\$ 15,300.00	\$ 300.00	\$ 5,400.00	\$ 250.00	\$ 4,500.00	\$ 305.00	\$ 5,490.00	\$ 185.00	\$ 3,330.00	\$ 316.92	\$ 5,704.56	\$ 300.00	\$ 5,400.00	\$ 1,000.00	\$ 18,000.00
18	00445-2 INCH PRESSURIZED SANITARY SEWER PIPE, 5 FT DEPTH	LF	17	\$ 20.00	\$ 340.00	\$ 115.00	\$ 1,955.00	\$ 100.00	\$ 1,700.00	\$ 350.00	\$ 5,950.00	\$ 240.00	\$ 4,080.00	\$ 442.03	\$ 7,514.51	\$ 203.00	\$ 3,451.00	\$ 290.00	\$ 4,930.00
19	00445-4 INCH SANITARY SEWER PIPE, 5 FT DEPTH	LF	370	\$ 50.00	\$ 18,500.00	\$ 190.00	\$ 70,300.00	\$ 125.00	\$ 46,250.00	\$ 72.00	\$ 26,640.00	\$ 124.00	\$ 45,880.00	\$ 357.69	\$ 132,345.30	\$ 184.00	\$ 68,080.00	\$ 125.00	\$ 46,250.00
20	00445-8 INCH SANITARY SEWER PIPE, 5 FT DEPTH	LF	710	\$ 170.00	\$ 120,700.00	\$ 123.00	\$ 87,330.00	\$ 155.00	\$ 110,050.00	\$ 135.00	\$ 95,850.00	\$ 180.00	\$ 127,800.00	\$ 200.29	\$ 142,205.90	\$ 188.00	\$ 133,480.00	\$ 215.00	\$ 152,650.00
21	00445-4 INCH STORM SEWER PIPE, 5 FT DEPTH	LF	10	\$ 50.00	\$ 500.00	\$ 204.00	\$ 2,040.00	\$ 150.00	\$ 1,500.00	\$ 300.00	\$ 3,000.00	\$ 352.00	\$ 3,520.00	\$ 679.20	\$ 6,792.00	\$ 205.00	\$ 2,050.00	\$ 125.00	\$ 1,250.00
22	00445-STANDARD CLEANOUT, 8 INCH	EA	18	\$ 500.00	\$ 9,000.00	\$ 1,050.00	\$ 18,900.00	\$ 600.00	\$ 10,800.00	\$ 800.00	\$ 14,400.00	\$ 1,325.00	\$ 23,850.00	\$ 1,870.80	\$ 33,674.40	\$ 750.00	\$ 13,500.00	\$ 1,500.00	\$ 27,000.00
23	00470-CONCRETE SANITARY SEWER MANHOLES	EA	1	\$ 10,000.00	\$ 10,000.00	\$ 9,000.00	\$ 9,000.00	\$ 6,400.00	\$ 6,400.00	\$ 12,800.00	\$ 12,800.00	\$ 11,000.00	\$ 11,000.00	\$ 8,838.35	\$ 8,838.35	\$ 12,000.00	\$ 12,000.00	\$ 16,000.00	\$ 16,000.00
24	00470-CONCRETE INLETS, TYPE CATCH BASIN	EA	1	\$ 1,500.00	\$ 1,500.00	\$ 5,100.00	\$ 5,100.00	\$ 3,400.00	\$ 3,400.00	\$ 5,800.00	\$ 5,800.00	\$ 3,000.00	\$ 3,000.00	\$ 2,763.93	\$ 2,763.93	\$ 2,800.00	\$ 2,800.00	\$ 5,200.00	\$ 5,200.00
25	00490-CONNECTION TO EXISTING STRUCTURES	EA	1	\$ 500.00	\$ 500.00	\$ 3,750.00	\$ 3,750.00	\$ 2,850.00	\$ 2,850.00	\$ 2,200.00	\$ 2,200.00	\$ 1,600.00	\$ 1,600.00	\$ 4,755.60	\$ 4,755.60	\$ 3,800.00	\$ 3,800.00	\$ 6,400.00	\$ 6,400.00
26	00490-CLSM FOR ABANDONED PIPES	CUYD	9	\$ 720.00	\$ 6,480.00	\$ 750.00	\$ 6,750.00	\$ 325.00	\$ 2,925.00	\$ 350.00	\$ 3,150.00	\$ 800.00	\$ 7,200.00	\$ 566.41	\$ 5,097.69	\$ 1,200.00	\$ 10,800.00	\$ 810.00	\$ 7,290.00
27	00490-CONNECT EXISTING PIPE TO CLEAN OUT	EA	18	\$ 200.00	\$ 3,600.00	\$ 800.00	\$ 14,400.00	\$ 650.00	\$ 11,700.00	\$ 670.00	\$ 12,060.00	\$ 580.00	\$ 10,440.00	\$ 4,198.72	\$ 75,576.96	\$ 500.00	\$ 9,000.00	\$ 450.00	\$ 8,100.00
28	00490-BYPASS PUMPING	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 5,000.00	\$ 5,000.00	\$ 50,000.00	\$ 50,000.00	\$ 22,000.00	\$ 22,000.00	\$ 49,000.00	\$ 49,000.00	\$ 12,978.08	\$ 12,978.08	\$ 4,400.00	\$ 4,400.00	\$ 65,000.00	\$ 65,000.00
29	00495-TRENCH RESURFACING	SQYD	610	\$ 120.00	\$ 73,200.00	\$ 95.00	\$ 57,950.00	\$ 69.00	\$ 42,090.00	\$ 115.00	\$ 70,150.00	\$ 34.00	\$ 20,740.00	\$ 67.88	\$ 41,406.80	\$ 83.00	\$ 50,630.00	\$ 70.00	\$ 42,700.00
30	00610-RECONDITIONING EXISTING ROADWAY	LS	1	\$ 7,000.00	\$ 7,000.00	\$ 14,500.00	\$ 14												

Client City of Oregon City
Project 2022 Water and Sanitary Utility Replacement Project
Bid Tabulation
Date: 10/14/2022

Apparent Low	Other Bidders
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Item	Description	Units	Quantity	Engineers Estimate		Moore Excavation Inc.		Icon Construction & Development		Landis & Landis Construction		Green Mountain Excavation LLC		Trench Line Excavation, Inc.		McDonald Excavating, Inc.		ORR, Inc.	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
45	01150-1 INCH PRESSURE REDUCING VALVE	EA	9	\$ 1,500.00	\$ 13,500.00	\$ 2,380.00	\$ 21,420.00	\$ 700.00	\$ 6,300.00	\$ 1,600.00	\$ 14,400.00	\$ 2,400.00	\$ 21,600.00	\$ 2,119.41	\$ 19,074.69	\$ 2,800.00	\$ 25,200.00	\$ 1,800.00	\$ 16,200.00
46	01150-1 INCH COMBINATION AIR RELEASE / AIR VACUUM VALVE ASSEMBLY	EA	2	\$ 3,200.00	\$ 6,400.00	\$ 5,400.00	\$ 10,800.00	\$ 5,000.00	\$ 10,000.00	\$ 6,500.00	\$ 13,000.00	\$ 2,700.00	\$ 5,400.00	\$ 3,548.64	\$ 7,097.28	\$ 3,800.00	\$ 7,600.00	\$ 3,200.00	\$ 6,400.00
47	01150-8 INCH TAPPING SLEEVE AND 8 INCH VALVE ASSEMBLY	EA	1	\$ 3,800.00	\$ 3,800.00	\$ 6,900.00	\$ 6,900.00	\$ 5,200.00	\$ 5,200.00	\$ 9,500.00	\$ 9,500.00	\$ 1,520.00	\$ 1,520.00	\$ 7,978.25	\$ 7,978.25	\$ 6,300.00	\$ 6,300.00	\$ 9,000.00	\$ 9,000.00
48	01150-12 INCH TAPPING SLEEVE AND 8 INCH VALVE ASSEMBLY	EA	1	\$ 4,000.00	\$ 4,000.00	\$ 7,000.00	\$ 7,000.00	\$ 6,200.00	\$ 6,200.00	\$ 10,500.00	\$ 10,500.00	\$ 1,600.00	\$ 1,600.00	\$ 8,204.62	\$ 8,204.62	\$ 6,800.00	\$ 6,800.00	\$ 12,000.00	\$ 12,000.00
49	01160-HYDRANT ASSEMBLIES	EA	1	\$ 6,000.00	\$ 6,000.00	\$ 8,400.00	\$ 8,400.00	\$ 8,200.00	\$ 8,200.00	\$ 12,500.00	\$ 12,500.00	\$ 6,700.00	\$ 6,700.00	\$ 9,827.35	\$ 9,827.35	\$ 8,200.00	\$ 8,200.00	\$ 11,000.00	\$ 11,000.00
50	01170-1 INCH COPPER WATER SERVICE LINE	LF	670	\$ 80.00	\$ 53,600.00	\$ 97.00	\$ 64,990.00	\$ 67.00	\$ 44,890.00	\$ 70.00	\$ 46,900.00	\$ 110.00	\$ 73,700.00	\$ 121.66	\$ 81,512.20	\$ 130.00	\$ 87,100.00	\$ 125.00	\$ 83,750.00
51	01170-RELOCATE 1 INCH WATER METER ASSEMBLY	EA	33	\$ 1,000.00	\$ 33,000.00	\$ 1,500.00	\$ 49,500.00	\$ 750.00	\$ 24,750.00	\$ 1,800.00	\$ 59,400.00	\$ 2,070.00	\$ 68,310.00	\$ 3,459.72	\$ 114,170.76	\$ 1,200.00	\$ 39,600.00	\$ 2,000.00	\$ 66,000.00
52	01180-8 INCH PRESSURE REDUCING VALVE STATION	EA	1	\$ 73,150.00	\$ 73,150.00	\$ 126,500.00	\$ 126,500.00	\$ 97,500.00	\$ 97,500.00	\$ 145,000.00	\$ 145,000.00	\$ 136,500.00	\$ 136,500.00	\$ 109,584.80	\$ 109,584.80	\$ 150,000.00	\$ 150,000.00	\$ 135,000.00	\$ 135,000.00
53	01180-10 INCH PRESSURE REDUCING VALVE STATION	EA	1	\$ 78,650.00	\$ 78,650.00	\$ 137,500.00	\$ 137,500.00	\$ 100,000.00	\$ 100,000.00	\$ 155,000.00	\$ 155,000.00	\$ 146,500.00	\$ 146,500.00	\$ 114,564.90	\$ 114,564.90	\$ 160,000.00	\$ 160,000.00	\$ 145,000.00	\$ 145,000.00
54	CONTINGENCY	-	1	\$ 244,004.00	\$ 244,004.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
#REF!					\$ 1,504,024.00	1.9%	\$ 1,532,694.00	2.5%	\$ 1,540,955.00	4.5%	\$ 1,571,810.00	7.1%	\$ 1,610,637.00	11.0%	\$ 1,670,068.38	34.6%	\$ 2,024,313.00	42.9%	\$ 2,148,970.00

Note:

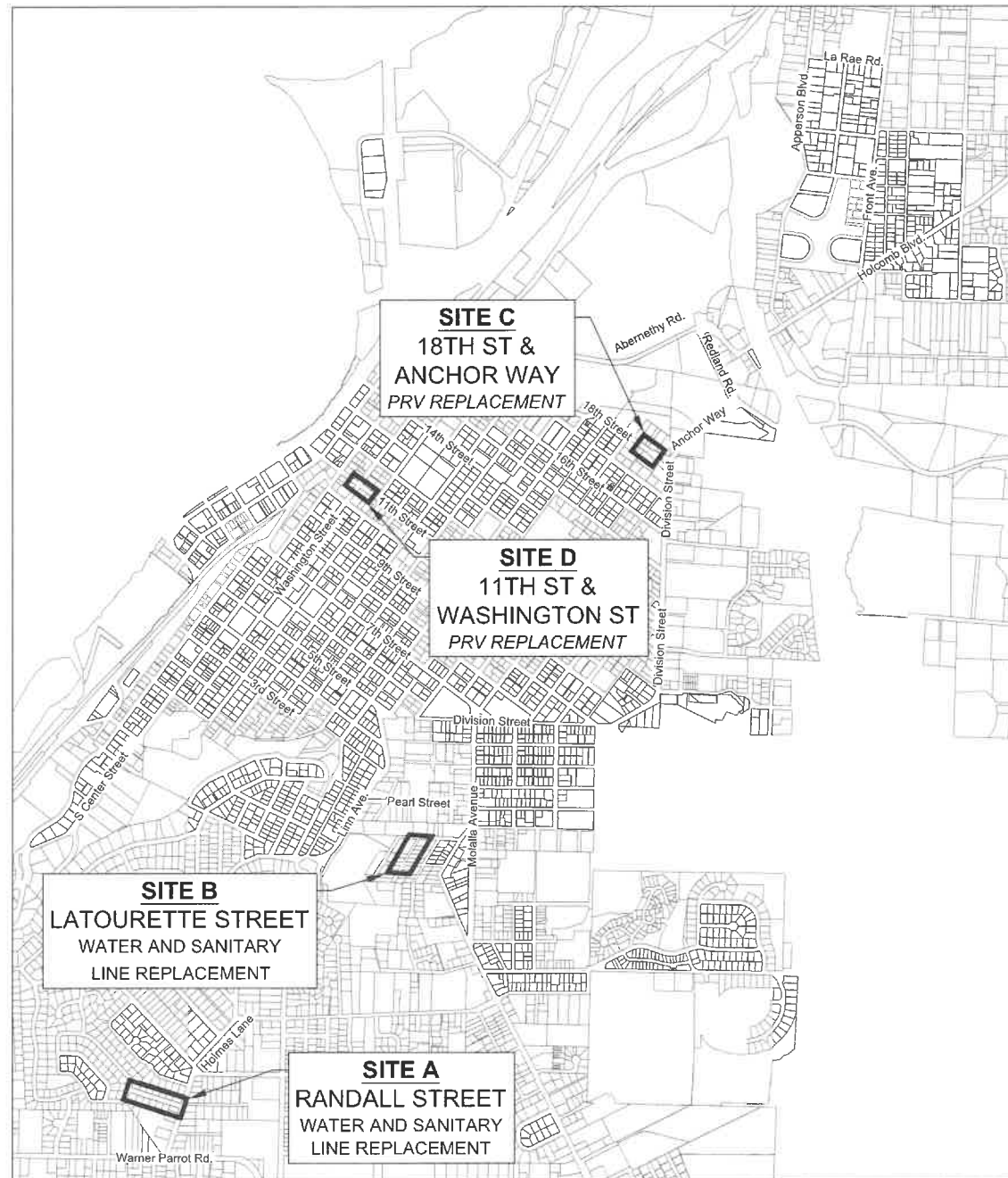
1571810

BID DOCUMENTS

FOR

2022 WATER AND SANITARY UTILITY REPLACEMENT PROJECT

PREPARED FOR
CITY OF OREGON CITY



VICINITY MAP
NOT TO SCALE



PROJECT TEAM

OWNER

CITY OF OREGON CITY
13895 FIR STREET
OREGON CITY, OR 97054
CONTACT: JOHN BURRELL
PHONE: (971) 204-4623
EMAIL: jburrell@orc.org

LAND SURVEYOR

S&F LAND SERVICES
400 E EVERGREEN BLVD, STE 1
VANCOUVER, WA 98680
PHONE: (360) 326-2334
EMAIL: info@sflands.com

CIVIL ENGINEER

3J CONSULTING, INC.
9600 SW NIMBUS AVE, SUITE 100
BEAVERTON, OR 97008
CONTACT: BRIAN FEENEY, P.E.
PHONE: (503) 946-9365 EXT. 205
EMAIL: brian.feeneey@3j-consulting.com
CONTACT: LAURA OXSEN, P.E.
PHONE: (503) 946-9365 EXT. 225
EMAIL: laura.oxsen@3j-consulting.com

UTILITIES & SERVICES

STORM WATER

OREGON CITY PUBLIC WORKS -
STORMWATER DIVISION
13895 FIR STREET
OREGON CITY, OR 97045
PHONE: (971) 204-4600

WATER

OREGON CITY PUBLIC WORKS - WATER
DIVISION
13895 FIR STREET
OREGON CITY, OR 97045
PHONE: (971) 204-4600

GAS

NORTHWEST NATURAL
220 NW 2ND AVENUE
PORTLAND, OR 97209
PHONE: 800-882-3377

POLICE

OREGON CITY POLICE DEPARTMENT
1234 LINN AVENUE
OREGON CITY, OR 97045
PHONE: (503) 823-4800

SANITARY SEWER

OREGON CITY PUBLIC WORKS -
WASTEWATER DIVISION
13895 FIR STREET
OREGON CITY, OR 97045
PHONE: (971) 204-4600

POWER

PORTLAND GENERAL ELECTRIC
3905 SE 91ST AVENUE
PORTLAND, OR 97266
PHONE: 800-544-1795

FIRE

CLACKAMAS FIRE
STATION NUMBER 15
624 7TH STREET
OREGON CITY, OR 97045

ROADS

OREGON CITY PUBLIC WORKS -
TRANSPORTATION ENGINEERING
13895 FIR STREET
OREGON CITY, OR 97045
PHONE: (971) 204-4600

SITE INFORMATION - SITE A

SITE ADDRESS

101-199 RANDALL ST.
OREGON CITY, OR 97045

JURISDICTION

CITY OF OREGON CITY

COORDINATES

45°20'21.5"N 122°36'38.5"W

FLOOD HAZARD

MAP NUMBER: 41005C0278D
ZONE X (UNSHADED)

TAX MAP

32E06AC & 32E06CA

LOCATION

S.W. 1/4 N.E. 1/4 OF SECTION 6, T.3S.,
R.2E., W.M., CITY OF OREGON CITY,
CLACKAMAS COUNTY, OR

SITE INFORMATION - SITE B

SITE ADDRESS

401-499 LATOURETTE ST.
OREGON CITY, OR 97045

JURISDICTION

CITY OF OREGON CITY

COORDINATES

45°20'49.5"N 122°35'58.9"W

FLOOD HAZARD

MAP NUMBER: 41005C0276D
ZONE X (UNSHADED)

TAX MAP

22E31DD & 22E32CC

LOCATION

S.E. 1/4 S.E. 1/4 OF SECTION 31, T.2S.,
R.2E., W.M., CITY OF OREGON CITY,
CLACKAMAS COUNTY, OR

SITE INFORMATION - SITE C

SITE ADDRESS

1412 18TH ST.
OREGON CITY, OR 97045

JURISDICTION

CITY OF OREGON CITY

COORDINATES

45°21'38.1"N 122°35'21.6"W

FLOOD HAZARD

MAP NUMBER: 41005C0277D
ZONE X (UNSHADED)

TAX MAP

22E29DC

LOCATION

S.W. 1/4 S.E. 1/4 OF SECTION 29, T.2S.,
R.2E., W.M., CITY OF OREGON CITY,
CLACKAMAS COUNTY, OR

SITE INFORMATION - SITE D

SITE ADDRESS

1014 WASHINGTON ST.
OREGON CITY, OR 97045

JURISDICTION

CITY OF OREGON CITY

COORDINATES

45°21'32.8"N 122°36'07.7"W

FLOOD HAZARD

MAP NUMBER: 41005C0276D
ZONE X (UNSHADED)

TAX MAP

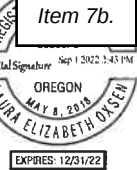
22E31AA

LOCATION

N.E. 1/4 N.E. 1/4 OF SECTION 31, T.2S.,
R.2E., W.M., CITY OF OREGON CITY,
CLACKAMAS COUNTY, OR

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OC PROJECT #: CI-21-014
2022 WATER AND SANITARY UTILITY REPLACEMENT PROJECT
GENERAL
COVER SHEET

REVISIONS	DATE	BY	DESCRIPTION



CITY OF OREGON CITY
PUBLIC WORKS DEPARTMENT
APPROVAL FOR CONSTRUCTION

☐ APPROVED AS SUBMITTED
☐ APPROVED AS NOTED IN RED

SIGNATURE
NAME: _____
DATE: _____

DATE: 09/01/2022

OC RECORD DRAWING#:

DRAWING NUMBER:



CITY OF OREGON CITY

CITY COMMISSION JOINT WORK SESSION WITH THE CITY OF WEST LINN

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Thursday, May 26, 2022 at 6:00 PM

CONVENE WORK SESSION AND ROLL CALL

Commission President McGriff convened the meeting at 6:05 PM.

PRESENT: 9 - Commissioner Frank O'Donnell, Commissioner Rocky Smith, Commissioner Adam Marl, Commission President Denyse McGriff, Councilor Todd Jones, Councilor Mary Baumgardner, Councilor Bill Relyea, Council President Rory Bialostosky, Mayor Jules Walters

STAFFERS: 4 - City Manager Tony Konkol, City Recorder Jakob Wiley, Public Works Director John Lewis, City Engineer Dayna Webb, West Linn City Manager Jerry Gabrielatos, West Linn Public Works Director Lance Calvert

DISCUSSION ITEMS

1. Oregon City – West Linn Pedestrian and Bicycle Bridge (30 minutes)

Councilor Relyea said that the upstream location suggested for the Oregon City – West Linn Pedestrian and Bicycle Bridge has a lot of aesthetic value but may not meet the vision of creating transportation. He suggested significant roadway improvements would have to be made in Oregon City and West Linn before considering the upstream location. He suggested the downstream corridor would be better when considering transportation.

Commissioner Smith suggested that the downstream corridor would be less ideal for Oregon City. He added that the bridge is not funded, and that other transportation needs such as neighborhood sidewalks and water ferries should be considered in the city's transportation plan. He suggested the bridge may not be a priority for citizens of Oregon City.

Lance Calvert, West Linn Public Works Director, said the bridge meets the multi-modal requirements of I-205 tolling, but that transit is another requirement. He suggested that regional transportation plans may not be adequate to guide city transportation plans. He said acknowledging the bridge as part of a city transportation plan would not mean endorsing or enacting it.

Mayor Walters suggested that there is no multi-modal infrastructure on each side of the river to support multi-modal requirements and that the Oregon Department of Transportation (ODOT) should assist to fund this requirement. Mr. Calvert suggested that funding concerns could be included in the transportation plan.

Tony Konkol, City Manager, said that if both cities adopt the bridge into their transportation plans there is a proposal to take it to Clackamas County for adoption into their transportation plan, the Regional Transportation Plan, the trails plan and potentially the Oregon Highway Transportation Plan to help justify additional funding down the road.

Commissioner O'Donnell asked for clarification on what the bridge is trying to solve. He stated that the project is not grassroots but driven top-down from the state legislature and is unfunded. He questioned

**City Commission Joint Work Session with the City of West
Linn**

Minutes

May 26, 2022

ODOT's dismissal of alteration suggestions to the 205 bridge due to it not being cost effective. He suggested that future considerations for how both cities will progress should be taken into consideration when considering a landing point that would benefit both cities. He suggested more immediate transportation needs should be considered first but does not have a problem acknowledging the bridge as a project for future consideration.

Councilor Bialostosky suggested that considering the bridge does not necessarily mean endorsing it and said it is a good idea because there is a need for safe crossing of the river between Portland, Oregon City, and West Linn. He suggested including the bridge in city transportation plans in case future funding becomes available.

Councilor Bialostosky mentioned ODOT's proposal to provide additional means of transportation to citizens, so they do not have to use their cars and pay 205 tolls. He would like to call on ODOT for bridge funding to assist with alternate modes of transportation while they plan to charge for 205 tolling.

Commissioner Marl asked for clarification on who, according to the concept plan, would determine the location of the bridge. Dayna Webb, City Engineer said a final corridor alignment has not yet been determined due to time and funding. Ms. Webb said the next step would be to identify an additional funding source to refine this issue and determine where the corridor is placed. Commissioner Marl said that including two corridor locations in the plan might not be wise.

Councilor Jones asked if ODOT needs the bridge to meet the multi-modal requirements of 205 tolling. Ms. Webb said she understood that the multi-modal component of the 205 project was more than the project could fund and that the bridge project was intended to support this component.

Councilor Baumgardner likes the concept of multi-modal crossing and supports putting it in a plan if it does not supersede other projects. She said the project seems disconnected and like an afterthought and pondered what would happen if one city adopted it and the other did not. She said tribes would not like the bridge placed close to the falls and requested more information on what the tribal coalition wants before adopting the project.

Councilor Jones suggested that the bridge could be a potential bargaining tool with ODOT in months to come.

Commissioner McGriff said bridge questions still exist and that commissioners will work with City staff to get them answered through ODOT.

Councilor Relyea asked if ODOT would put the bridge in a regional or State transportation plan if the cities did not adopt it into their transportation plans. Commissioner O'Donnell suggested they likely would.

Mr. Calvert suggested that a preamble to the adoption of the bridge could include a summary of key talking points from tonight's work session. He stated the danger of putting a bridge on 205.

2. 100-Year Anniversary of the Historic Arch Bridge (15 minutes)

Commissioner McGriff said that 2022 is the 100-year anniversary of the Arch Bridge. Due to weather concerns, the celebration will take place in October instead of December.

Mr. Konkol provided updates regarding celebration logistics.

The next meeting is June 9, 2022.

3. I-205 Construction and Tolling Discussion (30 minutes)

**City Commission Joint Work Session with the City of West
Linn**

Minutes

May 26, 2022

Commissioner O'Donnell discussed the major theme at a Clackamas County Coordinating Committee (C4) Metro Subcommittee meeting which is that I-205 construction is unfunded and must be paid for via tolling. He said the impact of tolling on local citizens, especially those with lowest incomes, would be mighty.

Commissioner Marl said he is a representative of C4 and sits on the tolling diversion subcommittee. He said he has been pushing to see the economic impact study cited by ODOT.

Councilor Bialostosky said ODOT's studies are for the year 2045 and they do not look good. He said perhaps the cities can push for more timely and relevant diversion studies such as for 2028 or 2030.

Commissioner O'Donnell would also like to see more timely studies and explore the economic impacts of tolling on citizens and businesses.

Councilor Baumgardner highlighted discussions of equity and said that citizens who could afford the flexibility and financial burdens of tolling the least will be impacted the most. She said she has not seen mitigation measures for tolling on emergency service vehicles. She expressed concern that I-205 tolling will be implemented the same time as other regional tolling measures and said that pushback in Clackamas County is strong. She asked how businesses will survive if people avoid the corridor altogether and expressed concern about the impact of diversion on surface streets.

Commissioner McGriff said that tolling should not be foisted on local citizens and that many questions asked of ODOT have not been answered.

Commissioner Marl asked if an in-person meeting with Oregon City, West Linn and ODOT could be scheduled. Councilor Jones asked if other cities should be invited. Commissioner O'Donnell said Oregon City and West Linn will be mostly impacted. Commissioner O'Donnell suggested legal action. Commissioner Marl said that statutorily ODOT has the right to toll. Commissioner McGriff suggested including state representatives, including Mark Meek.

Commissioner O'Donnell suggested the cities perform data gathering prior to the meeting.

Councilor Bialostosky suggested city attorneys explore all possible options.

Mr. Konkol said ODOT is planning an upcoming ground-breaking in Oregon City and that councilors and commissioners will likely be invited.

Mayor Walters thanked commissioners and staff for organizing tonight's meeting. Commissioner McGriff thanked councilors for attending the meeting and emphasized the importance of forging relationships between the cities.

ADJOURNMENT

Commission President McGriff adjourned the meeting at 7:33 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

CITY COMMISSION SPECIAL MEETING - REVISED

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Friday, October 21, 2022 at 9:00 AM

1. CONVENE MEETING AND ROLL CALL

Mayor McGriff convened the meeting at 9:01 AM.

PRESENT: 4 - Commissioner Rocky Smith, Commissioner Frank O'Donnell, Commissioner Adam Marl, Mayor Denyse McGriff

STAFFERS: 6 - City Manager Tony Konkol, City Recorder Jakob Wiley, Community Development Director Aquilla Hurd-Ravich, Executive Assistant to the City Manager Lisa Oreskovich, Assistant City Recorder Angelique Nomie, Planning Manager Pete Walter

2. PUBLIC HEARINGS

- 2a. Adoption of Findings of Fact Upholding the Appeals and Denying the Park Place Crossing General Development Plan (AP-22-00003; GLUA-21-00045; MAS-21-00006; VAR-22-00001)

Commissioner O'Donnell asked if the redline edits submitted by the Planning Division in the Notice of Decision for the Park Place Crossing General Development Plan (GDP) created any legal liabilities for City staff. Bill Kabeiseman, City Attorney confirmed that they did not.

Commissioner O'Donnell highlighted that the Notice of Decision provided a summary of actions by the Planning Commission and confirmed that the basis of the appeal was in facts provided by the appellants and the developer as they related to the Park Place Concept Plan.

Mayor McGriff asked for clarification on the difference between the adjustment and the variance discussed at the bottom of page one of the notice. Pete Walter, Planning Manager stated that the adjustment allows for up to twenty percent adjustment of certain lot dimensional standards and that the variance was added in 2022 because the lot size reduction exceeded twenty percent. Mayor McGriff asked if reasons in the report existed for rejecting the reduction in lot size.

Mr. Walter said that the reasons in the report for not supporting the reduction in lot size had to do with additional reasons such as the diversity of housing types and the need to feather the density out toward the edges in transition. Mayor McGriff asked if this should be called out in the notice. Mr. Kabeiseman suggested that the report captures this information.

Mayor McGriff stated that ingress and egress concerns were made by appellants as to why traffic generation from the proposed development would create safety concerns. The notice was amended to include the phrase "in addition to ingress and egress" following the testimony of Appellant Hammond-Williams on page 10 of the notice.

Motion made by Commissioner O'Donnell, seconded by Mayor McGriff to approve as amended the Adoption of Findings of Fact Upholding the Appeals and Denying the Park Place Crossing General Development Plan (AP-22-00003; GLUA-21-00045; MAS-21-00006; VAR-22-00001). The motion carried by the following vote:

Yea: Commissioner Smith, Commissioner O'Donnell, Commissioner Marl, Mayor McGriff

3. ADJOURNMENT

Mayor McGriff adjourned the meeting at 9:15 AM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** 11/02/2022
From: Community Development Director Aquilla Hurd Ravich

SUBJECT:

First Reading of Ordinance No. 22-1008, Proposed Annexation of 19024 Rose Road to the City of Oregon City (GLUA-22-00013; AN-22-0001)

STAFF RECOMMENDATION:

Recommendation of Approval with Conditions

EXECUTIVE SUMMARY:

The Applicant desires to annex the property due to a failed septic system. Annexation is required as a condition of connecting to the city sewer system. The Applicant has not requested a zone change for this application and will remain zoned FU-10 (Future Urban 10 acres), which is a city-recognized county zone. The proposal does not include a request for development approval or change in use. The subject territory is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low-Density Residential.

19024 S Rose Road sewer was permitted under PU-22-00016 and final inspection occurred on June 21, 2022. The site is currently being served with City sewer through the emergency sewer application process. The applicant signed an annexation agreement stating their intent to pursue an annexation land use action as a condition of receiving emergency City sewer services.

In the Fall of 2021, the City Commission provided direction to staff to process all future annexation requests through the Planning and City Commission. Previously, Emergency (septic failure) annexations were sent directly to the City Commission.

The Planning Commission reviewed and recommended approval of the annexation request at the October 10, 2022 Planning Commission Hearing.

OPTIONS:

1. Approval with Conditions of GLUA-22-00013: AN-22-0001

2. Denial of GLUA-22-00013: AN-22-0001
3. Continue GLUA-22-00013: AN-22-0001 to the November 16, 2022 City Commission Hearing

ORDINANCE NO. 22-1008

AN ORDINANCE APPROVING EMERGENCY ANNEXATION PROPOSAL NO. GLUA-22 013:AN-22-0001 AND APPROVING THE ANNEXATION OF CERTAIN PROPERTY LOCATED AT 19024 ROSE ROAD TO THE CITY OF OREGON CITY

WHEREAS, the owner of certain real property adjacent to the City of Oregon City, Skii Vondracek, proposed in Emergency Annexation Proposal No GLUA-22 013:AN-22-0001 that their 0.46-acre property and abutting Right of Way located at 19024 Rose Road, Oregon City OR 97045 identified as Clackamas County Map 3-1E-12A, Tax Lot 0190, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; and

WHEREAS, The annexation of this property is required due to a failed septic system, which necessitated a requirement to hook up to City sewer. City water and sewer services were available close to the property, and the owner desired to make the needed connections; and

WHEREAS, the City finds that the proposal complies with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this ordinance as Exhibit 'B'; and

WHEREAS, Senate Bill 1573, adopted in 2016, requires annexation of territory without a vote by the people, notwithstanding city charter and regulations to the contrary, and the City finds that the annexed area is within the urban growth boundary, will be subject to an acknowledged comprehensive plan, is contiguous to the city limits and conforms with all other city requirements; and

WHEREAS, the City finds that the applicant's proposal does not include rezoning the property at this time and that any such proposal shall be reviewed through a separate application consistent with OCMC 17.06.030 Zoning of Annexed Areas, the Oregon City Transportation System Plan, and the Statewide Transportation Planning Rule to support such rezoning; and

WHEREAS, the identified property is currently in Clackamas Fire District # 1 (CFD#1), and CFD#1 will continue to provide fire protection service to the identified property when annexed; and

WHEREAS, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement, and the Oregon City Police Department will be responsible for police services to the identified property when annexed; and

WHEREAS, the identified property is currently within the Clackamas River Watert, and the Oregon City will be responsible for Water service to the identified property when annexed; and

WHEREAS, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

Ordinance No. 22-1008

Effective Date: December 16, 2022 as per ORS 222.180

Page 1 of 2

WHEREAS, the City Commission concurs that the Tri-City Service District can annex the identified properties into their sewer district;

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

- Section 1. That the area further identified in the legal description attached hereto as Exhibit A, is hereby annexed to and made a part of the City of Oregon City.
- Section 2. That the territory identified in Exhibit A shall hereby remain within Clackamas County Fire District # 1.
- Section 3. That the territory identified in Exhibit A is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.
- Section 4. That the territory identified in Exhibit A shall hereby withdrawn from Clackamas River Water District.
- Section 5. The City hereby concurs with and approves the annexing of the territory identified in Exhibit A into the Tri-City Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.
- Section 7. That the effective date for this annexation is the date, this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 2nd day of November 2022 and the City Commission finally enacted the foregoing ordinance this 16st day of November 2022.

Denyse McGriff, Mayor

Attested to this 2nd day of November 2022:

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

Exhibit A – Map and Legal Description of Proposed Annexation
Exhibit B – Proposed Findings, Reasons for Decision and Conclusions

Ordinance No. 22-1008

Effective Date: December 16, 2022 as per ORS 222.180

Page 2 of 2

RECORDING REQUESTED BY:



Fidelity National Title
Company of Oregon

5400 SW Meadows Road, Suite 100
Lake Oswego, OR 97035

GRANTOR'S NAME:

Steven Gunvaldson and Tina Gunvaldson

GRANTEE'S NAME:

Skii A. VonDracek

AFTER RECORDING RETURN TO:

Order No.: 45142201467-MC

Skii A. VonDracek
19024 Rose Road
Oregon City, OR 97045

SEND TAX STATEMENTS TO:

Skii A. VonDracek
19024 Rose Road
Oregon City, OR 97045

APN: 00760091, and 31E12A 01900
19024 Rose Road, Oregon City, OR 97045

Clackamas County Official Records
Sherry Hall, County Clerk

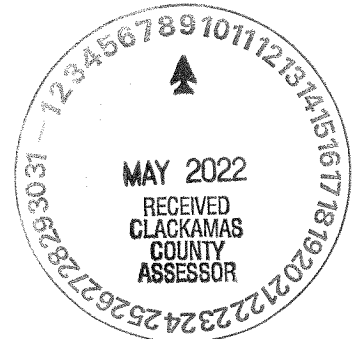
2022-010809

02/22/2022 02:14:01 PM

D-D Cnt=1 Stn=75 BRAD
\$10.00 \$16.00 \$10.00 \$62.00

\$98.00

Item 8a.



SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Steven Gunvaldson and Tina Gunvaldson, Grantor, conveys and warrants to **Skii A. VonDracek**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

Part of Lot 6, OPPORTUNITY, in the County of Clackamas and State of Oregon, described as follows:

Beginning at an Iron pipe in the center of Rose Avenue in the plat of OPPORTUNITY, being the Southeast corner of Lot 6, OPPORTUNITY; thence Northwesterly in the center line of Rose Avenue 219.45 feet to an Iron pipe; thence Southwesterly 411.65 feet to an Iron pipe in the Southwesterly boundary of Lot 6; thence Southeasterly on the Lot line to the South corner of Lot 6; thence Northeasterly on Lot line 383.78 feet, more or less, to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SIX HUNDRED THOUSAND AND NO/100 DOLLARS (**\$600,000.00**). (See ORS 93.030).

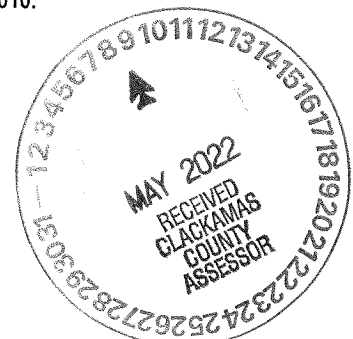
Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

MM
05-09-22

Fidelity National Title of Oregon 45142201467-08



STATUTORY WARRANTY DEED
(continued)

Item 8a.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 2/14/2022

[Signature]
Steven Gunvaldson

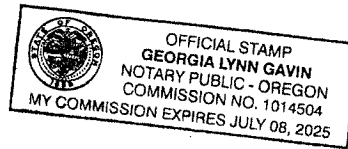
Tina Gunvaldson
Tina Gunvaldson

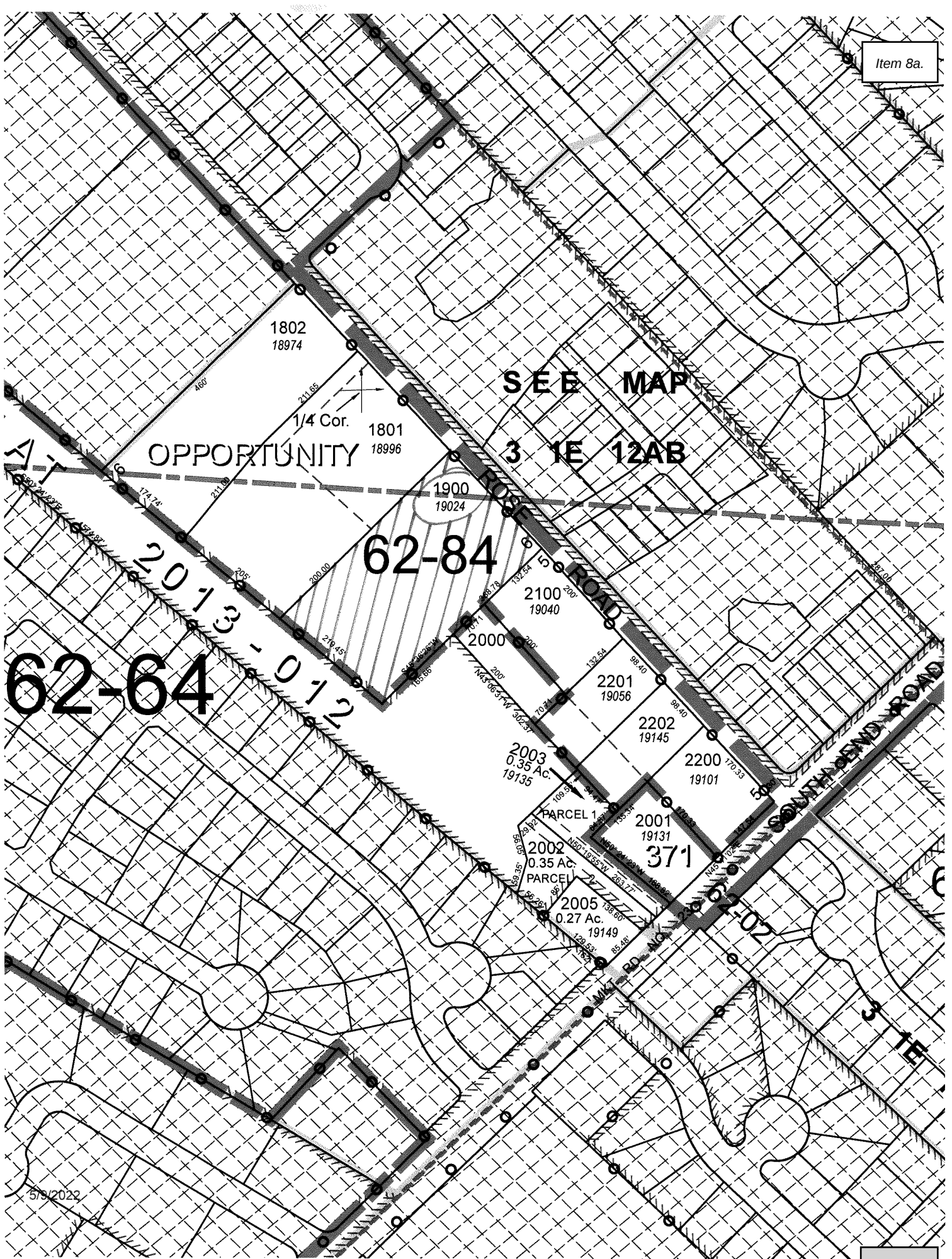
State of Oregon
County of Clatsop

This instrument was acknowledged before me on 2/14/2022 by Steven Gunvaldson and Tina Gunvaldson.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 7/8/25







Type IV STAFF RECOMMENDATION

Revised

October 25, 2022

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions in order to be approved. The City Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

FILE NO: GLUA-22-00013: AN-22-0001

APPLICATION TYPE: Annexation (Sewer Connection)

APPLICANT: Skii Vondracek

REQUEST: Annexation of an approximately 1.9-acre property. The Applicant desires to annex the property due to a failed septic system. Annexation is required as a condition of connecting to the city sewer system. The Applicant has not requested a zone change for this application and will remain zoned FU-10, which is a city-recognized county zone. The proposal does not include a request for development approval or change in use. The subject territory is within the Oregon City Urban Growth Boundary and has Comprehensive Plan designations of LR – Low-Density Residential.

LOCATION: 19024 Rose Road,
Oregon City, OR 97045
Tax Assessor Map: 3-1E-12A TL 190
Current County Zone: FU-10

REVIEWER: Christina Robertson-Gardiner AICP, Senior Planner

RECOMMENDATION: Evaluate annexation against factors, and adopt the staff report and proposed findings, reasons for decision.

PROCESS: Pursuant to OCMC Chapter 14.04. *City Boundary Changes and Extension of Services*, the procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04. The procedure for a zone change is outlined in Oregon City Code Chapter 17.50.

The public hearing process is governed by OCMC 14.04 and 17.50. The Applicant and all documents submitted by or on behalf of the Applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30 am to 3:30 pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days before the hearing. Copies of these materials may be obtained for a reasonable cost in advance. The Annexation was initiated as a result of a public health hazard, and as a result, City policy is to forward these annexations directly to the City Commission without a Planning Commission recommendation. Therefore, the City Commission will open the record and consider testimony to determine whether the application has or has not complied with the factors outlined in section 14.04.060 and 17.68.020 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 21 days of issuance of the Notice of Decision.

PROPOSAL NO. AN-22-0001 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: 2

Applicant(s): Skii Vondracek

The proposal is a single tax lot annexation initiated by a consent petition of 100% of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 and Metro Code 3.09.040(a).

REASON FOR ANNEXATION

In order to address the emergency, the property has prepared to connect to the City sewer system on the condition that the owner concurrently petitions for Annexation to the City.

The Annexation of this property is required due to a failed septic system, which is a requirement to hook up to the City sewer. City sewer services are available close to the property. The sewer connection was permitted under PU-22-00016 and final inspection occurred on 6/21/2022. The site is currently being served with City sewer through the emergency sewer application process. The Applicant signed an annexation agreement stating their intent to pursue an annexation land use action as a condition of receiving City sewer services.

ANNEXATION PROCESS

In the fall of 2021, the City Commission provided direction to staff to process all annexation requests through the Planning and City Commission. Previously, Emergency (septic failure) annexations were sent directly to the City Commission.

This Annexation request looks to see if the city wishes to bring the property within the city limits or wishes to deny the annexation and allow an extraterritorial sewer connection. The public works permit process to connect to available city sewer is separate from this Type IV request.

SITE DETAILS

The territory to be annexed is located at the southwestern edge of City at Rose Road, as shown in Exhibit 1. The territory contains approximately 1.9 acres, has one single-family residence with a population of 2, and an assessed value of \$237,406.

The property has an Oregon City Comprehensive Plan designation of LR – Low-Density Residential. The property is part of the 1979 Urban Growth Boundary and is within the South End Concept Plan area. The Applicant wishes to retain the current FU-10 zoning, requiring 10-acre minimum lots, which will serve to preclude any further development or land divisions on the subject property in advance of seeking a zone change. Any request for rezoning in the future must comply with the applicable provisions of OCMC Chapter 17.68 - Zoning Changes and Amendments. Though the Oregon City Municipal Code requires application of a City zoning designation upon Annexation, a zone change may only be initiated with a zone change application which is accompanied by a transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the Applicant is required to initiate

Annexation due to a failed septic system, staff finds it appropriate in this case to retain the existing Clackamas County zoning designation if the development onsite is limited.

The owner would be able to receive city services, specifically, sanitary sewer service as well as the full range of administrative and municipal services provided upon Annexation to the City. The property is within 300 feet of a city sanitary sewer system, and by Oregon Revised Statute, it has been connected to the city sewer service and must be annexed.

If in the event, the Annexation is denied by the City Commission, the Commission would need to direct city staff to allow an extraterritorial connection to city services by providing additional findings or mitigating factors for the record that show compliance with the Comprehensive Plan and specifically Policy 11.1.3- *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.*

SB 1573

If the City Commission determines that the proposed Annexation should be approved, the City Commission is required by the Charter to submit the Annexation to the electors of the City. However, the passage of SB 1573 requires that the City annex the territory without submitting the proposal to the electors of the City if:

(a) The territory is included within an urban growth boundary adopted by the City or Metro, as defined in ORS 197.015;

(b) The territory is, or upon Annexation of the territory into the City will be, subject to the acknowledged comprehensive plan of the City;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the City's ordinances.

The territory is included within the City's UGB adopted by the City and Metro. The territory has a Comprehensive Plan Designation of Low-Density Residential pursuant to the acknowledged Oregon City Comprehensive Plan. The territory is contiguous to the City Limits. As demonstrated in this report, the proposal can meet the City's applicable ordinances.

Thus, the proposal meets items (a) through (d), with the conditions of approval, and the City may annex the territory without submitting the proposal to the electors of the City.

Measure 3-51- May 18, 1999 Voter-Approved Annexation Charter Amendment

The City Commission sent a measure to voters in 1999 to adopt a charter amendment that required all annexations be sent to the voters and indicated that *"this measure would not apply to certain annexations that the city is required to undertake, such as annexations to abate public health hazards pursuant to ORS 222.900."*

This is an emergency annexation to allow a single property to connect to the City's sanitary sewer system because of a failing septic system on site. OAR 340-071-0160 mandates that a property with a failing septic

system must connect to a sanitary sewer if it is physically and legally available. A sewerage system is deemed legally available if the system is not under a DEQ connection permit moratorium and the sewerage system owner is willing or obligated to provide sewer service. The subject site has access to sanitary sewer in front of the house, and the line is not under a DEQ connection permit moratorium. Oregon City Comprehensive Plan Policy 11.1.3- *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations* directs the City to process this Annexation.

Therefore, staff believes that the sewer connection and Annexation is mandated by law. It is reasonable for the City Commission to also find that this would fall under the "*this measure would not apply to certain annexations that the city is required to undertake*" exemption above.

LAND USE PLANNING

SITE CHARACTERISTICS

The property is generally level. The Applicant will connect to the City sewer main system running in Rose Road that abuts the property with a service line. The site is a residential parcel with a few scattered trees around the existing house and outbuilding. The property is in the South End Drainage Basin.

Frontage to City Limits

The abutting right-of-way of Rose Road is already within the City and will not need to be annexed as part of this approval, and if approved, will make the property contiguous to the City Limit for approximately 218 feet along the full frontage of the property. The property includes a home setback approximately 36 feet from Rose Road, with one accessory structure. No land division is proposed at this time.

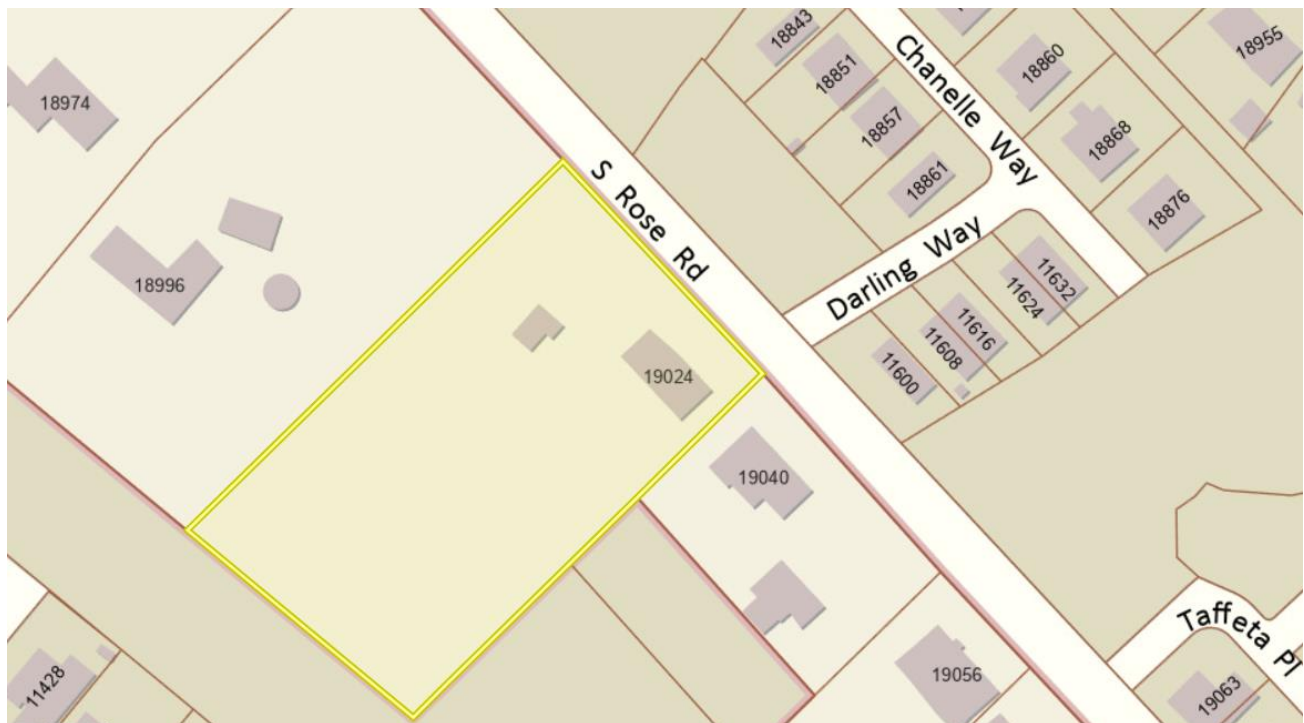


FIGURE 1. LOCATION MAP

South End Concept Plan

The site is within the adopted South End Concept Plan (SECP), which is a long-range land-use plan for the urbanization of the area within the Urban Growth Boundary for property not yet annexed. To review the South End Concept Plan, go to the following link:

- <https://www.orcity.org/planning/south-end-concept-plan>
- The graphic below is an excerpt from the SECP indicating possible future development of the area.



FIGURE 2. SOUTH END CONCEPT PLAN



FIGURE 3. STREET VIEW (2012)

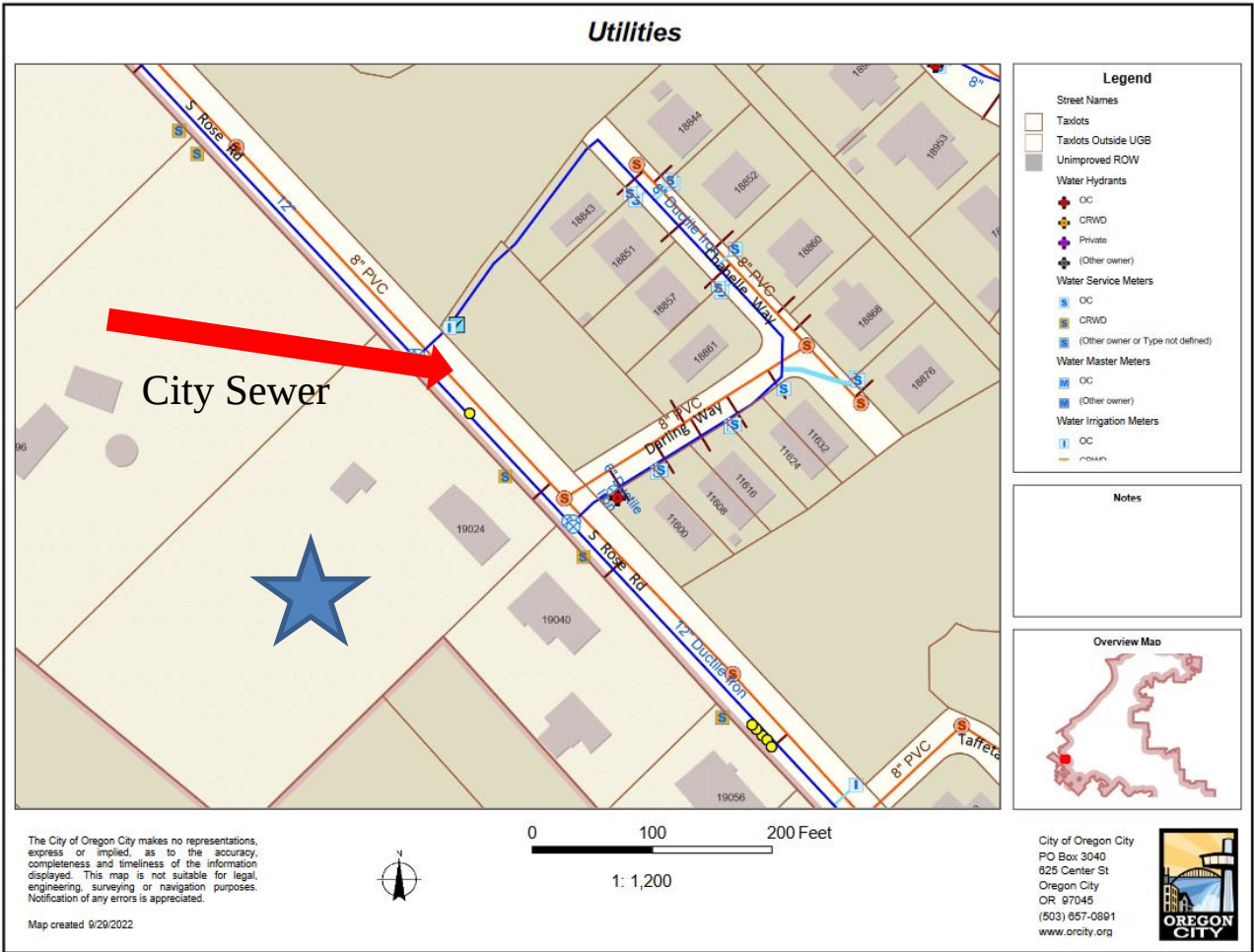


FIGURE 4. UTILITIES

The figure above indicates the location of Oregon City sewer, and water utilities adjacent to the property.

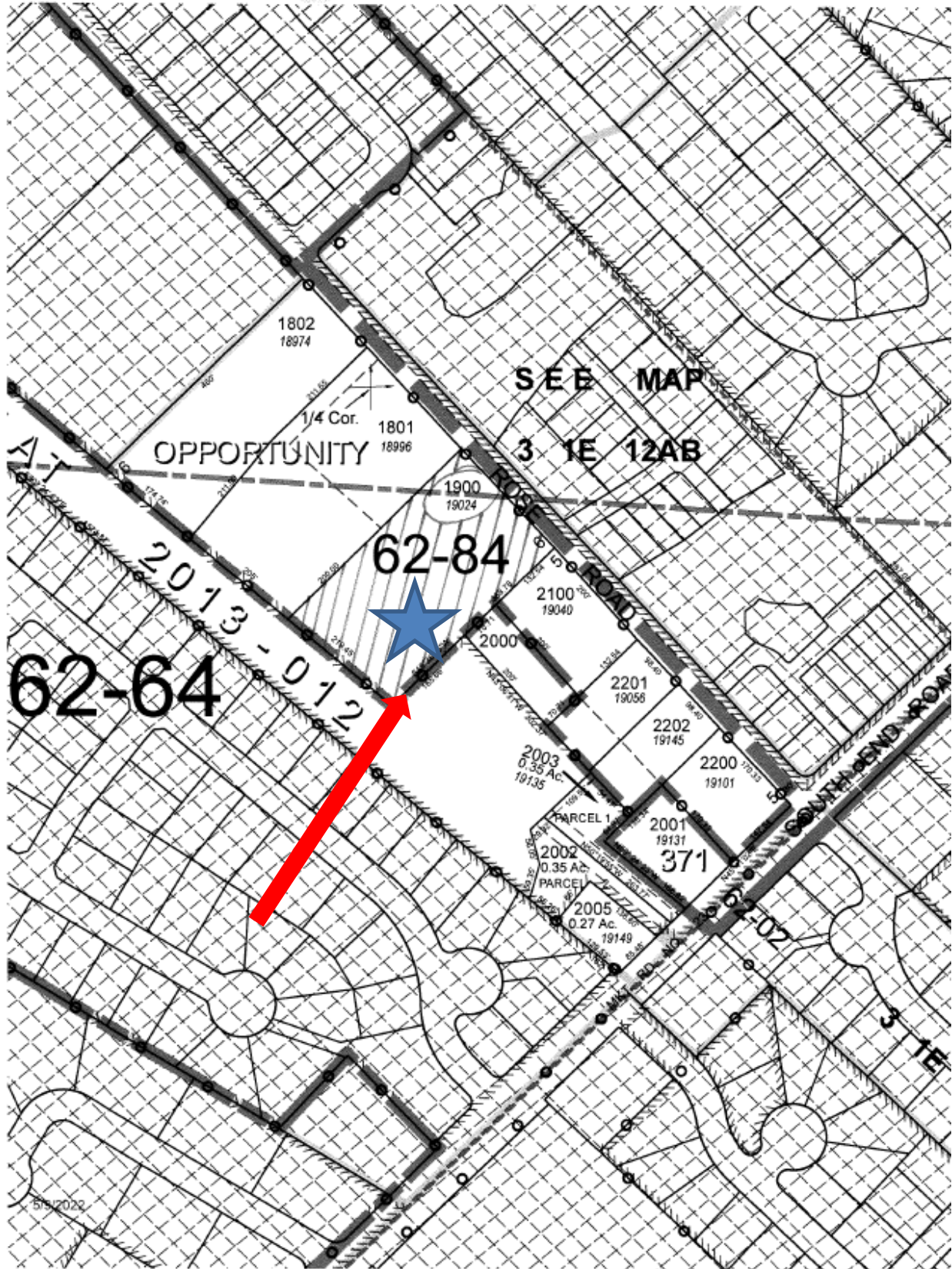


FIGURE 5. CLACKAMAS COUNTY TAX ASSESSOR MAP



FIGURE6. NATURAL RESOURCES OVERLAY DISTRICT

REGIONAL PLANNING CONSIDERATIONS

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Metro Boundary Change Criteria

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly, and economic provision of public services as required by the Metro Code are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this Annexation because no necessary party has contested the proposed Annexation.

Metro Regional Framework Plan

The law that requires Metro to adopt criteria for boundary changes and specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the District [Metro]." Metro's Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

CLACKAMAS COUNTY PLANNING

The Metro Code states that the Commission's decision on this boundary change should be " . . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . . "

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Low-Density Residential (LR-MH) on the County's Oregon City Area Land Use Plan (Map 4-05). The County's zoning for the property is FU-10, Future Urban, with a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the Urban Growth Boundary to preserve the capacity of the land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

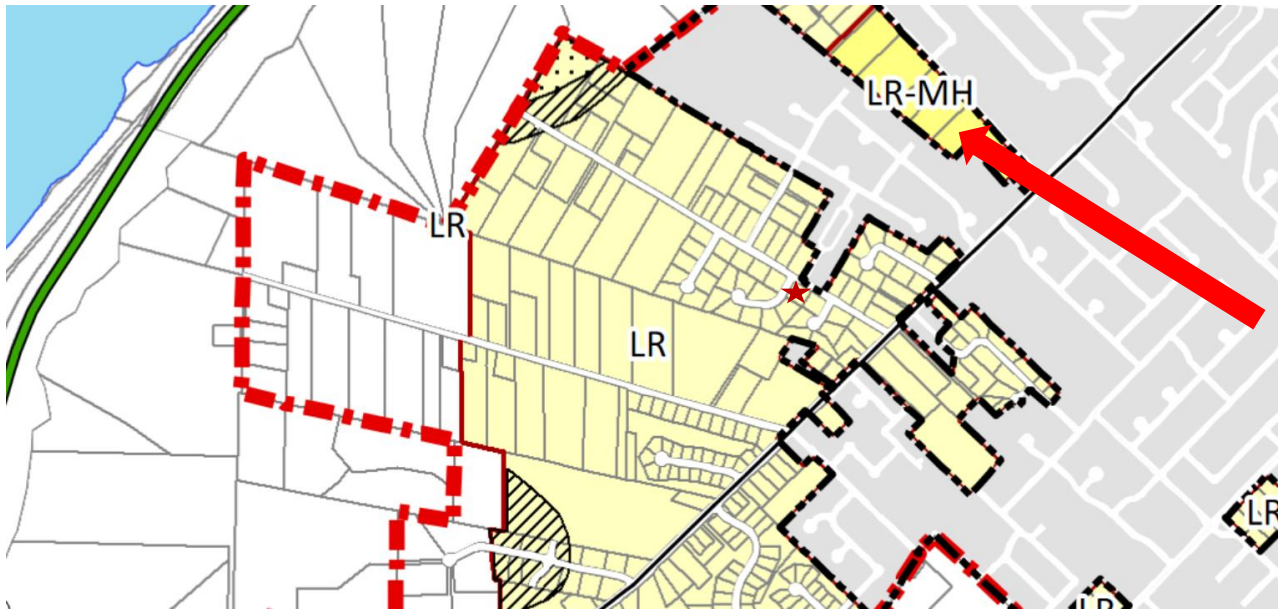


FIGURE 6. COUNTY COMPREHENSIVE PLAN DESIGNATION LR

Clackamas County Zoning and Development Ordinance (ZDO) section 316 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for Annexation as *future urban*, which are defined as:

"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development."

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the Agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area which is Low-Density Residential. Consequently, when a property is annexed to Oregon City, it may receive a City planning designation by default, which is R-10 single-family dwelling district, provided adequate public facilities can be demonstrated.

Regarding transportation impacts, rezoning must demonstrate compliance with, or be exempted from, the mobility standards of 16.12.033 - Mobility standards. The Applicant has not applied to rezone the property and does not intend to redevelop the site at a higher density. A transportation analysis is not required until such redevelopment is proposed. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

The UGMA presumes that all the urban lands within the Urban Growth Boundary will ultimately annex to the City. It specifies that the City is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11. The Agreement goes on to say:

4. City and County Notice and Coordination

* * *

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

* * *

5. City Annexations

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for Annexation. COUNTY shall not oppose such annexations.

B. Upon Annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the Annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .

* * *

The required notice was provided to the County at least 20 days before the City Commission hearing. The Agreement requires that adjacent road rights-of-way be included within annexations.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads, and mass transit.

Sanitary Sewers. The City of Oregon City provides sanitary sewer service via the 8" PVC sewer main line in Rose Road which is now connected to the house via a sewer lateral at the time of writing of this report

The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn, and Gladstone. Each City owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District, and as provided in the intergovernmental Agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when the territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the District as well. That statute no longer applies in this area. Therefore, each Annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's Annexation of the subject property in the enacting Ordinance..

The Tri-City Service Water Pollution Control Plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant had an average flow capacity of 4.4 million gallons per day (MGD) and a design peak flow capacity of 50.0 MGD and served a population of 66,500 in the year 2001. However, the facility was expanded in 2012 to increase the available average dry weather capacity to 11.9 MGD and a peak flow of 68.7 MGD. The plant is currently serving a population of 98,000 residents and has expanded solids handling capacity by 2020.

Due to the public health concern caused by a failing septic system, the City has approved access to the City sewer system. The City issued permits for the connection in August 2022.

Water. The property is currently being served by Clackamas River Water (CRW). Betty Johnson, Engineering Associate, indicates that the property should leave the Clackamas River Water District as part of the Ordinance approving the annexation.

Stormwater. No additional development has been proposed. Onsite stormwater drainage or discharge to a city or county facility will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area.

Fire Protection. This territory is currently within Clackamas Fire District #1, which serves portions of Clackamas County as well as Oregon City. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory is automatically withdrawn from the District upon approval of the Annexation. Staff recommends that the territory **not** be withdrawn from CFD#1.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory. The proposed Annexation was forwarded for comment to the Sheriff's Department as well as the Oregon City Police Department. Neither entity indicated that there is inadequate capacity to serve the property.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already occasionally responds to County emergency calls for the unincorporated area. The impact on police services upon Annexation will be negligible. Clackamas County Sheriff's Department was contacted and did not indicate any conflicts with the Annexation.

According to ORS 222.120 (5), the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon Annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon Annexation, the Oregon City Police Department will officially serve the property.

Parks, Open Space, and Recreation. The nearest City park is Hazel Grove Park about 1 mile from the property. Any further homes constructed on the property, following annexed, re-zoning, and land division,

would contribute to the Parks System Development Charge, which is currently \$6,905 per Single Family Home.

Transportation. Access is provided from Rose Road, a local street that is city jurisdiction in this location. Though the Oregon City Municipal Code requires the application of a City zoning designation upon Annexation, a zone change may only be initiated with a zone change application, which is accompanied by a required transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the Applicant is required to initiate Annexation due to a failed septic system, it is appropriate to retain the existing Clackamas County zoning designation if the development onsite is limited. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

Other Services. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon Annexation.

OREGON CITY COMPREHENSIVE PLAN

This territory is designated by the Oregon City acknowledged Comprehensive Plan as LR – Low-Density Residential. Portions of the City's Comprehensive Plan have some applicability, and these are covered here.

Section 2 of the Oregon City Comprehensive Plan is entitled *Land Use*. Several Goals and Policies in this section are pertinent to the proposed annexations.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities

Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policies

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

- a. Streets and other roads and paths*
- b. Wastewater collection*
- c. Stormwater management services*
- d. Police protection*
- e. Fire protection*
- f. Parks and recreation*
- g. Water distribution*
- h. Planning, zoning, and subdivision regulation*

Streets and other roads and paths

Rose Road is city-owned and maintained. There are currently no plans to alter or improve the roads abutting the property. The policies that govern City streets and roads are the adopted 2014 Transportation System Plan and Municipal Code Chapter 12.04 - Streets, Sidewalks, and Public Places. The City charges a pavement maintenance utility fee (PMUF) for the upkeep of road surfaces, which will be applied to the property upon Annexation.

Wastewater collection

Upon Annexation, this one home will start paying the current stormwater utility fee. Therefore, no additional public funds will need to be spent.

Police and Fire Protection

This Annexation will immediately add one home to the City's police and fire protection coverage and withdraw the property from Clackamas County Sheriff's Enhanced Law Enforcement District. The Oregon City Police Department indicated the address is serviced by Clackamas County Sheriff's Office. Currently, any calls to Clackamas County 9-1-1 (CCOM) are dispatched to a Clackamas County Sheriff's Deputy. However, if it is a priority call and Oregon City officers are available, they would respond as they would be able to arrive much quicker than a Clackamas County Sheriff's Deputy. Once annexed, the property will be serviced by Oregon City Police Department (OCPD). OCPD has not indicted any conflicts with this Annexation.

The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon Annexation.

Water

The property is currently within the Clackamas River Water District (CRW). CRW is the domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding. It is recommended that this parcel be served by the City of Oregon City (City) and withdrawn from the CRW territory by the City, in accordance with state statute as well as City and CRW requirements. Once the parcel has been withdrawn from the CRW territory, coordination efforts must be made between CRW and the City to transfer the water service connection over to the City and abandon the existing service.

Policy 11.1.1 defines what is encompassed within the term "urban facilities and services" as it pertains to Annexation. The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning, and commercial development regulation to the list of urban services that are to be considered by the Metro Code. The adequacy of these facilities and services to serve the subject property, containing a single home, is discussed in greater detail below. The Metro Code also includes mass transit in addition to streets and roads.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The City has the capacity to provide urban services to this existing home.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires a normal extension of sanitary sewer from the existing sewer main abutting the site on Rose Road.

The owner has not proposed to further divide the existing parcel at this time, and neither is re-zoning the property proposed at this time as explained elsewhere in this report.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider the adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the City can provide urban service capacity to this one home.

Goal 11.2: Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Since all new development on annexed land is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City's sanitary sewer is available to this property.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this Annexation. The District responded that it has adequate capacity to serve the Annexation. The District provides sewer collection to the Cities of West Linn, Oregon City, and Gladstone. The property owner must initiate the Tri-City Service District annexation after Annexation to the City. The City Commission should concur with Tri-City Service District's Annexation of the subject property in the Ordinance annexing the property.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve

the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject lot is not already a user connected to the City water distribution system. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which will serve to preclude any further land divisions until the land is rezoned to a City zoning designation.

The property is currently being served by Clackamas River Water District (CRWD). After Annexation, the property will continue to be served by CRWD.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the City (or the county stormwater management system in the event that drainage goes to the County) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This Annexation will not result in any changes to the stormwater drainage. No future development would be allowed under the existing FU-10 zoning designation. Improvement of the existing stormwater connections leading to the site would be in conformance with the City's stormwater design standards.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

The property is already within Clackamas County Fire District #1. Fire protection and emergency services will be unaffected by this proposal. The Annexation was transmitted to Clackamas County Sheriff's Department and Oregon City Police Department for comment. OCPD already responds to priority County emergency calls for the unincorporated area in this location. Clackamas County Sheriff's Department was contacted and had no conflicts with the Annexation. Upon Annexation, the area would be removed from the Clackamas County Sheriff's Enhanced Law Enforcement District. OCPD does not anticipate any police service problems due to the Annexation of this one home.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to the proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the City meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for Annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for Annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistent with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City has not completed an annexation plan and program for this area. The requirement to refer this Annexation to the voters has been superseded by the passage of Senate Bill 1573 as explained earlier in this report. This Annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to two city subdivisions that have utilities and street improvements. The proposal does not include a zone change, and as such, conditions will be placed on the Annexation limiting development until a zone change to a City designation occurs.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code.

Goal 14.4: Annexation of Lands to the City

Annex lands to the City through a process that considers the effects on public services and the benefits to the City as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide planning rules, the City is identifying the potential effects that build-out of the annexed property will have on public services and any benefits to the City as a whole.

Policy 14.4.1 *In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.*

The proposed property will be contiguous to the city limits along the front property line, No long linear extensions are proposed. The Annexation would not create any islands.

Policy 14.4.2 Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon Annexation, including the costs and benefits to the City as a whole.

This property is part of the 1979 Urban Growth Boundary and was previously part of the City's existing Comprehensive Plan with a Low-Density Residential land use designation. The property has been included in all of the City's adopted public facilities master plans for sewer, water, stormwater, and transportation. No zone change is proposed at this time.

Policy 14.4.3 When an annexation is requested, the Commission may require that parcels adjacent to the proposed Annexation be included to:

- a) avoid creating unincorporated islands within the City;*
- b) enable public services to be efficiently and cost-effectively extended to the entire area; or*
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

This proposed Annexation does not create an unincorporated island within the City. There is no development proposed at this time, and future development is limited as the property has proposed to retain the exiting Clackamas County zoning designation. No additional parcels are anticipated to be annexed to enable more efficient public services at this time.

Policy 14.4.4 The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the Annexation of the subject property into the City, subject to any voter approvals of annexations.

A public health hazard existed by the nature of the failing septic system. The property owner has already connected the property to the City sewer system and obtained the proper city and county permits to complete the extension of the sewer line to the property.

LAND USE

Section 2 of the City's Comprehensive Plan identifies land-use types. This application has one residential land use type:

- 1. Low-Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until Annexation, and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of Annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATION

Residential Type

City Zone

Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, R-5
High-density residential	R-2

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the City, says:

"Notwithstanding any other section of this chapter, when a property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:"

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Medium-density residential	R-3.5
High-density residential	R-2

Although the subject property is designated Low-density residential on the City's Comprehensive Plan, this proposal does not include a request to rezone the land to R-10. As noted above, no further development or land division may occur until the land is rezoned to a City zoning designation.

OCMC 14.04.060 - Annexation factors.

A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant and approve an annexation only when it finds that on balance these factors are satisfied:

1. Adequacy of access to the site;

Finding: The site access is discussed below in the Facilities and Services section. The site has direct access onto Rose Road and the existing access is adequate.

2. Conformity of the proposal with the City's Comprehensive Plan;

Finding: As demonstrated in that section of the staff report, the City's Comprehensive Plan is satisfied.

3. Adequacy and availability of the following public facilities and services to serve potential development at time of development:

a. Transportation. The urbanization of the site is accounted for in the transportation system plan. The application demonstrates that the annexation is consistent with the transportation planning rule (TPR) or explain why a TPR analysis is not required;

Finding: Complies. The Applicant is retaining the exiting FU 10 zoning, which would prohibit future partitioning of the site if under 10 acres . Transportation analysis would occur at the time of rezoning.

b. Sewer. The urbanization of the site is accounted for in the sewer master plan;

c. Water. The urbanization of the site is accounted for in the water master plan;

d. Stormwater. The urbanization of the site is accounted for in the stormwater master plan;

Finding: Complies The stormwater, water and sanitary Master Plans have all accounted for future growth on site.

e. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;

Finding: complies. The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon Annexation. The police department has not indicated that one additional single family house can be accounting within the Oregon City Public Safety service area.

f. Parks. The urbanization of the site is accounted for in the parks and recreation master plan; and

Finding: Complies The Parks Master Plans have all accounted for future growth on site. No parks are proposed to be onsite.

g. Schools. The urbanization of the site is analyzed for school capacity in a concept plan or in a school forecast approved by Oregon City School District.

Finding: Complies the site is already within the Oregon City School District Boundary.

4. Demonstration of how the impacts of future development to city public facilities and services will be mitigated. Mitigation may include on-site or off-site infrastructure or improvements to existing infrastructure to city standards and specifications, payment of system development charges, etc. Funding for the mitigation must be identified. The city commission reserves the right to enter into a development agreement with the Applicant that governs the extent and timing of infrastructure improvements.

Finding: Complies. The Applicant is retaining the existing FU 10 zoning, which would prohibit future partitioning of the site if under 10 acres. No future impacts are anticipated while the site is zone FU-10. Further analysis will occur at time of zone change.

5. Annexations over five acres shall obtain master plan approval at a public hearing before the planning commission prior to or concurrent with a land division or site plan and design review application. The master plan will identify the details of development including the overall impact of development on the city infrastructure and mitigating improvements.

Finding: No Applicable. The site is less than 5 acres.

6. The annexation is in the best interest of the city. Generally, the commission may consider the annexation is in the best interest of the city if it meets two or more of the following criteria:

- a. It provides a needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service-related problems; or
- b. It provides land for development to meet urban needs including jobs and/or housing in an orderly and logical growth pattern; or
- c. It provides needed routes for utility and transportation networks.

Finding: Complies. The Applicant has proposed an annexation to connect to city sewer to alleviate a failed septic system that was backing up into the rear yard and caused a public health hazard. Future residential development on the parcel could occur once the site has been rezoned.

7. Compliance with applicable sections of ORS 222, and Metro Code Section 3.09 including a demonstration that the proposed annexation is timely, orderly, and efficient;

Finding: Complies The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 104 feet along the property boundary. The

Metro Code criteria are set out on page 2 of this report. This report considers each factor, and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

8. All natural hazards identified by the city, such as wetlands, floodplains, steep slopes and landslides, including those mapped and unmapped by the city, County, state or other government agencies are identified;

Finding: Complies. The rear of the property has a mapped stream that will be regulated by the Natural Resources Overlay District upon annexation.

9. All historically designated and potentially eligible historic structures are identified;

Finding: Complies The site does not contain a historic resource.

10. Any significant adverse impacts on the economic, social and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the comprehensive plan by urbanization of the subject property at time of annexation can be avoided or mitigated;

Finding: No adverse effects on the identified resources are apparent. There are no overlay districts that affect the property. The property is in the South End drainage basin according to the Drainage Master Plan.

11. The extent to which the proposed annexation territory includes preservation of natural features, landforms and significant tree canopy since the date when the annexation application was filed with the city, excluding properties under farm or forest tax deferment or farm or forest practices as defined under ORS 30.930. Annexations which demonstrate efforts to avoid significant site grading or tree removal will be viewed more favorably than those upon which such activities have occurred.

Finding: Complies. The rear of the property has a mapped stream that will be regulated by the Natural Resources Overlay District upon annexation.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory. Finally, it will have service responsibilities, including fire, police, and general administration. The City already occasionally delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the Annexation are insignificant.

If annexed, the property owner could apply to the City for land use permits, including a zone change. Any impacts on the community that result from approval of development permits are a direct consequence of the future permit approval, not of the Annexation. Before any urban development can occur, the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's Annexation of the subject property in the enacting Ordinance upon voter approval of the city annexation.

Section 8 of the Ordinance states:

"The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this Ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."

As analyzed earlier in this report, the requirement to refer this Annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

STAFF RECOMMENDATION

Based on the study and the Proposed Findings and Reasons for Decision for this Annexation, staff recommends that the City Commission approve Planning File GLUA-22-00013: AN-22-0001 and adopt as its own this Staff Report and Exhibits and;

- Find that this Annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.
- Recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommends that the property is removed from the Clackamas River Water district
- Recommend that the City Commission concur with Tri-City Service District's Annexation of the subject property in the enacting Ordinance.
- Recommend that the applicant record a covenant acknowledging that development is reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance and until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site.

ANNEXATION PETITION: GLUA-22-00013: AN-22-0001 PROPOSED FINDINGS, CONDITIONS AND REASONS FOR DECISION

Based on the staff report and findings, the City Commission finds the following:

1. The Metro Code calls for consistency of the Annexation with the Regional Framework Plan or any functional plan. The Commission concludes the Annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted according to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore, the Commission finds that there are no inconsistencies between these plans/agreements and this Annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also identifies the property as *Immediate Urban* lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for Annexation. Therefore, the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).

4. The Commission concludes that the Annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development, as noted in the Findings above. The City operates and provides a full range of urban services. Specifically, with regard to water and sewer service, the City has both of these services available to serve the area from existing improvements abutting the property.
5. With regard to storm drainage to the South End Basin, the City has the service available in the form of regulations to protect and control stormwater management.
6. The Commission notes that the Metro Code also calls for consistency of the Annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
7. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the Annexation will not interfere with the timely, orderly, and economic provision of services.
8. The Oregon City Code contains provisions on annexation processing. Section 6 of the Ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings, and on balance the Commission believes they are adequately addressed to justify approval of this Annexation.
9. The City Commission concurs with Tri-City Service District's Annexation of the subject property in the enacting City ordinance.
10. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon Annexation.
11. The Commission determines that the property should not be withdrawn from the Clackamas Fire District #1.
12. The Commission determines that the property should withdrawn from the Clackamas River Water District.
13. The Commission acknowledges that the site will not be rezoned by this Annexation and will retain its existing of FU-10 County Zone, which directs development to be reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance. Further, until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site including, but not limited to: no new structures or additions to existing structures. Also, the property shall be subject to the City's overlay districts, fence regulations in OCMC 17.54.100, as well as the City's nuisance, business licensing, and animal regulations.

**RECOMMENDED CONDITIONS OF APPROVAL
PLANNING FILES GLUA-22-00013: AN-22-0001**

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. Prior to final Annexation, the property owner or assigns will record a covenant to be approved by the City Attorney, which limits the development of the site until such time that a zone change to a City zoning designation has been approved. The covenant shall acknowledge that development is reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance. Further, until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site including, but not limited to: no new structures or additions to existing structures. In addition, the property shall be subject to the City's overlay districts, fence regulations in OCMC 17.54.100, as well as the City's nuisance, business licensing, and animal regulations.(P)

Exhibits:

1. Annexation Application
2. Public Comment
 - a. Erik Carr- Clackamas Water Environment Services (WES)
 - b. Betty Johnson, Clackamas River Water (CRW)
3. Measure 3-51- May 18, 1999 voter-approved charter amendment (on file)
4. Public Notices/ Vicinity Map (on file)



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☒ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity: _____

Project Name: _____ Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: 19024 ROSE RD OREGON CITY OR 97045

Clackamas County Map and Tax Lot Number(s): MAP: 31E12A TAX LOT: 31E12A 01900

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: SKILL VONDRACEK Date: 4/25/2022

Mailing Address: 19024 ROSE RD OREGON CITY OR 97045

Phone: 503-539-4240 Fax: N/A Email: SKILL.VONDRACEK@GMAIL.COM

Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: SKILL VONDRACEK Date: 4/25/2022

Mailing Address: 19024 ROSE RD OREGON CITY OR 97045

Phone: 503 539 4240 Fax: N/A Email: SKILL.VONDRACEK@GMAIL.COM

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

Annexations to OREGON CITY - Double Majority Method, 100% Owners Method

I. *Application Process for Property Owners and Registered Voters*

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

Attached is a *Petition* form for your use. Please fill in the blanks on the first page, sign and fill in the requested information on the second page and insert or attach the legal description to the first two pages.

Who May Sign: An elector registered to vote in the territory to be annexed; a property owner who is the legal owner of record or, where there is a recorded land contract, the purchaser thereunder. If there is multiple ownership each signer is counted in proportion to the size of their ownership. If a corporation owns land, the corporation is considered the individual owner.

After completing the petition, have the County Assessor's Office certify the property owner signatures using the attached *Certification of Property Ownership* form. While you are at the Assessor's Office show them your legal description, buy two 1/4 Section Maps showing the property to be annexed and have them certify the map and legal description using the attached *Certification Of Legal Description And Map* form. Proceed to the County Elections Department and have them certify the signatures of the registered voters by completing the attached *Certification of Registered Voters* form. Do this even if the property is vacant. In that case they certify that there are no registered voters in the affected territory.

Step 2. Legal Description

The legal description noted above must be a metes and bounds legal description of the territory to be annexed. This description should be inserted in or attached to the Petition. In addition, one separate copy of the metes and bounds description should be submitted. (A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's Office.) If

the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

Step 3. Map

As noted above you must submit two copies of the 1/4 Section map. This should be the latest County Assessor's quarter section map (or maps) which indicates the territory to be annexed. Outline the area to be annexed on the maps.

Step 4. Notice List

You must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not. Additionally this list must include the names and addresses of all property owners within 300 feet of the outside edge of the territory to be annexed. Please submit this list on peel-off label sheets.

Step 5. Information Sheet

Complete the attached *Boundary Change Information Sheet*.

Step 6. Double Majority Work Sheet

A *Double Majority Worksheet* is attached for your convenience. This is to help verify that all double majority requirements are met.

Step 7. Submit Application To City

Submit all materials and the required filing fee (see attached schedule) to the City Manager or his designee at Oregon City City Hall, 320 Warner-Milne Rd., Oregon City, OR 97045.

II. *City Review*

Below is a summary of the steps which will be taken regarding annexations initiated by these two methods.

Step 1. Compliance Review

Submitted materials will be checked for compliance with requirements of state statutes, the Metro Code requirements and the City Code requirements.

Step 2. Public Hearing Date Set

The proposal will be set for a hearing by the Planning Commission and the City Commission. The setting of the hearing date for the City Commission must occur within 30 days of the day the proposal is judged to be complete.

Step 3. Public Hearing Notice

Notice of the public hearing by the Planning Commission and notice of the public hearing of the City Commission will be sent to service providers in the area, to the applicant, to adjacent property owners and to appropriate neighborhood or community organizations. Notice of the hearing will be posted in and/or around the territory to be annexed. The hearing will also be advertised twice in a newspaper of general circulation in the area.

Step 5. Staff Study and Report

A staff report will be prepared on each proposed boundary change. This report will cover at a minimum five items specified in the Metro Code including availability of services, compatibility with regional and local plans, etc.. The report will also cover the approval criteria laid out in the Oregon City Municipal Code. This report will be made available to the public 7 days prior to the Planning Commission hearing and 15 days prior to the City Commission hearing.

Step 6. Public Hearings

The Planning Commission will hold its public hearing. After reviewing the proposal in light of the criteria in the City Code and the Metro Code, the Planning Commission will make a recommendation on the boundary change to the City Commission.

The City Commission holds a public hearing. At the hearing the City Commission will consider 7 minimum criteria laid out in the Metro Code including compliance with urban service agreements, consistency with applicable land use plans and service availability. The City Commission

will also consider the 7 Annexation Factors contained in the City Municipal Code. At the conclusion of the public hearing the Commission determines whether the proposed annexation is consistent the Metro Code and with a positive balance of the factors in the City Code and if so schedules an annexation election.

If the Council approves the proposal and schedules it for election it must do so with an order containing findings and reasons. If there are no objections to the approval by another unit of government within 10 days then the issue proceeds to election. If the the decision is contested by a necessary party then the matter is transferred to the Metro Boundary Appeals Commission.

Step 7. Election

If the City Commission approves the annexation it will be scheduled for an election at one of the four regular state election dates (March, May, September and November). The applicant will be required to submit a deposit to cover any and all costs of the election. City and State required processes leading up to an election take a significant amount of time and should be allowed for in planning by the applicant.

After the election results are certified an order must be generated to officially change the boundary. The order must be sent to Secretary of State, County Recorder and County Assessor, State Revenue Department, and City Recorder. Other interested parties (such as the utilities) are notified as well. These notifications and official map changes are done by Metro. A separate fee for this operation will be collected at the time the proposed boundary change is first submitted to the City.

***PETITION OF OWNERS OF MAJORITY OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS***

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY, OREGON

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

***PETITION OF OWNERS OF 100 % OF LAND
AND PETITION OF A MAJORITY OF REGISTERED VOTERS***

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

(Insert Legal Description here OR attach it as Exhibit "A")

By signing below I indicate my consent to and support of being annexed into the City of Oregon City, and my consent for having my signature (below) used for any application form required for the annexation, including but not limited to the City of Oregon City's Land Use Application Form.

NOTE: This petition may be signed by qualified persons even though they may not know their property description or precinct number.

[illegible]

✱

OV = Owner and Registered Voter

CERTIFICATION OF PROPERTY OWNERSHIP OF
AT LEAST ONE-HALF LAND AREA
(City Double Majority Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME Mary Neigel
 TITLE GIS Cartographer 2
 DEPARTMENT Assessment + Tax
 COUNTY OF Clackamas
 DATE 05.09.22

- * "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



CERTIFICATION OF PROPERTY OWNERSHIP OF

100% OF LAND AREA

(City 100% Ownership Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of 100% of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

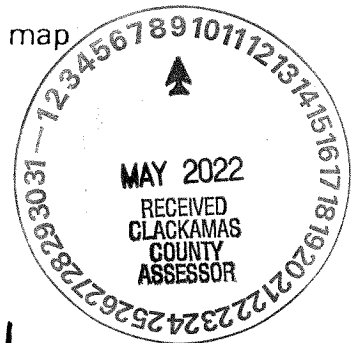
NAME Mary Neigel
 TITLE GIS Cartographer 2
 DEPARTMENT Assessment + Tax
 COUNTY OF Clackamas
 DATE 05 . 09 . 22

- * "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.



CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 31E12A) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.



NAME Mary Neigel
TITLE GIS Cartographer 2
DEPARTMENT Assessment & Tax
COUNTY OF Clackamas
DATE 05.09.22

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of Oregon City contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME Sydney Clark
TITLE deputy clerk
DEPARTMENT Elections
COUNTY OF Clackamas
DATE May 9, 2022

**CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK**

BY: [Signature]



NOTICE LIST

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA. ALL OWNERS OF PROPERTY WITHIN 300 FEET OF THE OUTSIDE BOUNDARY OF THE AREA TO BE ANNEXED.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
SKII VONDRACEK	19024 ROSE RD	

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

- (7) _____

- (8) _____

- (9) _____

- (10) _____

- (11) _____

- (12) _____

- (13) _____

- (14) _____

- (15) _____

- (16) _____

- (17) _____

- (18) _____

BOUNDARY CHANGE INFORMATION SHEET

Item 8a.

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. General location 19024 ROSE RD OREGON CITY
- B. Land Area: Acres 1.9 or Square Miles _____
- C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).
GENERALLY FLAT AREA WITH PERENNIAL
STREAM IN BACK YARD
- D. Describe land uses on surrounding parcels. Use tax lots as reference points.
- North: SFR
- East: SFR
- South: SFR
- West: SFR
- E. Existing Land Use:
- Number of single-family units 1 Number of multi-family units 0
- Number commercial structures 0 Number industrial structures 0
- Public facilities or other uses 0
- What is the current use of the land proposed to be annexed: SFR
- F. Total current year Assessed Valuation \$ 237,406
- G. Total existing population 3

II. REASON FOR BOUNDARY CHANGE

- A. The City Code (Section 6) and the Metro Code (3.09.050 (d) & (e)) spell out criteria for consideration (see copies attached). Please provide a narrative which addresses these criteria. With regard to the City criteria, please provide a narrative statement explaining the conditions surrounding the proposal and addressing the factors in Section 6, as relevant, including:

1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
2. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
4. Statement outlining method and source of financing required to provide additional facilities, if any;
5. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area and community will be enhanced;
6. Statement of potential physical, aesthetic and related social effects of the proposed or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
7. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

- B. Please submit 25 copies of a site plan, drawn to scale (not greater than 1" = 50') indicating:

1. The location of existing structures (if any);
2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed.
3. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flooding data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
4. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - -as measured 4 feet above the ground) and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

- A. What is the applicable County Planning Designation? FU 10
 What City Planning Designation is being sought? FU 10

- B. What is the zoning on the territory to be served?
FU 10
 What zoning designation is being sought? FU 10

- C. Is the subject territory to be developed at this time? NO

- D. Generally describe the anticipated development (building types, facilities, number of units).
N/A

- E. Can the proposed development be accomplished under current county zoning?
☒ Yes ☐ No

If No,---has a zone change been sought from the county either formally or informally.

☐ Yes ☐ No

Please describe outcome of zone change request if answer to previous questions was Yes. N/A NO CHANGE

- F. Is the proposed development compatible with the city's comprehensive land use plan for the area?

☒ Yes ☐ No ☐ City has no Plan for the area.

Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)

☐ City Planning Commission ☒ City Planning Staff
☐ City Council ☐ City Manager

Please describe the reaction to the proposed development from the persons or agencies indicated above

N/A

- G. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE #	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City or County Plan Amendment			
Pre-Application Hearing (City or County)	✓ PA 22-		
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

- H. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

N/A No DEVELOPMENT SFR

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

CIC - OREGON CITY

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.

12 INCH DUCTILE MAIN

2. Location and size of nearest sewer line which can serve the subject area.

8 INCH SANITARY SEWER MAIN

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area _____

CLACKAMAS COUNTY FIRE

N/A FOR STORM DRAINS

4. The time at which services can be reasonably provided by the city or district.

NOW

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

NO EXTENSION NEEDED AVAILABLE ON
STREET

6. Availability of the desired service from any other unit of local government. (Please indicate the government.)

TRI CITY SEWER DISTRICT ANNEXATION
TO HAPPEN CONCURRENTLY

- B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City _____

Rural Fire Dist _____

County Service Dist. _____

Sanitary District _____

Hwy. Lighting Dist. _____

Water District DE ANNEX FROM CRW

Grade School Dist. _____

Drainage District _____

High School Dist. _____

Diking District _____

Library Dist. _____

Park & Rec. Dist. _____

Special Road Dist. _____

Other Dist. Supplying Water Service _____

- C. If the territory is proposed to be served by any of the above units or any other units of government please note.

- D. If any of the above units are presently servicing the territory (for instance, are

residents in the territory hooked up to a public sewer or water system), please so describe.

APPLICANT'S NAME

SKILL VONDRACEK

MAILING ADDRESS

19024 ROSE RD

OREGON CITY OR 97045

TELEPHONE NUMBER

(Work)

503-539-4240

(Res.)

REPRESENTING

DATE:

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal. (If needed, use separate sheet for additional listings).

PROPERTY OWNERS

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
1900	SKII VONDRACEK	1.9	237406	Y
TOTALS				

Worksheet (continued)

REGISTERED VOTERS

Name of Registered Voter	Address of Registered Voter	Signed Petition (Y/N)

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL _____

NUMBER OF REGISTERED VOTERS WHO SIGNED _____

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED _____

TOTAL ACREAGE IN PROPOSAL _____

ACREAGE SIGNED FOR _____

PERCENTAGE OF ACREAGE SIGNED FOR _____



LAND USE APPLICATION TRANSMITTAL – RESPONSE FORM

Date: 9/20/22

Land Use Application File Number: AN 22-0001

NAME: Betty Johnson

AGENCY: Clackamas River Water

EMAIL ADDRESS: bjohnson@crwater

The land use application material is referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return a copy of this form to facilitate the processing of this application and to ensure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☐	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached. (Please attach additional information)
☒	The proposal would not conflict our interests if the changes noted below or attached are addressed.

Please add any specific comments below or attach a separate document with more information.

See attached Clackamas River Water requirements for the proposed emergency annexation located at 19024 Rose Rd, Oregon City.

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION



Christina Robertson-Gardiner, Senior Planner
City of Oregon City
695 Warner Parrott Rd
Oregon City, Or 97045

EMAIL AND MAIL

September 20, 2022

RE: Proposed Emergency Annexation for:

- File No AN-22-0001: GLUA-21-00013
19024 Rose Rd, Oregon City, Or 97045 - Tax Lot 01900 of Tax Map 3S1E12A

Dear Christina Robertson-Gardiner:

This is file notice of Clackamas River Water (CRW) having no objections to an Emergency Annexation relating to the above referenced proposed annexation. CRW is the domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding.

It is recommended that this parcel be served by the City of Oregon City (City) and withdrawn from the CRW territory by the City, in accordance with state statute as well as City and CRW requirements.

Once the parcel has been withdrawn from the CRW territory, coordination efforts must be made between CRW and the City to transfer the water service connection over to the City and abandon the existing service. The confirmation of this understanding is the basis on which CRW will have no objection to the emergency annexation for Tax Lot 01900 of Tax Map 3S1E12A.

Please let me know if there are any additional comments or questions, and thank you for your willingness to discuss this matter.

Very truly yours,

Adam M. Bjornstedt Acting in Charge

FOR

Todd Heidgerken
General Manager

From: [Bertram, Erik](#)
To: [Christina Robertson-Gardiner](#)
Subject: RE: Land Use Application Transmittal: GLUA-21-00013: AN-22-0001: Emergency Annexation
Date: Tuesday, September 20, 2022 12:11:05 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christina,

This property will need to annex into the Tri-City Service District (TCSD) as a condition of connecting to the public sanitary sewer system. The TCSD annexation application is processed by Clackamas Water Environment Services (WES) and is available for download on the WES website. The TCSD annexation must be submitted to WES upon approval of their annexation into the City of Oregon City. Estimated annexation fee is \$645.00.

<https://www.clackamas.us/wes/annexation.html>

Please contact me with any questions.

Regards,

Erik Carr Bertram

WES Development Review Specialist

Phone: 503-936-3666

ebertram@clackamas.us

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Monday, September 19, 2022 4:04 PM
Subject: Land Use Application Transmittal: GLUA-21-00013: AN-22-0001: Emergency Annexation

Warning: External email. Be cautious opening attachments and links.

Good morning,

The Planning Division has received an application for a Type IV Planning Commission Review. Written comments must be received by the Planning Division by 4pm 2 weeks before the first scheduled hearing to be included in the staff report. Written comments received after that date will be provided to the Commission but may not be included in the staff report.

Emergency Annexation of an approximately 1.9-acre property. The Applicant desires to annex the property due to a failed septic system. Annexation is required as a condition of connecting to the city sewer system. The Applicant has not requested a zone change for this application and will remain zoned FU-10, which is a city-recognized county zone. The proposal does not include a request for development approval or change in use.

Please review the proposal posted at the following website:

<https://www.orcity.org/planning/project/glua-21-00013-22-0001-emergency-annexation>



[What's your Vision for Oregon City?](#)

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)

695 Warner Parrott Rd, Oregon City, OR 97045

crobertson@orcity.org

503) 496-1564 Direct

(503) 722-3789 Main

[Interactive Maps and Apps](#)

[Printable Maps](#)

[Online Submittal of Land Use Applications](#)

The City of Oregon City continues to offer services and programs in-person and online - find facility hours of operation [here](#).

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** 11/02/2022
From: Economic Development Manager James Graham

SUBJECT:

Proposed Oregon City Microenterprise Assistance Grant Program

STAFF RECOMMENDATION:

Approve staff to submit a grant proposal to Business Oregon that would support a microenterprise grant program. However, in order to be eligible to apply to the program Business Oregon requires that a public meeting be held to get approval from the municipalities' governing bodies to submit an application.

EXECUTIVE SUMMARY:

Business Oregon has made funding available to support small businesses in Clackamas County that have been negatively impacted by the Coronavirus pandemic. More specifically, a one-time source of grant funds is available for municipalities to administer a grant program to support micro-businesses or microenterprises. A "microenterprise" is defined as a business with five or fewer employees. The owner of the microenterprise must be of low or moderate income. A public meeting to present the proposed program to City Commission is required as part of the grant application process.

The Economic Development Department would like to submit a proposal to Business Oregon to fund a grant program to support micro-businesses in Oregon City. The proposal is for \$115,000, which would include \$100,000 for grant awards, \$10,000 to support business technical assistance administered by Micro Enterprise Services of Oregon and \$5,000 for grant administration. If the Economic Development Department is successful in obtaining this grant from Business Oregon, we would need to support a minimum of 10 microenterprises. These grants must be awarded before the end of November 2023. The program guidelines, entitled "Covid-19 Funds for Emergency Small Business Assistance and Microenterprise Grant Assistance (SMBA)", are attached for reference

BACKGROUND:

The Corona virus pandemic clearly had a significant negative economic impact on the local economy and small business owners in Oregon City. The number of active business licenses in our community decreased by approximately 200 between March 2020 and May 2022. Businesses continue to feel the lingering effects of the pandemic as they navigate supply chain disruptions and labor shortages. The Economic Development Department supported Oregon City businesses in 2020 through the Oregon City Debt Relief Initiative, forgivable loan program and related efforts.

Business Oregon is utilizing federal Community Development Block Grant funds earmarked for Corona virus relief efforts. The program requires that the City work with a nonprofit small business technical assistance provider such as MESO. Our partnership with MESO is currently in place through the Entrepreneurial Opportunity Loan Program.

OPTIONS:

1. Support the Economic Development Department's application to Business Oregon for a \$115,000 grant that would fund a microenterprise grant program in Oregon City in 2023.
2. Do not support the Economic Development Department's application to Business Oregon for a \$115,000 grant that would fund a microenterprise grant program in Oregon City in 2023.

BUDGET IMPACT:

Amount: \$115,000

FY: 2022-2023 and 2023-2024

Funding Source(s): Federal Community Development Block Grant funds made available through a Business Oregon grant

**Notice of Funding Availability (NOFA)
for Community Development Block Grant (CDBG)**

**COVID-19 Funds for Emergency Small Business Assistance and
Microenterprise Grant Assistance (SBMA)**

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A. General Information

A. Background

In response to the economic impact of the COVID-19 pandemic, the Community Development Block Grant (CDBG) program has been highlighted as a vehicle to provide financial relief to states, communities, and businesses. The CDBG program is somewhat flexible and could counter some of the financial impacts from the current crisis.

This NOFA outlines the modified structure of the CDBG grant programs that are being proposing to accommodate COVID-19 related response. These changes are all within Business Oregon's authority to make, with no statutory or other modifications needed.

B. Funding Information

This grant program is utilizing federal funding from the Community Development Block Grant program. \$2,000,000 has been allocated to this program.

The maximum application request can be no more than \$150,000.

C. Program Objective

Funding granted under this NOFA are to be utilized for the following:

- Assistance to Small Businesses/Micro-Enterprise to:
 - New businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to COVID-19.
 - Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.
 - Provide technical assistance, grants and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine.
 - The Emergency Business Assistance grant program is intended to;
 - Help businesses remain solvent through the crisis and be ready/able to rebuild and/or reopen.
 - Fill specific cash flow gaps in businesses' larger efforts to scale down, reduce expenses, and take any additional defensive measures to survive the crisis.

Business Oregon staff will review all requests against the federal and state guidelines and the [2020 Method of Distribution, Chapter 15 to determine eligibility](#). Funds will be awarded to the first eligible project and each thereafter until all funds are exhausted.

D. Eligible Applicant Organizations

The state CDBG program is only available to non-entitlement cities or counties (cities or counties that do not receive a direct allocation of CDBG funds from HUD, see list of *entitlement communities**).

The non-entitlement city or county grant recipient must sub-grant the funds to either one of the following non-profit organizations:

- For Small Business Assistance: a statewide or local Economic Development, non-profit organization certified and experienced in providing/administering small business financing programs (such as the following but not limited to: EDA, SBA, USDA, CDFI).
- For microenterprises businesses: secure services of a microenterprise support organization experienced in providing/administering small business/micro-enterprise financing programs.

There will be no deadline for application but funds will be awarded to the first eligible projects and until all set-aside funds are exhausted.

***Entitlement communities**, those who are receiving direct CDBG allocation from HUD, within Oregon are: Oregon tribes, urban cities (Albany, Ashland, Beaverton, Bend, Corvallis, Eugene, Grants Pass, Gresham, Hillsboro, Medford, Portland, Redmond, Salem, and Springfield), and counties (Clackamas, Multnomah, Washington).

E. SBMA Performance Requirements:

This NOFA is for services to non-entitlement cities and counties throughout Oregon. These communities include most rural areas. Larger communities get federal CDBG funding directly* from HUD and allocate it for their own region. So for all these programs, funding through Business Oregon CDBG grants are limited to those non-urban communities.

All activities must be completed and the Project Completion Report submitted within 12 months from contract execution with the department.

Recipient must complete activities that have the following results:

- One (1) low- to moderate-income job created/retained for every \$2,500 awarded to the applicant. Or,
- One (1) microenterprise for every \$10,000 awarded to the applicant.

Small Businesses and Micro-Enterprise Assistance Grant Program must meet the federal national objective of benefiting low- to moderate-income persons based on household size and income, 24 CFR 570.483(b)(2)(ii)(B). National objective compliance is based on the actual number of persons served by the microenterprise or jobs created/retained by small businesses/microenterprise grant assistance program.

Definitions:

- Microenterprise means a commercial enterprise that has five (5) or fewer FTE, including one (1) or more who owns the enterprise
- Small Business means a business that is independently owned and operated and which is not dominant in its field of operation and in conformity with specific industry criteria defined by the Small Business Administration (SBA).

F. SBMA program implementation criteria:

Written procedures identifying how the low and moderate income national objective will be complied with, how an application will be processed—awarded, monitored, maintained, and reported throughout the project, which must include procedures for identifying (including how services will be limited to those eligible businesses who are low- and moderate-income microenterprises/benefiting low- and moderate-income jobs (retained/created), which will document that the National Objective will be met):

- Eligible Businesses
- Those immediately impact by the public health restrictions
- Were generally stable/strong prior to the crisis
- Employ low- moderate-income individuals
- Must have been in business for a minimum of one year
- Be a microenterprise (five or fewer employees, owner is low-moderate income)
- How applicants will be screened for eligibility:
 - Location of business to not be residing within an entitlement area; and
 - [Affidavit of No Duplication of Benefit](#) (when a beneficiary receives assistance from multiple sources at the same time and for the same purpose), Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).
 - sample of [MicroEnterprise Income Self-Certification form](#)

G. Federal Requirements

The Community Development Block Grant (CDBG) Program is subject to many federal requirements that cover a wide range of activities. Some of the requirements are briefly summarized within Chapter 4 of the most current *Method of Distribution*. More detailed information can be found in the *Grant/Project Management Handbook* and other resources available from Business Oregon. The [CDBG Grant Management Handbook](#) (2017 Edition) or most current edition, can be found on the department's website.

Business Oregon encourages potential applicants to review the *Grant Management Handbook* prior to committing to submit an application in order to familiarize themselves with the wide array of program requirements.

Some of the requirements will be checked by Business Oregon during application review; others will be verified when grant projects are monitored. Below are the requirements that would be reviewed with the application.

- Public Hearings:
Applications from jurisdictions that fail to comply with the citizen participation requirements will not be accepted. Applicants must use the required first public

notice included in Chapter 6 of the *Method of Distribution*. The first public hearing notice must be advertised or posted at least 5 full days in advance of the time the public hearing is to be held by the local government.

The local government must provide for a minimum of two public hearings, each at a different stage of the project, for the purpose of obtaining citizen's views and responding to proposals and questions. Together, the hearings must cover community development and housing needs, development of proposed activities and a review of program performance.

The public hearing to cover community development and housing needs must be held before submission of an application to the state. There must be reasonable notice of hearings and they may be held virtually that allows opportunity for people viewing to provide comments at the time of hearing, and must also provide accommodations for the handicapped. To meet the reasonable notice requirement the first public hearing notice must be advertised or posted at least 5 full days in advance of the time the public hearing.

- **Environmental Review:**
Recipients are required to obtain appropriate environmental clearances for their project and to maintain an "environmental review record" for each project. More detail on how to comply with these requirements and the necessary forms are contained in Chapter 3 of the *Grant Management Handbook*.

The grant recipient shall not commit/obligate or expend funds on any project activity before completion of the appropriate level of environmental review, and when applicable, the approval by the state of a Request for Release of Funds (RROF). This restriction applies to all project funds, even non-CDBG funds in the project.

H. Sub-grantee Criteria

The city or county grant recipient must enter into a sub-grant agreement with an eligible nonprofit organization to implement and carryout the small business and microenterprise activities. All federal CDBG compliance requirements assigned to the (sub-grantee) eligible non-profit remain the obligation of the original city/county funding recipient until administrative closeout of the CDBG grant with the state. No formal procurement process is necessary by the city or county when the funding recipient sub-grants the funds to an eligible non-profit.

The nonprofit must meet the following requirements of a sub-grantee by the department:

- Documentation from the Internal Revenue Service (IRS) that certifies the nonprofit organization is organized under 501(c)(3) or (c)4 of the IRS Code.
- Documentation that the organization serves the development needs of the communities in the non-entitlement areas of the state and is carrying out a neighborhood revitalization, or community economic development in accordance with 105(a)(15) of the HCDA.
- Provide a copy of their reasonable accommodation policies.

- The sub-granted nonprofit must comply with all CDBG requirements.
- Documentation the sub-grantee has experience with providing small business and microenterprise assistance.

At the time of application the city/county must provide copies of the following documents from the sub-grantee:

- Documentation of the screening procedures, forms and policies used to determine if the beneficiaries of the small business/microenterprise activities are entitlement or non-entitlement residents.
- Documentation that ensures that CDBG funds are only benefitting non-entitlement residents.
- Documentation on reporting job creation/retention
- Clear purpose of the need from the business (covering what activity for what period)
- Duplication of Benefit Affidavit
- No conflict of interest Affidavit
- Application that will be used to determine need based income eligible and impact of COVID-19

II. Application Instructions

A. Application Deadline

The funds will be distributed on a first come first serve basis until all funds are exhausted.

B. Electronic Submission

The application process are as follows:

- [Pre-Application](#)
- Pre-application will be reviewed by the Regional Development Officer for the area of the applicant and CDBG Team for preliminary eligibility review.
- Application will be invited and link to the application will be provided by the Regional Development Officer.

C. Application Questions

For questions regarding the NOFA or use of funds please contact your [RDO](#) or the CDBG Team at Business Oregon.

D. Eligible Applicant:

Non-entitlement cities or Counties

E. Federal Requirements:

The Community Development Block Grant (CDBG) Program is subject to many federal requirements that cover a wide range of activities. Some of the requirements are briefly summarized within Chapter 7 of the *Method of Distribution*. More detailed information can be found in the *Grant/Project Management Handbook* and other resources available from Business Oregon. The [CDBG Grant Management Handbook](#) (2017 Edition) or most current edition, can be found on the department's website. Business Oregon encourages potential applicants to review the *Grant Management Handbook* prior to committing to

submit an application in order to familiarize themselves with the wide array of program requirements.

III. Application Review Process

A. Eligibility Prescreening Review

The department will review applications to determine if they meet the eligible criteria listed above. Each Application must be able to document in detail how the sub-grantee will document the effects of COVID-19 on small business and/or microenterprises. The application lists all the attachments that will be required to determine eligibility. If the application is incomplete the applicant will be contacted by Business Oregon and will be given five business to provide the complete information in order to complete the review and eligibility process. If the applicant does not respond within the allotted time Business Oregon may send a notice of application withdrawal.

The prescreening criteria are:

- All application threshold documents must be submitted by the application deadline.
- Application documents must be uploaded with the application to be considered eligible applications.
- An Applicant must meet all requirements as set forth in III. General Information, D. Eligible Applicant Organizations; and
- An Applicant must not be an ineligible applicant organization as set forth in III. General Information, E. Ineligible Applicant Organizations.

B. Awards

Once the application has been reviewed for completeness and eligibility the applicant will receive a letter informing them of the award, Business Oregon will create a contract for execution of the activity. It is important for the applicant to remember **do not expend any funds until the contract is signed and the environmental process is complete.**

IV. Link of Resources

- [Pre-Application](#)
- [2020 Method of Distribution, including Chapter 15](#)
- [2017 Grant Management Handbook](#)



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: City Recorder Jakob Wiley

Agenda Date: 11/02/2022

SUBJECT:

Historic Review Board and Planning Commission Appointment Process Discussion

EXECUTIVE SUMMARY:

The passage of Ballot Measure 3-580, the City Commission now appoints the members of the Historic Review Board (HRB) and the Planning Commission (PC). Staff is requesting guidance on how the City Commission would like to proceed with interviews and selection of appointees.

STAFF RECCOMENDATION:

Staff recommends utilizing the following process:

- The deadline for submitting applications is the third Friday in November each year to allow PC and HRB enough time to hold interviews.
- HRB and PC interview the candidates and vote for a recommendation for certain potential appointees in late-November or early December each year.
- The City Commission reviews the interview conducted by the HRB/PC and ratifies the appointment in the first meeting in January each year.
- An expedited process should be used to fill out-of-cycle vacancies, but vacancies that are created after October 1 each year should be processed with the other upcoming vacancies.

BACKGROUND:

Prior to the passage of Ballot Measure 3-580, the Mayor appointed members of all boards and committees. Appointments could be made at any time and the process changed with the preferences of the sitting Mayor. Now that the appointment process is let by the City Commission, agreement on the appointment process is required.

PC members serve staggered 4-year terms, while the HRB members serve staggered 3-year terms. The terms are staggered such that some new appointments must be made each year.

Staff requests input on the following policy questions, which will be incorporated into a resolution outlining the process at a future date:

- Appointment Process Options:
 1. Planning Commission and Historic Review Board conduct first interviews
 - Deadline: Staff recommends the third Friday in November be the deadline for application, if the HRB/PC will conduct interviews
 - This allows more time for the committees to interview candidates and not interfere with any holiday cancellations and absences
 2. City Commission conducts all interviews:
 - Staff recommends November 30 each year be the deadline for applications, if the City Commission will conduct interviews
 - If the City Commission is the only body conducting the interviews, more time can be provided to applicants.
- Timing Issues
 1. Should the interviews occur before (November/December) or after the seating of any new City Commission members (January)?
 2. Should the vote to appoint HRB and PC members occur before (December) or after the seating of any new City Commission members (January)
- Filling Out-of-Cycle Vacancies
 1. What should be the process in the case of an out-of-cycle resignation?
 2. Should there be an expedited process if unexpected vacancies occur?
 3. Should vacancies that occur near the end of the year be included with the other expected vacancies at the end of the year?

CITY COMMISSION INPUT REQUESTED:

1. Provide feedback on the questions and any guidance the City Commission has for the appointment process.
2. Review and provide feedback on the draft resolution attached to this staff report for final approval at the next regular meeting.
3. Provide consensus to set the deadline for this application cycle for PC and HRB as November 18, 2022.

RESOLUTION NO. 22-35

A RESOLUTION ADOPTING A PROCESS FOR THE APPOINTMENT OF PLANNING COMMISSION AND HISTORIC REVIEW BOARD MEMBERS

WHEREAS, With the passage of Ballot Measure 3-580, the City Commission appoints members to the Planning Commission (PC) and the Historic Review Board (HRB) instead of the Mayor alone; and

WHEREAS, An appointment process needs to be established to ensure proper coordination, fairness, and efficiency in the appointment process for members of the PC and HRB.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission adopts the PC and HRB Appointment Procedure Policy attached as Exhibit A to this resolution.

Section 2. The PC and HRB Appointment Procedure Policy shall be included as an addendum to the existing Rules of Procedure (adopted via Resolution 21-09) and incorporated in the next update.

Section 3. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 16th day of November 2022.

DENYSE C. MCGRIFF
Mayor

Attested to this 16th day of November 2022:

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

**Oregon City Planning Commission and Historic Review Board
Appointment Procedure Policy**

Section 1. – Deadline for Applications

The deadline to submit an application for appointment to the Planning Commission (PC) or Historic Review Board (HRB) shall be the third Friday in November each year for the terms starting in the beginning of the next year.

Section 2. – Recommendation from PC or HRB

The PC and HRB shall conduct interviews with the applicants and vote to recommend certain applicants during a meeting held in November or December each year. The recommendations shall be provided to the City Recorder along with the results of the vote at least seven days prior the first City Commission meeting each year.

Section 3. – Ratification of the Recommendation

During the first meeting of the City Commission each year, the City Commission shall ratify the recommendations provided by the PC and HRB. In the event the City Commission disagrees with the recommendations, the City Commission may appoint other applicants to the positions.

Section 4. – Filling of Vacancies

In the event of an out-of-cycle vacancy in the PC or HRB, the City Recorder or designee shall determine an appropriate deadline to receive applications of between 30 and 40 business days after the vacancy is created and advertise the vacancy. The PC or HRB shall conduct interviews and make a recommendation to the City Commission as soon as practicable for final ratification by the City Commission.

Section 5. – End of Year Vacancies

In the event a vacancy is created after October 1 of each year, Section 4 of this policy does not apply and the vacancy shall be filled in the normal cycle along with the other terms that are ending.